Volume 2

# STATUTES OF CALIFORNIA

## AND DIGESTS OF MEASURES

## 1971

Constitution of 1879 as Amended

General Laws, Amendments to the Codes, Resolutions, and Constitutional Amendments passed by the California Legislature at the

1971 Regular Session

*and the*

1971 First Extraordinary Session

*Compiled by*
GEORGE H. MURPHY
*Legislative Counsel*

82—3935

## CHAPTER 1306

*An act to add Section 1253.15 to the Unemployment Insurance Code, relating to unemployment compensation.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 1253.15 is added to the Unemployment Insurance Code, to read:

1253.15. An unemployed individual who has been discharged from any branch of the United States armed services and who is in all respects otherwise eligible for unemployment compensation benefits shall not be deemed ineligible in any week for which he has unexpired leave time for which he has been compensated upon his discharge.

---

## CHAPTER 1307

*An act to amend Sections 9403, 9404, 9405 and 9406 of the Commercial Code, and to add Sections 6103.8 and 6103.9 to, the Government Code, to amend Sections 18881, 18882, and 26161 of, and to add Section 18888 to, the Revenue and Taxation Code, and to amend Section 1703 of the Unemployment Insurance Code, relating to documents.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 9403 of the Commercial Code is amended to read:

9403. (1) Presentation for filing of a financing statement, tender of the filing fee and acceptance of the statement by the filing officer constitutes filing under this code.

(2) A filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such five-year period unless a continuation statement is filed prior to such lapse. Upon such lapse the security interest becomes unperfected.

(3) A continuation statement may be filed by the secured party of record within six months prior to the end of the five-year period. Any such continuation statement must be signed by the secured party of record, identify the original statement by giving the date and the names of the parties thereto and the file number thereof and state that the original statement is continued. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five

years from the time when it would otherwise have lapsed, whereupon it lapses in the same manner as provided in subdivision (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original financing statement.

(4) (a) The filing officer shall mark each financing statement with a consecutive file number and with the date and time of filing. He shall index the statement according to the name of the debtor (or assignor or seller) and shall note in the index the file number and the mailing address of the debtor (or assignor or seller) given in the statement.

(b) The filing officer shall mark each such continuation statement with the date and time of filing and shall index the same under the name of the debtor (or assignor or seller) and under the file number of the original financing statement.

(c) A financing or continuation statement relating to crops or timber shall also be indexed by the filing officer in the real property index of grantors under the name of the debtor. A financing or continuation statement relating to crops or timber so indexed and containing a description of real property affected thereby shall constitute constructive notice from the time of its acceptance for filing to any purchaser or encumbrancer of said real property of the security interest in the crops or timber.

(5) The uniform fee for filing, indexing and furnishing filing data (subdivision (1) of Section 9407) for an original or a continuation statement on a form conforming to standards prescribed by the Secretary of State shall be three dollars ($3) or, if the statement otherwise conforms to the requirements of this division, four dollars ($4).

SEC. 2. Section 9404 of the Commercial Code is amended to read:

9404. (1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party of record must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. If the affected secured party of record fails to send such a termination statement within 10 days after proper demand therefor he shall be liable to the debtor for all actual damages suffered by the debtor by reason of such failure, and if the failure is in bad faith for a penalty of one hundred dollars ($100).

(2) The filing officer shall mark each such termination statement with the date and time of filing and shall index the same under the name of the debtor and under the file number of the original financing statement.

(3) The uniform fee for filing, indexing and furnishing filing data (subdivision (1) of Section 9407) for a termination statement on a form conforming to standards prescribed by the Secretary of State shall be three dollars ($3) or, if such

a statement otherwise conforms to the requirements of this section, four dollars ($4).

SEC. 3. Section 9405 of the Commercial Code is amended to read:

9405. (1) A secured party of record may by a writing release his security interest in all or a part of the collateral covered by a filed financing statement. A statement of release is sufficient if it is signed by the secured party of record, contains a statement describing the collateral being released, the name and address of the debtor, and the file number of the original financing statement.

(2) The filing officer shall mark each such statement with the date and time of filing and index the same under the name of the debtor and under the file number of the original financing statement.

(3) The uniform fee for filing, indexing and furnishing filing data (subdivision (1) of Section 9407) for a statement of release on a form conforming to standards prescribed by the Secretary of State shall be three dollars ($3) or, if such a statement otherwise conforms to the requirements of this section, four dollars ($4).

SEC. 4. Section 9406 of the Commercial Code is amended to read:

9406. (1) If a secured party assigns or transfers his security interest in any collateral as to which a financing statement has been filed, a statement of such assignment may be filed. Such statement shall be signed by the secured party, describe the collateral as to which the security interest has been assigned, give the name and mailing address of the assignee or transferee, the name and address of the debtor and the file number of the original financing statement.

(2) The filing officer shall mark each such statement of assignment or transfer with the date and time of filing and shall index the same under the name of the debtor and under the file number of the original financing statement.

(3) A statement of assignment may be filed at the time of the filing of the financing statement, in which event the filing officer shall first file the financing statement and index the assignment under the name of the debtor and under the file number given the financing statement. An assignment endorsed on the financing statement before it is filed with the filing officer need not be indexed by him.

(4) The uniform fee for filing, indexing and furnishing filing data (subdivision (1) of Section 9407) for a separate statement of assignment on a form conforming to standards prescribed by the Secretary of State shall be three dollars ($3) or, if such a statement otherwise conforms to the requirements of this section, four dollars ($4).

(5) Whenever a continuation statement, an amendment to a financing statement, a termination statement, a statement of release or a statement of assignment signed by one other than

the secured party of record is presented for filing it must be accompanied by a statement of assignment signed by the secured party of record covering the collateral to which such continuation statement, amendment, termination statement, release, or assignment applies.

(6) Wherever in this code reference is made to the secured party of record it means the secured party named in the original financing statement or, if a statement of assignment has been filed, or an assignee has been named in the financing statement before it is filed, the assignee or transferee of the security interest in the collateral affected. Any continuation statement, amendment to a financing statement, termination statement, statement of release or statement of assignment signed by one other than the secured party of record as to the collateral affected thereby shall be ineffective for any purpose except as between the parties thereto.

SEC. 5. Section 6103.9 is added to the Government Code, to read:

6103.9. Sections 6103 and 27383 do not apply to any fee or charge for filing or recording any document relating to an agreement to reimburse a county for public aid granted by the county.

SEC. 6. Section 6103.8 is added to the Government Code, to read:

6103.8. (a) Sections 6103 and 27383 do not apply to any fee or charge for recording full releases executed or recorded pursuant to Sections 2194, 6758, 7873, 8997, 10100, 11496, 12494, 14307, 14308, 16066, 16067, 30323 and 32362 of the Revenue and Taxation Code or required to be recorded pursuant to subdivision (d) of Section 675 of the Code of Civil Procedure, where there is full satisfaction of the amount due under the lien which is released.

(b) The fee for recording full releases listed in subdivision (a) shall be six dollars ($6).

(c) In the case of releases required to be recorded pursuant to subdivision (d) of Section 675 of the Code of Civil Procedure, the recording agency shall be billed quarterly or, at the option of the agency, at more frequent intervals. All billing shall refer to the agency certificate number of the recorded releases.

SEC. 9. Section 18881 of the Revenue and Taxation Code is amended to read:

18881. If any tax, interest, or penalty imposed under this part is not paid when due, the Franchise Tax Board may file in the office of any county recorder a certificate specifying the amount of the tax, interest, penalty due, and the cost of recording a release as specified in subdivision (b) of Section 6103.8 of the Government Code, the name and last known address of the taxpayer liable for the amount, and the fact that the Franchise Tax Board has complied with all provisions of this part in the computation and levy of the tax.

SEC. 10. Section 18882 of the Revenue and Taxation Code is amended to read:

18882. From the time of the filing for recording the amount of the tax, interest, penalty, and the cost of recording a release as specified in subdivision (b) of Section 6103.8 of the Government Code, set forth constitutes a lien upon all property of the taxpayer in the county, owned by him or afterward and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and continues for 10 years from the date of the recording unless sooner released or otherwise discharged.

SEC. 11. Section 18888 is added to the Revenue and Taxation Code, to read:

18888. The cost of recording a release of a lien which is recorded pursuant to Section 18881 is an obligation of the taxpayer and may be collected from him in any manner provided in this part for the collection of a tax.

SEC. 12. Section 26161 of the Revenue and Taxation Code is amended to read:

26161. If any tax, interest or penalty imposed by this part is not paid when due, the Franchise Tax Board may within three years after the amount of the tax, interest and penalty is due, file for record in the office of any county recorder a certificate specifying the amount of the tax, interest and penalty due, the cost of recording a release as specified in subdivision (b) of Section 6103.8 of the Government Code, the name and last known address of the taxpayer liable for the amount, and the fact that the Franchise Tax Board has complied with all provisions of this part in the determination of the amount required to be paid. From the time of the filing for record, the amount of the tax, interest, penalty, and the cost of recording the release set forth constitutes a lien upon all property of the taxpayer in the county, owned by the taxpayer or afterward and before the lien expires acquired by it. The cost of recording a release of a lien which is recorded pursuant to this section is an obligation of the taxpayer and may be collected from him in any manner provided in this part for collection of a tax. The lien has the force, effect and priority of a judgment lien and shall continue for 10 years from the time of the filing for record of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the filing for record of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

SEC. 13. Section 1703 of the Unemployment Insurance Code is amended to read:

1703. If an employing unit is delinquent in a payment of any contributions, penalties or interest provided for in this

division, the director may, not later than three years after the payment became delinquent, or within 10 years after the last entry of a judgment under Section 1815, file for record in the office of any county recorder a certificate specifying the amount of contributions, interest and penalties due the cost of recording a release as specified in subdivision (b) of Section 6103.8 of the Government Code, the name and address as it appears on the records of the department of the employing unit liable for the same and the fact that the department has complied with all provisions of this division in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid, together with interest, penalty, and the cost of recording the release, constitutes a lien upon all the property in the county owned by the person or acquired by him before the lien expires. The lien has the force, effect, and priority of a judgment lien and shall continue for 10 years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the filing of the certificate or within 10 years from the date of the last extension of the lien, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to all the property in such county for 10 years unless sooner released or otherwise discharged. 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. 14. The provisions of this act shall become operative on the first day of the first calendar quarter succeeding the effective date of this act. However, the provisions of this act, except Sections 5 and 6, shall not apply to any lien or certificate recorded prior to the operative date of this act, nor shall they apply to the recording of a release of any such lien.

## CHAPTER 1308

*An act to add Sections 17300.5 and 17300.7 to the Education Code, relating to financial support of the public schools.*

[Approved by Governor November 1, 1971 Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 17300.5 is added to the Education Code, to read:

17300.5. It is the intent of the Legislature that the Department of Education and the office of the Chancellor, California Community Colleges, cooperatively develop a policy and procedure to divide the State School Fund into two sec-

tions. In this policy and procedure, each section of the State School Fund is to be administered separately as follows: (1) that portion for support of elementary and high schools shall be administered by the Department of Education, and (2) that portion for support of public community colleges shall be administered by the office of the Chancellor. The policy and procedure that is developed is to be reported for consideration to the 1973 Regular Session of the Legislature for implementation at the beginning of the 1973–1974 fiscal year.

SEC. 2. Section 17300.7 is added to the Education Code, to read:

17300.7. To the extent permitted by federal law, the office of the Chancellor, California Community Colleges, shall administer federal funds allocated to the public community colleges.

---

## CHAPTER 1309

*An act to amend Section 13588 of the Education Code, and to amend Sections 11105, 12052, 12054, 12074, 12076 and 12077 of the Penal Code, relating to Department of Justice records, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 13588 of the Education Code is amended to read:

13588. The governing board of any school district shall, within 10 working days of date of employment, require each person to be employed, or employed in, a position not requiring certification qualifications to have two 8″ x 8″ fingerprint cards bearing the legible rolled and flat impressions of such person's fingerprints together with a personal description of the applicant or employee, as the case may be, prepared by a local public law enforcement agency having jurisdiction in the area of the school district, which agency shall transmit such cards, together with the fee hereinafter specified, to the Bureau of Criminal Identification and Investigation, State Department of Justice; except that a district, or districts with a common board, having an average daily attendance of 60,000 or more may process the fingerprint cards in the event the district so elects. "Local public law enforcement agency" as used herein and in Section 13589 includes a school district with an average daily attendance of 60,000 or more. Upon receiving such identification cards, the Bureau of Criminal Identification and Investigation shall ascertain whether the applicant or employee has been arrested or convicted of any crime insofar as such fact can be ascertained from information available to the

bureau and forward such information to the local public law enforcement agency submitting the applicant's or employee's fingerprints at the earliest possible date. At its discretion, the Bureau of Criminal Identification and Investigation may forward one copy of the fingerprint cards submitted to any other bureau of investigation it may deem necessary in order to verify any record of previous arrests or convictions of the applicant or employee.

The governing board of each district shall forward a request to the Bureau of Criminal Identification and Investigation indicating the number of current employees who have not completed the requirements of this section. The Bureau of Criminal Identification and Investigation shall direct when such cards are to be forwarded to it for processing which in no event shall be later than two years from the date of enactment of this section. Districts which have previously submitted identification cards for current employees to either the Bureau of Criminal Identification and Investigation or the Federal Bureau of Investigation shall not be required to further implement the provisions of this section as it applies to those employees.

A plea or verdict of guilty or a finding of guilt by a court in a trial without a jury or forfeiture of bail is deemed to be a conviction within the meaning of this section, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the withdrawal of the plea of guilty and entering of a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusations or information.

The governing board shall provide the means whereby the identification cards may be completed and shall charge a fee determined by the Department of Justice to be sufficient to reimburse the department for the costs incurred in processing the application. The amount of such fee shall be forwarded to the Bureau of Criminal Identification and Investigation, with two copies of applicant's or employee's fingerprint cards. The governing board may collect an additional fee not to exceed two dollars ($2) payable to the local public law enforcement agency taking the fingerprints and completing the data on the fingerprint cards. Such additional fees shall be transmitted to the city or county treasury. If an applicant is subsequently hired by the board within 30 days of the application, such fee may be reimbursed to the applicant. Funds not reimbursed applicants shall be credited to the general fund of the district. If the fingerprint cards forwarded to the Bureau of Criminal Identification and Investigation are those of a person already in the employ of the governing board, the district shall pay the fee required by this section, which fee shall be a proper charge against the general fund of the district, and no fee shall be charged the employee.

Notwithstanding the foregoing, substitute and temporary employees, employed for less than a school year, may be ex-

empted from these provisions. The provisions of this section shall not apply to a district, or districts with a common board, which has an average daily attendance of 400,000 or greater, or to a school district wholly within a city and county, unless the governing board of such district or districts, by rule, provides for adherence to this section.

SEC. 2. Section 11105 of the Penal Code is amended to read:

11105. (a) The Attorney General shall furnish, upon application in accordance with the provisions of subdivision (b) of this section, copies of all information pertaining to the identification of any person, such as a plate, photograph, outline picture, description, measurement, or any data about such person of which there is a record in the office of the bureau.

(b) Such information shall be furnished to all peace officers, district attorneys, probation officers, and courts of the state, to United States officers or officers of other states, territories, or possessions of the United States, or peace officers of other countries duly authorized by the Attorney General to receive the same, and to any public defender or attorney representing such person in proceedings upon a petition for certificate of rehabilitation and pardon pursuant to Section 4852.08, upon application in writing accompanied by a certificate signed by the peace officer, public defender, or attorney, stating that the information applied for is necessary for the due administration of the laws, and not for the purpose of assisting a private citizen in carrying on his personal interests or in maliciously or uselessly harassing, degrading or humiliating any person.

(c) Such information shall not be furnished to any persons other than those listed in subdivision (b) of this section or as provided by law; provided, that such information may be furnished to any state agency, officer, or official when needed for the performance of such agency's, officer's, or official's functions.

(d) Whenever a request for information pertains to a person whose fingerprints are on file with the department and whose record contains no reference to criminal activity, and the information requested is to be used for employment, licensing, or certification purposes, the fingerprint card accompanying such request for information, if any, may be stamped "No criminal record" and returned to the submitting agency.

(e) Whenever information furnished pursuant to this section is to be used for employment, licensing, or certification purposes, the Department of Justice shall charge the requesting agency a fee which it determines to be sufficient to reimburse the department for the cost of furnishing the information, provided that no fee shall be charged a public law enforcement agency for records furnished to assist it in employing, licensing, or certifying a person who is applying for

employment with the agency as a peace officer or criminal investigator. Any state agency required to pay a fee to the Department of Justice for information received under this section may charge its applicants a fee sufficient to reimburse the agency for such expense. All moneys received by the department pursuant to this section, Section 12054 of the Penal Code, and Section 13588 of the Education Code are hereby appropriated, without regard to fiscal years, for the support of the Department of Justice in addition to such other funds as may be appropriated therefor by the Legislature.

(f) Whenever there is a conflict, the processing of criminal fingerprints shall take priority over the processing of applicant's fingerprints.

SEC. 3. Section 12052 of the Penal Code is amended to read:

12052. The fingerprints of each applicant shall be taken and two copies on forms prescribed by the State Bureau of Criminal Identification and Investigation shall be forwarded to the State Bureau of Criminal Identification and Investigation. Upon receipt of the fingerprints and the fee as prescribed in Section 12054, the bureau shall promptly furnish the forwarding licensing authority a report of all data and information pertaining to any applicant of which there is a record in its office. No license shall be issued by any licensing authority until after receipt of such report from the bureau.

Provided, however, that if the license applicant has previously applied to the same licensing authority for a license to carry concealed firearms and the applicant's fingerprints and fee have been previously forwarded to the State Bureau of Criminal Identification and Investigation, as herein provided, the licensing authority shall note such previous identification numbers and other data which would provide positive identification in the files of the State Bureau of Criminal Identification and Investigation on the copy of any subsequent license submitted to the bureau in conformance with Section 12053 and no additional application form or fingerprints shall be required.

SEC. 4. Section 12054 of the Penal Code is amended to read:

12054. Each applicant for a new license or for the renewal of a license shall pay at the time of filing his application a fee determined by the Department of Justice to be sufficient to reimburse the Department of Justice for the direct costs of furnishing the report required by Section 12052. The officer receiving the application and the fee shall transmit the fee, with the fingerprints if required, to the State Bureau of Criminal Identification and Investigation. The fee charged shall not exceed ten dollars ($10). The licensing authority of any city or county may charge an additional fee, not to exceed three dollars ($3), for processing any such application, and

shall transmit such additional fee, if any, to the city or county treasury.

SEC. 5. Section 12074 of the Penal Code is amended to read:

12074. The register shall be prepared by and obtained from the State Printer and shall be furnished by the State Printer to the dealers on application at a cost to be determined by the Department of General Services for each 100 leaves in quadruplicate, one original and three duplicates for the making of carbon copies. The original and duplicate copies shall differ in color, and shall be in the form provided by this article.

SEC. 6. 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, quadruplicate and the salesman shall affix his signature in quadruplicate on each sheet 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.

Two copies of the original 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 third copy of the original 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 third copy of the original sheet shall be mailed to the sheriff of the county wherein the sale is made.

If, on receipt of its two copies of the original sheet, it appears to the bureau that the purchaser resides in a district other than that to which a copy of the original sheet is required to be mailed, the bureau shall transmit one of its copies 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. 7. Section 12077 of the Penal Code is amended to read:

12077. The register provided for in this article shall be substantially in the following form:

FORM OF REGISTER
Original

Serial No. __
Sheet No. __

DEALER'S RECORD OF SALE OF REVOLVER OR PISTOL

STATE OF CALIFORNIA

Notice to dealers: This original is for your files. If spoiled in making out, do not destroy. Keep in books. Fill out in quadruplicate.

Two carbon copies must be mailed on the day of sale to the State Bureau of Criminal Identification and Investigation at Sacramento, and a carbon copy must be mailed at the same time to the head of police commissioners, chief of police, city marshal, town marshal, or other head of police department of the municipal corporation, wherein the sale is made, or to the sheriff of your county if the sale is made in a district where there is no municipal police department. Violation of this law is a misdemeanor. Use carbon paper for duplicates.

Use indelible pencil.

Sold by _____, Salesman _____
City, town or township, _____
Description of arm (state whether revolver or pistol) _____
Maker _____, number _____, caliber _____
Name of purchaser _____, age __ years
Permanent residence (state name of city, town or township, street and number of dwelling) _____
Date of birth _____
Height __ feet, __ inches. Occupation_____
Color _____, skin _____, eyes _____, hair _____
If traveling or in locality temporarily, give local address:
_____
Signature of purchaser: _____
(Signing a fictitious name or address is a misdemeanor)
(To be signed in quadruplicate)
Witness: _____ Salesman.
(To be signed in quadruplicate)
Duplicate, triplicate, and quadruplicate carbon copies.

Series No. __
Sheet No. __

DEALER'S RECORD OF SALE OF REVOLVER OR PISTOL

STATE OF CALIFORNIA

Notice to dealers: Three duplicate carbon copies are required. They must be mailed on the day of sale as set forth

in the original of this registered page. Violation of this law is a misdemeanor.

Sold by _____, Salesman _____
City, town or township, _____
Description of arm (state whether revolver or pistol) _____
Maker _____, number _____, caliber _____
Name of purchaser _____, age __ years
Permanent address (state name of city, town or township, street and number of dwelling) _____
Date of birth _____
Height __ feet, __ inches. Occupation _____
Color _____, skin _____, eyes _____, hair _____
If traveling or in locality temporarily, give local address:
_____
Signature of purchaser: _____
(Signing a fictitious name or address is a misdemeanor)
(To be signed in quadruplicate)
Witness: _____, Salesman.
(To be signed in quadruplicate)

(Any person signing a fictitious name or address or knowingly affixing an incorrect birth date to said register and any person violating any of the provisions of this section is guilty of a misdemeanor.)

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:

Fees received by the Department of Justice under this act will be used for the support of the department. In order that the department receive immediate fiscal benefit from such source, it is necessary that this act go into immediate effect.

---

## CHAPTER 1310

*An act to add Article 9 (commencing with Section 25540) to Chapter 5, Part 2, Division 2, Title 3 of, and to repeal Sections 25502.3 and 25502.4 of, the Government Code, relating to competitive bidding.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 25502.3 of the Government Code is repealed.

SEC. 2. Section 25502.4 of the Government Code is repealed.

SEC. 3. Article 9 (commencing with Section 25540) is added to Chapter 5, Part 2, Division 2, Title 3 of the Government Code, to read:

## Article 9. Public Bidding

25540. Notwithstanding any other provision of law, every county, whether general law or charter, containing a population of less than 500,000 shall employ bidding procedures on public projects as provided in this article. This article shall be liberally construed to effect its purposes. In the event of conflict with any other provision of law relative to bidding procedures, the provisions of this article shall apply.

25540.5. As used in this article, "public project" means:

(a) A project for the erection, improvement, and repair of public buildings and works.

(b) Work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow, except maintenance, repair, or reconstruction work.

(c) Supplies and materials used in maintenance, repair, or reconstruction work in or about streams, bays, waterfronts, embankments; or other maintenance, repair, or reconstruction work for protection against overflow.

The provisions of this article shall not change existing law regarding inclusion or exclusion of labor or materials used for completion of the project.

Except for the erection, improvement and repair of public buildings, the construction of dams, reservoirs, powerplants and electrical transmission lines of 230,000 volts and higher, nothing in this article shall apply to a publicly owned water, power or waste disposal system.

25541. Expenditures for public projects shall not include the costs of:

(a) Equipment, supplies and materials acquired by a public agency to enable the timely completion of a public project as defined in subdivision (c) of Section 25540.5 let to a contractor.

(b) Plans, specifications, engineering and advertising required for public projects.

25541.5. Public projects between four thousand dollars ($4,000) and ten thousand dollars ($10,000) shall be let to contract by informal or formal bidding procedures.

Public projects of ten thousand dollars ($10,000) and more shall, in all instances, be let to contract by formal bidding procedure.

25542. Each county shall adopt ordinances or regulations providing for formal and informal bidding procedures as required by this article for public projects conducted by such county.

25542.5. Ordinances or regulations establishing informal bidding procedures shall provide that the county shall, as soon

as is practicable after the time for the renewal of contractors' licenses, notify each contractor of the county of the opportunity to register with the county to be subsequently notified of informal bidding proceedings. The list of such contractors shall be a public record.

25543. The notice inviting informal bids shall be by published notice and may, in addition, be supplemented by mailed notice to contractors registered pursuant to Sections 25542.5. The county may cause the notice to be printed as display advertising in such form and style as it deems appropriate. The notice shall describe in general terms the project to be done and state a closing date for submission of such informal bids. Publication of notice pursuant to this section shall be in a newspaper of general circulation printed and published within the jurisdiction of the county, or, if there is no such newspaper within the jurisdiction of the county, publication shall be made in a newspaper of general circulation which is circulated in the jurisdiction of the county, or, if there is no such publication, the notice shall be posted in at least three public places within the jurisdiction of the county as have been designated by ordinance or regulation of such county as places for the posting of its notices. Notice shall be published in accordance with Section 6061 and shall be completed at least 24 hours before the time scheduled for opening of the bids.

In addition to notice published in a newspaper of general circulation, mailed, or posted, pursuant to this section, the county may also publish notice inviting bids in a trade publication.

25543.5. The notices inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly state the project to be done. The first publication or posting of the notice shall be at least 10 days before the date of opening the bids. Notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation, printed and published in the jurisdiction of the county, or, if there is no such newspaper within the jurisdiction of the county, publication shall be made in a newspaper of general circulation which is circulated in the jurisdiction of the county, or, if there is no such publication, the notice shall be posted in at least three public places within the jurisdiction of the county as have been designated by ordinance or regulation of such county as places for the posting of its notices.

In addition to notice published in a newspaper of general circulation, mailed, or posted, pursuant to this section, the county may also publish notice inviting bids in a trade publication.

25544. In its discretion, the county may reject any bids presented. If, after the first invitation for bids, all bids are rejected, after reevaluating its cost estimates of the project, the county shall abandon the project or shall readvertise for bids in the manner prescribed by this article. If after read-

vertising, the county rejects all bids presented, the county may proceed with the project by use of county personnel or may readvertise. If two or more bids are the same and the lowest, the county may accept the one it chooses. If no bids are received, the county may have the project done without further complying with this article.

25544.5. Notwithstanding the provisions of Section 25544, if, after the first invitation for bids, all bids are rejected, the county may, after reevaluating its cost estimates of the project, pass a resolution by a four-fifths vote of its board of supervisors declaring that the project can be performed more economically by county personnel, or that in its opinion a contract to perform the project can be negotiated at a lower price than that in any of the bids, or the materials or supplies furnished at a lower price in the open market. Upon adoption of the resolution, it may have the project done in the manner stated without further complying with this article.

25545. It shall be unlawful to split or separate into smaller work orders or projects any public project for the purpose of evading the provisions of this article requiring public projects to be done by contract after bidding. Every person who willfully violates this provision of this section is guilty of a misdemeanor.

25546. The board of supervisors of the county shall adopt plans, specifications, and working details for all public projects the expenditure for which exceeds ten thousand dollars ($10,000).

25546.5. All bidders on public projects which exceed ten thousand dollars ($10,000) in cost, shall be afforded the opportunity to examine the plans, specifications, and working details for the project.

25547. The provisions of this article shall not apply to the construction of any public building used for facilities of juvenile forestry camps or juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2, Part 1, Division 2 of the Welfare and Institutions Code, if a major portion of the construction work is to be performed by wards of the juvenile court assigned to such camps, ranches, or homes; or to public projects employing prisoners pursuant to Section 25359 and public projects involving persons engaged in federal, state, or county job or work training programs.

---

## CHAPTER 1311

*An act to amend Section 10506 of the Insurance Code, relating to life insurers.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 10506 of the Insurance Code is amended to read:

10506. (a) Any domestic life insurance company may, after adoption of a resolution by its board of directors, allocate to one or more separate accounts, in accordance with the terms of a written agreement which shall be filed with the Insurance Commissioner for approval, any amounts which are paid to the company in connection with a pension, retirement or profit-sharing plan, or program for one or more persons, or with a variable life insurance policy, and which are to be, or may be, applied in payment or in making provision for payment of proceeds or benefits under the company's policies or contracts of retirement benefits, and other benefits incidental thereto, in fixed or variable dollar amounts, or both. The income, if any, and gains or losses, realized or unrealized, on each such account shall be credited to or charged against the amount allocated to the account in accordance with the agreement, without regard to the other income, gains or losses of the company. The amounts allocated to such accounts and accumulations thereon, by any life insurance company shall be invested and reinvested as specified in the agreement, except a domestic company shall invest or reinvest only in such investments described in Article 3 (commencing with Section 1170), and Article 4 (commencing with Section 1190) of Chapter 2, Part 2, Division 1, or without limitation in all or any portion of the shares of an investment company or companies (as defined by the Investment Company Act of 1940, Title 15, U.S.C. Sec. 80a-1 et seq.). The limitations contained in Sections 1192.4 and 1198 are not applicable to such investments. Such investments shall not be included in determining the propriety of other investments of the company. The liability of the company with respect thereto, but only to the extent prescribed in the agreement, shall be shown on the statement of the company in the manner prescribed by the commissioner. Amounts allocated by an insurance company to separate accounts in the exercise of the power granted by this section shall be owned by the company, but shall not be chargeable with liabilities arising out of any other business the company may conduct except and to the extent provided in the agreement. The company shall not hold itself out to be a trustee in respect to such amounts.

(b) In addition to amounts otherwise allocated to separate accounts, a domestic life insurer may allocate to such account or accounts amounts which otherwise would be subject to investment in accordance with Article 4 (commencing with Section 1190) of Chapter 2, Part 2, Division 1. The aggregate of such additional amounts shall not, however, exceed 1 percent of its admitted assets as of the preceding December 31, or 5 percent of the excess of its admitted assets over its liabilities and required reserves as of the preceding December 31,

whichever is the smaller. Such company shall be entitled to withdraw at any time, in whole or in part, its participation in any separate account to which funds have been allocated as provided in this subdivision and to receive, upon withdrawal, its proportionate share of the value of the assets of the separate account at the time of withdrawal.

(c) In addition to the allocations to separate accounts provided for in subdivision (a) of this section, a domestic insurer may, at the request of a policyholder or contractholder or the beneficiary of a policy or contract, allocate to any such separate account or accounts death payments, proceeds of matured endowments, dividends, or surrender values.

(d) Except with the approval of the commissioner, and under such conditions as to investments and other matters as he may prescribe, which shall recognize the guaranteed nature of the benefits provided, reserves for (1) benefits guaranteed as to dollar amount and duration and (2) funds guaranteed as to principal amount or stated rate of interest, shall not be maintained in a separate account.

(e) Unless otherwise approved by the commissioner, assets allocated to a separate account shall be valued at their market value on the date of valuation, or, if there is no readily available market, then as provided under the terms of the contract or the rules or other written agreement applicable to such separate account. Unless otherwise approved by the commissioner, the portion of any of the assets of such separate account equal to the company's reserve liability with regard to the guaranteed benefits and funds referred to in subdivision (d) of this section shall be valued in accordance with the rules otherwise applicable to the company's assets.

(f) No sale, exchange, or other transfer of assets may be made by a company between any of its separate accounts, or between any other of its investment accounts and one or more of its separate accounts unless, in case of a transfer into a separate account, such transfer is made solely to establish the account or to support the operation of the contracts with respect to the separate account to which the transfer is made, and unless such transfer, whether into or from a separate account is made (1) by a transfer of cash, or (2) by a transfer of securities having a readily determinable market value, and such transfer of securities is approved by the commissioner. The commissioner may approve other transfers among such accounts if, in his opinion, such transfer would not be inequitable.

(g) Any domestic life insurance company which establishes one or more separate accounts pursuant to this section may provide for special voting rights and procedures for participants in such separate account relating to investment policy, investment advisory services, and selection of certified public accountants in relation to the administration of the assets in any such separate account. Such voting rights shall be in addition to, and shall not affect, voting rights of mutual insurers.

(h) The purpose and intent of this section is to permit the issuance and delivery of policies or contracts, in connection with a pension, retirement or profit-sharing plan, or program for one or more persons, or policies of variable life insurance, providing for the payment of benefits in fixed or variable amounts, or both, and the establishment of separate accounts by domestic companies for the administration of and investments under such agreements. To protect the public and policyholders located in this state from hazardous operation by domestic and foreign companies, and to further the purpose and provision of this section, no domestic or foreign life insurance company shall undertake the issuance of any contract providing for variable benefits until said company has satisfied the commissioner that its condition or method of operation in connection with the issuance of such contracts will not be such as would render its operation hazardous to the public or its policyholders in this state and, in the case of a foreign or alien insurer, that it meets the conditions prescribed in Section 716, for the issuance of a certificate of authority. In determining the qualification of a company requesting authority to issue contracts providing for variable benefits within this state the commissioner will consider among other things, (1) the history of the company; (2) the character, responsibility and general fitness of the officers and directors of the company; (3) the regulation of a foreign company by its state of domicile; (4) the adequacy of the investment management which the company is providing; and (5) the company's arrangements for the supervision of the marketing of such contracts. The commissioner may make such reasonable rules and regulations as he considers necessary, proper and advisable concerning the issuance and delivery of such policies and contracts and the payment of benefits thereunder and the manner in which the separate accounts shall be administered.

However, no company may provide variable benefits in its contracts unless it is an admitted insurer having and maintaining a combined capital and surplus of at least two million dollars ($2,000,000).

(i) (1) Any contract providing benefits payable in variable amounts delivered or issued for delivery in this state on or after the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature shall contain a statement of the essential features of the procedures to be followed by an insurance company in determining the dollar amount of such variable benefits. Any such contract under which the benefits vary to reflect investment experience, including a group contract and any certificate in evidence of variable benefits issued thereunder, shall state that such dollar amount shall so vary, and shall contain on its first page a statement to the effect that the benefits thereunder are on a variable basis. Except for Article 3a (commencing with Section 10159.1) of Chapter 1 of Part 2 of Division 2, in the case

of a variable life insurance policy, and except as otherwise provided in this section, all pertinent provisions of this code shall apply to separate accounts and contracts relating thereto. Any individual variable life insurance contract, delivered or issued for delivery in this state on or after the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature, shall contain such nonforfeiture provisions as are appropriate to such a contract.

(2) The reserve liability for variable contracts shall be established in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality guarantees.

## CHAPTER 1312

*An act to amend Sections 692 and 700a of the Code of Civil Procedure, relating to judgments.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

*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 and at least 20 days before the date of sale by mailing by certified mail a notice of the time and place of 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 the levying officer to comply with the provisions of this subdivision. 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 shall describe the property by giving its street address, if any, or other common designation, if any; but, if a legal description of the property is given, the validity of the notice shall not be affected by the fact that the street address or other common designation recited is erroneous or that the street address or other common designation is omitted. 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. The term "judgment debtor" does not include a trustor or mortgagor.

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 700a of the Code of Civil Procedure is amended to read:

700a. (a) Sales of personal property, and of real property, when the estate therein is less than a leasehold of two years'

unexpired term, are absolute. In all other cases the property is subject to redemption, as provided in this chapter. The officer must give to the purchaser a certificate of sale, and file a duplicate thereof for record in the office of the county recorder of the county, which certificate must state the date of the judgment under which the sale was made and the names of the parties thereto, and contain:

1. A particular description of the real property sold;
2. The price bid for each distinct lot or parcel;
3. The whole price paid;
4. If the property is subject to redemption, the certificate must so declare, and if the redemption can be effected only in a particular kind of money or currency, that fact must be stated.

(b) If the property is subject to redemption the officer shall inform the judgment debtor, by certified mail or personal service, of his right of redemption. Failure to give such notice within one week after the sale shall make the officer liable to the judgment debtor for actual damages, in addition to a penalty of one hundred dollars ($100).

---

## CHAPTER 1313

*An act to amend Section 1208 of the Penal Code, relating to prisoners.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 1208 of the Penal Code is amended to read:

1208. (a) The provisions of this section, insofar as they relate to employment, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to employment, in that county is feasible. The provisions of this section, insofar as they relate to education, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of education conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to education, in that county is feasible. In any such ordinance the board shall prescribe whether the sheriff, the probation officer, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board of supervisors may also terminate the operativeness of this section, either with respect to employment or education

in the county if it finds by ordinance that, because of changed circumstances, the operation of this section, either with respect to employment or education in that county is no longer feasible.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, or committed under the terms of Section 6404 or 6406 of the Welfare and Institutions Code as a habit-forming drug addict, the work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure employment for himself, unless the court at the time of sentencing or committing has ordered that such person not be granted work furloughs. The work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular educational program, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure education for himself, unless the court at the time of sentencing has ordered that such person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his regular employment or educational program, the administrator shall arrange for a continuation of such employment or education, so far as possible without interruption. If the prisoner does not have regular employment or a regular educational program, and the administrator has authorized the prisoner to secure employment or education for himself, the prisoner may do so, and the administrator may assist him in doing so. Any employment or education so secured must be suitable for the prisoner. Such employment or educational program, if such educational program includes earnings by the prisoner, must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment or educational program involving earnings by the prisoner be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed or educated.

(d) Whenever the prisoner is not employed or being educated and between the hours or periods of employment or education, he shall be confined in the facility designated by the board of supervisors for work furlough confinement unless the work furlough administrator directs otherwise. If the prisoner is injured during a period of employment or education, the work furlough administrator shall have the authority to release him from the facility for continued medical treatment by private physicians or at medical facilities at the expense of

the employer, workman's compensation insurer, or the prisoner. Such release shall not be construed as assumption of liability by the county or work furlough administrator for medical treatment obtained.

The work furlough administrator may release any prisoner classified for the work furlough program for a period not to exceed 72 hours for medical, dental, or psychiatric care, and for family emergencies or pressing business which would result in severe hardship if the release were not granted.

(e) The earnings of the prisoner may be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer or educator transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, education, or employment, the work furlough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) As used in this section, "education" includes vocational training, and "educator" includes a person or institution providing vocational training.

(j) This section shall be known and may be cited as the "Cobey Work Furlough Law."

# CHAPTER 1314

*An act to amend Section 33445 of the Health and Safety Code, relating to community redevelopment, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

*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 the project area, upon a determination by resolution of the agency and local legislative body that such buildings, facilities, structures, or other improvements are of benefit to the project area regardless of whether such improvement is within another project area, or in the case of a project area in which substantially all of the land is publicly owned that such improvement is of benefit to an adjacent project area of the agency. Such determination by the agency and the local legislative body shall be final and conclusive as to the issue 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.

With respect to the financing, acquisition, or construction of a transportation, collection, and distribution system and related peripheral parking facilities, in a county with a population of four million (4,000,000) persons or more, the agency shall, in order to exercise the powers granted by this section, enter into an agreement with the rapid transit district which includes such county, or a portion thereof, in which agreement such rapid transit district shall be given all of the following responsibilities:

(a) To participate with the other parties to the agreement to design, determine the location and extent of the necessary rights-of-way for, and construct, the transportation, collection, and distribution systems and related peripheral parking structures and facilities.

(b) To operate and maintain such transportation, collection, and distribution systems and related peripheral parking structures and facilities in accordance with the rapid transit district's outstanding agreements and the agreement required by this paragraph.

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 peace, health and safety of the citizens of the state require the acquisition, construction and financing of public transportation and parking facilities and improvements in connection with redevelopment projects in order that the project area shall bear its fair burden of providing the public facilities and improvements that are necessary to provide a level of public services in the project area that is equivalent to the level of public services in the remainder of the community. Adequate provision for such public improvements and facilities both within and without the project area is necessary in order that both pending and future projects may be planned, constructed and financed by the sale of bonds or otherwise without undue delay.

---

## CHAPTER 1315

*An act to amend Section 24208 of the Health and Safety Code, relating to air pollution.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 24208 of the Health and Safety Code is amended to read:

24208. As used in this chapter, "air contaminant" includes smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, acids, or any combination thereof.

## CHAPTER 1316

*An act to add Section 75033.1 to the Government Code, relating to Judges' Retirement Law.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 75033.1 is added to the Government Code, to read:

75033.1. Any judge who is removed from office by the Supreme Court shall not receive any of the benefits provided by Section 75033. The amount of his accumulated contributions shall be paid to him by the State Controller.

This section shall be applicable only to a person who becomes a judge after the effective date of this section.

---

## CHAPTER 1317

*An act to amend Section 1391 of the Labor Code, relating to minors.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 1391 of the Labor Code is amended to read:

1391. Except as provided in Sections 1297 and 1298, no minor under the age of 18 years shall be employed more than eight hours in one day of 24 hours or more than 48 hours in one week, or before five o'clock in the morning, or after ten o'clock in the evening; but a minor may work the hours authorized by this section during any evening preceding a nonschoolday until 12:30 in the morning of such nonschoolday.

Any person or the agent or officer thereof, or any parent or guardian, who directly or indirectly violates or causes or suffers the violation of any provision of this section is guilty of a misdemeanor punishable by a fine of not less than fifty dollars ($50) nor more than two hundred dollars ($200) or imprisonment in the county jail for not more than 60 days or both.

---

## CHAPTER 1318

*An act to amend Section 12370 of, to add Section 12359 to, and to repeal Section 12359 of, the Insurance Code, relating to title insurers.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 12359 of the Insurance Code is repealed.

SEC. 2. Section 12359 is added to the Insurance Code, to read:

12359. A title insurer shall not transact any insurance in this state unless it has paid-in capital represented by shares of stock of at least five hundred thousand dollars ($500,000). Nevertheless, the minimum paid-in capital required of a title insurer which was operating under a certificate of authority which was in effect on July 1, 1971, and which title insurer on such date had a paid-in capital of less than five hundred thousand dollars ($500,000) shall be as follows: (a) two hundred fifty thousand dollars ($250,000) until July 1, 1974, (b) thereafter and until July 1, 1975, three hundred thousand dollars ($300,000), and (c) thereafter and until July 1, 1976, four hundred thousand dollars ($400,000). After July 1, 1976, every such title insurer shall be required to have and maintain the full paid-in capital of five hundred thousand dollars ($500,000) otherwise required by this section.

SEC. 3. Section 12370 of the Insurance Code is amended to read:

12370. Every title insurer shall annually set apart a sum equal to 10 percent of its premiums collected during the year. Such sums shall be allowed to accumulate until a fund is created equal in amount to 25 percent of the aggregate of the subscribed capital stock of the insurer, or one million dollars ($1,000,000), whichever is the lower amount. After the establishment by a title insurer of an unearned premium reserve, pursuant to Article 3.5 (commencing with Section 12380) of this chapter, such amount shall be reduced by the aggregate amount which shall be set aside and maintained by such insurer in such unearned premium reserve. Such fund shall be known as the "title insurance surplus fund."

---

## CHAPTER 1319

*An act to amend Section 23095 of the Business and Professions Code, relating to alcoholic beverages.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 23095 of the Business and Professions Code is amended to read:

23095. (a) Whenever a decision of the department suspending a license for 30 days or less becomes final, whether by failure of the licensee to appeal the decision or by exhaustion

of all appeals and judicial review, the licensee may, before the operative date of such suspension, petition the department for permission to make an offer in compromise, to be paid into the Alcohol Beverage Control Fund, consisting of a sum of money in lieu of serving such suspension. Upon the receipt of such a petition, the department may stay the proposed suspension and cause such investigation to be made as it deems desirable and may grant such petition if it is satisfied (a) that the public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the sum of money will achieve the desired disciplinary purposes; (b) that the books and records of the licensee are kept in such a manner that the loss of sales of alcoholic beverages which the licensee would have suffered had such suspension gone into effect can be determined with reasonable accuracy therefrom. Such offer in compromise shall be the equivalent of 20 percent of the estimated gross sales of alcoholic beverages for each day of such proposed suspension, and such offer in compromise shall be not less than two hundred fifty dollars ($250) nor more than two thousand dollars ($2,000).

(b) Notwithstanding any other provision of this division, the department may accept an offer in compromise from a retail licensee in the equivalent of 20 percent of the estimated gross sales of alcoholic beverages for each day of a proposed suspension and such offer in compromise shall be not less than one hundred dollars ($100) nor more than five hundred dollars ($500) providing the petitioning retailer has had no other accusation filed against him by the department during the prior three years from the date of such petition which has resulted in a final decision to suspend or revoke the retail license concerned.

This subdivision does not affect the provisions of Section 24755.1.

---

## CHAPTER 1320

*An act to amend Sections 37057 and 37059 of, and to add Section 37061 to, the Health and Safety Code, relating to housing.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 37057 of the Health and Safety Code is amended to read:

37057. The work of the department shall be divided into the following two divisions:

(a) The Division of Codes and Standards.

(b) The Division of Research and Assistance.

SEC. 2. Section 37059 of the Health and Safety Code is amended to read:

37059. The Chiefs of the Division of Codes and Standards and the Division of Research and Assistance shall be appointed, upon recommendation by the director, by the Governor. Such division chiefs shall hold office at the pleasure of the director.

SEC. 3. Section 37061 is added to the Health and Safety Code, to read:

37061. The department may, in order to facilitate coordination of assistance programs, establish four regional offices, to be located respectively in the San Francisco Bay area, southern California south of the Tehachapi Mountains, the Sacramento area, and the Fresno area. The Division of Research and Assistance shall provide technical assistance and services at those regional offices established pursuant to this section necessary for the accomplishment of the purposes of such offices. Such assistance and services shall be made available to regional and local governmental entities in the area of the regional offices.

## CHAPTER 1321

*An act to repeal Section 10756 of the Education Code, relating to pupils, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 10756 of the Education Code is repealed.

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

In order that school districts may be freed of the limitations eliminated by this act at or prior to the beginning of the 1971–1972 school year, it is essential that this act go into effect immediately.

## CHAPTER 1322

*An act to amend Section 31680 of the Government Code, relating to retirement.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 31680 of the Government Code is amended to read:

31680. A member retired for service or disability shall not be paid for any service rendered by him to the county or district after the date of his retirement, except: (a) As specifically provided in this chapter. (b) Pursuant to Section 31733. (c) The county or district may pay and such retired member may receive: (1) rewards for ideas or suggestions made by such retired member for the improvement of county or district activities; (2) compensation for his services on the board. (d) If the member is subsequently elected to county office after retirement.

As herein used the term "services rendered" shall refer to service rendered as an officer or employee of the county or district and shall not refer to services performed by a retired officer or employee as an independent contractor engaged by a county or district under a bona fide contract for services within the purview of Section 31000 of this code.

---

## CHAPTER 1323

*An act to amend Section 14214 of the Education Code, and to add Section 20803.1 to the Government Code, relating to retirement, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 1, 1971. Filed with Secretary of State November 1, 1971.]

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

SECTION 1. Section 14214 of the Education Code is amended to read:

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 board upon his application, or upon the application of his guardian or conservator, or upon the application of his employer, if the 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 position requiring 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 position requiring membership in this 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.

On receipt of an application for disability retirement the board may order a medical examination of a member to determine whether he is incapacitated for further service. If the applicant for disability retirement refuses to submit to the medical examination required by the board his application for disability retirement shall be canceled.

SEC. 2. Section 20803.1 is added to the Government Code, to read:

20803.1. "County peace officer service" shall also include service rendered in the sheriff's office of a city and county in positions which were subsequently reclassified as positions within the definition of "county peace officer."

SEC. 3. It is the intent of the Legislature in enacting Section 1 of this act to incorporate and give effect to changes in Section 14214 of the Education Code made by both Assembly Bill No. 169 (Ch. 1004, Stats. 1971) and Senate Bill No. 446 (Ch. 222, Stats. 1971).

SEC. 4. Notwithstanding the provisions of Section 5 of this act, Section 1 of this act shall not become operative until 61 days after final adjournment of the 1971 Regular Session of the Legislature.

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 for benefits of this act to be available during the first half of this fiscal year, this act must take effect immediately.

# CHAPTER 1324

*An act to amend Sections 12811, 14900, 14901, 14902, and 14903 of the Vehicle Code, relating to drivers' licenses.*

[Approved by Governor November 2, 1971. Filed with Secretary of State November 2, 1971.]

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

SECTION 1. Section 12811 of the Vehicle Code is amended to read:

12811. When the department determines that the applicant is lawfully entitled to a license it shall issue to the person a driver's license as applied for. The license shall state the type of motor vehicle or combination of vehicles the licensee is qualified to operate and shall bear thereon the distinguishing number assigned to the applicant, the date of expiration, the name, age, and residence address of the licensee, a brief description and photograph of the licensee for the purpose of identification and space for the signature of the licensee.

Each license shall also contain a space for the endorsement thereon of a record of each suspension or revocation thereof.

The department shall use such process or processes in the issuance of licenses in color, that prohibit as near as possible, the ability to alter or reproduce the license, or prohibit the ability to superimpose a photograph on such license without ready detection.

SEC. 2. Section 14900 of the Vehicle Code is amended to read:

14900. (a) Upon application for an original driver's license or for the renewal of a driver's license there shall be paid the department a fee of three dollars and twenty-five cents ($3.25). The payment of the fee shall entitle the person paying same to make application for a driver's license and to three examinations within a period of six months. Such period may be extended when the department has extended the period of an instruction permit issued from such application as provided in Section 12509.

The term "driver's license" as used in this section includes all licenses of every kind issued under Division 6 (commencing with Section 12500) of this code.

(b) Any person who, by reason of physical disabilities, is unable to move about as a pedestrian shall be exempt from the fee provided in this section, but only in the event the license issued to such person restricts such person to the operation of a self-propelled wheelchair or invalid tricycle.

SEC. 3. Section 14901 of the Vehicle Code is amended to read:

14901. Upon an application for a duplicate driver's license there shall be paid the department a fee of one dollar and twenty-five cents ($1.25).

SEC. 4. Section 14902 of the Vehicle Code is amended to read:

14902. Upon an application for an identification card there shall be paid to the department a fee of three dollars and twenty-five cents ($3.25), which fee shall be deposited in the Motor Vehicle Fund.

SEC. 5. Section 14903 of the Vehicle Code is amended to read:

14903. Upon an application for a duplicate identification card there shall be paid the department a fee of two dollars and twenty-five cents ($2.25), which fee shall be deposited in the Motor Vehicle Fund.

SEC. 6. This act shall become operative on July 1, 1972.

---

## CHAPTER 1325

*An act making an appropriation for the support of Compensatory Preschool Education programs.*

[Approved by Governor November 2, 1971. Filed with Secretary of State November 2, 1971.]

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

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury to the Department of Education the sum of one million dollars ($1,000,000) for allocation for preschool educational programs pursuant to Chapter 5 (commencing with Section 13601) of Division 12 of the Education Code.

---

## CHAPTER 1326

*An act to amend Sections 7601, 7602, and 7603 of the Business and Professions Code, relating to funeral directors and embalmers.*

[Approved by Governor November 2, 1971. Filed with Secretary of State November 2, 1971.]

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

SECTION 1. Section 7601 of the Business and Professions Code is amended to read:

7601. There is in the Department of Consumer Affairs a State Board of Funeral Directors and Embalmers which consists of eight members appointed by the Governor, five of whom shall be licentiates of the board, and three of whom shall be public members.

SEC. 2. Section 7602 of the Business and Professions Code is amended to read:

7602. Members of the board, except the public members, shall only be appointed from persons who are licensed as

funeral directors or embalmers and who have had a minimum of five consecutive years' experience in funeral directing or embalming immediately preceding their appointment. Members of the board, including the public members, shall not be financially interested, directly or indirectly, in any institution engaged in embalming or funeral directing instruction and shall not be members of the faculty of such an institution.

The public members shall not be licentiates of the board.

SEC. 3. Section 7603 of the Business and Professions Code is amended to read:

7603. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors or until one year shall have elapsed since the expiration of the term for which they were appointed, whichever first occurs. No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

The terms of the members of the board in office when this chapter takes effect shall expire as follows: one member, January 15, 1940; two members, January 15, 1941; one member, January 15, 1942; and one member, January 15, 1943. The terms shall expire in the same relative order as to each member as the terms for which he holds office before this chapter takes effect.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1964.

Vacancies occurring shall be filled by appointment for the unexpired term.

The Governor shall appoint the additional public member provided for by the Governor's Reorganization Plan No. 2 submitted to the Legislature at the 1970 Regular Session to fill the vacancy created by the expiration of the term of office of the member of the board whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expired.

The Governor shall appoint the additional public member provided for by the amendments to Section 7601 enacted at the 1971 Regular Session of the Legislature for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expired.

The Governor shall appoint the additional licentiate member provided for by the amendments to Section 7601 enacted at the 1971 Regular Session of the Legislature for a term expiring June 1, 1974 Each appointment thereafter shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expired.

# CHAPTER 1327

*An act to add Section 11550.1 to the Business and Professions Code, and to add Sections 12037 and 12038 to the Government Code, relating to intergovernmental management.*

[Approved by Governor November 2, 1971. Filed with Secretary of State November 2, 1971.]

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

SECTION 1. Section 11550.1 is added to the Business and Professions Code, to read:

11550.1. Upon the filing of the tentative map as provided in Section 11550, the advisory agency or the governing body may submit the tentative map to the Office of Intergovernmental Management pursuant to Section 12037 of the Government Code and request an evaluation of the environmental impact of the proposed subdivision. If the subdivision in question is a land project as defined by Section 11000.5, such submission shall be required prior to approval of the map.

SEC. 2. Section 12037 is added to the Government Code, to read:

12037. (a) The Office of Intergovernmental Management shall be the clearinghouse for requests from cities and counties that appropriate state agencies evaluate the environmental impact of any proposed subdivision within the purview of Section 11535 of the Business and Professions Code or any proposed land project within the purview of Section 11000.5 of the Business and Professions Code.

(b) Upon receipt of a request from a city or county pursuant to subdivision (a), the Office of Intergovernmental Management shall request each state agency, as it deems appropriate, to review and comment upon the proposed subdivision or land project. Such review and comment shall correspond, as nearly as practicable, with the factors specified in Section 21100 of the Public Resources Code.

(c) As soon as possible, but in no event longer than 30 days from receipt of a request from a city or county pursuant to this section the Office of Intergovernmental Management shall transmit the comments and recommendations of the various state agencies to the city or county.

SEC. 3. Section 12038 is added to the Government Code, to read:

12038. The Office of Intergovernmental Management shall, on request by a city or county, arrange for technical assistance from various state agencies to the city or county in connection with the evaluation of proposed subdivision maps. Such technical assistance shall be rendered by the appropriate state agencies subject to the availability of state personnel.

# CHAPTER 1328

*An act to amend Sections 6710, 6711, and 6712 of the Business and Professions Code, relating to professional engineers.*

[Approved by Governor November 2, 1971. Filed with Secretary of State November 2, 1971.]

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

SECTION 1. Section 6710 of the Business and Professions Code is amended to read:

6710. There is in the Department of Consumer Affairs a State Board of Registration for Professional Engineers, which consists of 11 members appointed by the Governor.

SEC. 2. Section 6711 of the Business and Professions Code is amended to read:

6711. Each member of the board shall be a citizen of the United States. Seven members shall be registered under this chapter as follows: three shall be civil engineers, one of whom shall have a certificate of authority as a structural engineer; one shall be a mechanical engineer; one shall be an electrical engineer; one shall be a petroleum engineer; and one shall be a chemical engineer. One member shall be licensed under the Land Surveyors' Act, Chapter 15 (commencing with Section 8700) of this division, and three shall be public members who are not registered under this act or licensed under the Land Surveyors' Act. Each member, except the public members, shall have at least 12 years active experience and shall be of good standing in his profession. Each member shall be at least 30 years of age, and shall have been a resident of this state for at least five years immediately preceding his appointment.

SEC. 3. Section 6712 of the Business and Professions Code is amended to read:

6712. Members of the State Board of Registration for Professional Engineers in office on the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature shall continue as members of the State Board of Registration for Professional Engineers without change in their terms so that the terms of the members presently in office shall expire as follows: the term of two members, January 15, 1972; three members, January 15, 1973; two members, June 1, 1973; and two members, June 1, 1974. Appointments to the board for those terms expiring January 15, 1972, and January 15, 1973, shall be for a term expiring on June 1 of the third year following the year in which such previous term expired. Appointments for those terms expiring June 1, 1973, and June 1, 1974, shall be for a term of four years. Thereafter, all appointments to the board shall be for a term of four years. Vacancies shall be filled by appointment for the unexpired term. Each such member appointed to fill a new term

or vacancy shall be a registered professional engineer in the same branch as his predecessor.

The Governor shall appoint the additional public member provided for by the Governor's Reorganization Plan No. 2 submitted to the Legislature at the 1970 Regular Session to fill the vacancy created by the expiration of the term of office of the civil engineer member whose term expired January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring on June 1 of the fourth year following the year in which the previous term expired. Any vacancy during a term expiring after January 15, 1971, shall be filled by appointment for the unexpired term.

The Governor shall appoint a licensee member and a public member to fill the offices created by the amendment made to Section 6710 at the 1971 Regular Session for a term expiring June 1, 1975. Each appointment thereafter shall be for a four-year term expiring on June 1 of the fourth year following the year in which the previous term expired.

Each member 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. No person shall serve as a member of the board for more than two consecutive terms, but this provision shall not apply to any member in office on November 23, 1970.

---

## CHAPTER 1329

*An act to amend Sections 20612 and 21252.10 of the Government Code, relating to the Public Employees' Retirement System and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 2, 1971. Filed with Secretary of State November 2, 1971.]

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

SECTION 1. 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 em-

ployees become subject to this section, whichever is later, and prior to the date upon which services of persons in his employment cease to be covered under the federal system.

SEC. 2. Section 21252.10 of the Government Code is amended to read:

21252.10. The combined prior and current service pensions for law enforcement members, other than those members subject to Section 21252.6, 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 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.

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 and prior to the date upon which services of persons in his employment cease to be covered 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. 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 Department of Health, Education and Welfare has recently concluded that employees of the Department of Justice who are law enforcement members of the Public Employees' Retirement System are "policemen" with the result that their

future services are no longer included in social security. However, the Retirement Law provides for reduction in the retirement allowance paid for such service. In order that the employees affected who plan immediate retirement may receive an appropriate allowance for service no longer covered under social security, it is necessary that this act take effect immediately.

---

## CHAPTER 1330

*An act to amend Section 4453 of the Labor Code, relating to workmen's compensation.*

[Approved by Governor November 2, 1971. Filed with Secretary of State November 2, 1971.]

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

SECTION 1. Section 4453 of the Labor Code is amended to read:

4453. In computing average annual earnings for the purposes of temporary disability indemnity only, the average weekly earnings shall be taken at not less than fifty-three dollars and eighty-four cents ($53.84) nor more than one hundred thirty-four dollars and sixty-two cents ($134.62). In computing average annual earnings for purposes of permanent disability indemnity, the average weekly earnings shall be taken at not less than thirty dollars and seventy-seven cents ($30.77) nor more than eighty dollars and seventy-seven cents ($80.77). Between these limits the average weekly earnings, except as provided in Sections 4456 to 4459, shall be arrived at as follows:

(a) Where the employment is for 30 or more hours a week and for five or more working days a week, the average weekly earnings shall be 95 percent of the number of working days a week times the daily earnings at the time of the injury.

(b) Where the employee is working for two or more employers at or about the time of the injury, the average weekly earnings shall be taken as 95 percent of the aggregate of such earnings from all employments computed in terms of one week; but the earnings from employments other than the employment in which the injury occurred shall not be taken at a higher rate than the hourly rate paid at the time of the injury.

(c) If the earnings are at an irregular rate, such as piecework, or on a commission basis, or are specified to be by the week, month or other period, then the average weekly earnings mentioned in subdivision (a) above shall be taken as 95 percent of the actual weekly earnings averaged for such period of time, not exceeding one year, as may conveniently be taken to determine an average weekly rate of pay.

(d) Where the employment is for less than 30 hours per week, or where for any reason the foregoing methods of arriving at the average weekly earnings cannot reasonably and fairly be applied, the average weekly earnings shall be taken at 95 percent of the sum which reasonably represents the average weekly earning capacity of the injured employee at the time of his injury, due consideration being given to his actual earnings from all sources and employments.

---

## CHAPTER 1331

*An act to amend Section 20017.77 of the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 2, 1971. Filed with Secretary of State November 2, 1971.]

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

SECTION 1. Section 20017.77 of the Government Code is amended to read:

20017.77. Notwithstanding the provisions of Section 20017.75, "law enforcement member" shall also include officers and employees in (a) the Department of Corrections employed to perform the duties now performed in positions with the following class titles: Director of Corrections; Deputy Director, Department of Corrections; Deputy Director, Institutions, Camps and Program Services Division; Deputy Director, Parole and Community Services; warden; Warden—San Quentin; superintendent II and III, Department of Corrections; deputy superintendent; correctional administrator; program administrator, correctional institution; all classes of correctional program supervisor; correctional captain, correctional lieutenant, correctional sergeant; correctional officer; all classes of women's correctional supervisor; Assistant Deputy Director, Parole and Community Services; all classes of parole administrator, adult parole; all classes of parole agent, adult parole; Assistant Director, Investigations and Law Enforcement Liaison; senior special agent; special agent; all classes of women's parole agent; medical facility superintendent; Superintendent, California Institution for Women, and (b) the Department of the Youth Authority employed to perform the duties now performed in positions with the following class titles: Director, Department of the Youth Authority; Chief, Division of Parole and Community Services; Deputy Chief, Division of Parole and Community Services; program administrator, correctional school; assistant superintendent, correctional school; all classes of superintendent, correctional school; Youth Authority camp superintendent; assistant superintendent, Youth Authority camp; Chief, Division of Institutions;

treatment team supervisor; all classes of transportation officers, Youth Authority; security officer; all classes of group supervisors; all classes of parole agent, Youth Authority; all classes of youth counselor; supervisor community treatment programs; correctional casework training supervisor; correctional casework trainee.

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 persons included within the law enforcement category by this act will become eligible for benefits within the Public Employees' Retirement System under Government Code Section 20017.77. Since Government Code Section 20017.77 became operative on July 1, 1971, it is necessary that this act take effect immediately so that the persons covered by this act are eligible for benefits as soon as possible after that date.

---

## CHAPTER 1332

*An act to add Section 1167.4 to the Code of Civil Procedure, relating to courts.*

[Approved by Governor November 2, 1971. Filed with Secretary of State November 2, 1971.]

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

SECTION 1. Section 1167.4 is added to the Code of Civil Procedure, to read:

1167.4. Notwithstanding any other provision of law, in any action under this chapter:

(a) Where the defendant files a notice of motion as provided for in subdivision (a) of Section 418.10, the time for making the motion shall be not less than three days nor more than seven days after the filing of the notice.

(b) The service and filing of a notice of motion under subdivision (a) shall extend the defendant's time to plead until five days after service upon him of the written notice of entry of an order denying his motion, except that for good cause shown the court may extend the defendant's time to plead for an additional period not exceeding 15 days.

---

## CHAPTER 1333

*An act to add Sections 12018 and 12019 to the Fish and Game Code, relating to fish and game.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 12018 is added to the Fish and Game Code, to read:

12018. On and after the effective date of this section, there shall be levied a penalty assessment in an amount of five dollars ($5) for every twenty dollars ($20), or fraction thereof, imposed and collected by the courts as fine or forfeiture of bail for any violation of any provision of this code or of any rule, regulation, or order made or adopted under this code. Where multiple violations are involved, the penalty assessment shall be based upon the total fine or bail forfeited for all the offenses. When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

If bail is forfeited, the court shall collect the appropriate amount of the penalty assessment from the person forfeiting such bail and the total amount of such assessment shall be transmitted to the state in the same manner as the state's share of moneys collected as fines by a county for violation of this code.

After a determination by the court of the amount of fine and assessment, the court shall collect and transmit the total amount of such assessment to the state in the same manner as the state's share of moneys collected as fines by a county for violations of this code.

SEC. 2. Section 12019 is added to the Fish and Game Code, to read:

12019. All the moneys collected pursuant to Section 12018 shall be deposited in the Fish and Game Preservation Fund. Such moneys shall be deposited in a special account to be used for the education or training of department employees which fulfills a need consistent with the objectives of the department.

---

## CHAPTER 1334

*An act to amend Section 46867 of the Agricultural Code, relating to citrus fruit, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 46867 of the Agricultural Code is amended to read:

46867. Grapefruit which are produced in the desert areas are not mature unless they meet the following requirements:

In view of differences in climatic conditions that prevail in the desert areas, which result in the grapefruit grown in those areas having, at maturity, a higher percentage of soluble

solids to acid than the mature grapefruit which are grown in other areas of the state, grapefruit which are produced in the desert areas are considered mature if at the time of picking and at all times thereafter the juice contains soluble solids equal to or in excess of six parts to every part of acid which is contained in the juice. The acidity of the juice shall be calculated as citric acid without water of crystallization. However, the director may, by regulation, establish a higher maturity standard or, having established such higher standard, lower such standard but not below the standards of this section, when he finds that it would provide a more acceptable grapefruit to the consumer.

SEC. 2. This act is an emergency 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:

In order for the standards provided for by this act to meet the needs of the current marketing season, it is necessary that this act take effect immediately.

---

## CHAPTER 1335

*An act to to repeal Chapter 4 (commencing with Section 4.1) and Chapter 5 (commencing with Section 5.1) of, and to add Chapter 4 (commencing with Section 4.1) to, the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961), relating to transit districts.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Chapter 4 (commencing with Section 4.1) of the Fresno Metropolitan District Act of 1961 (Chapter 1932 of the Statutes of 1961) is repealed.

SEC. 2. Chapter 4 (commencing with Section 4.1) is added to the Fresno Metropolitan District Act of 1961 (Chapter 1932 of the Statutes of 1961), to read:

### CHAPTER 4. PERSONNEL

### Article 1. Employee Relations

Sec. 4.1. 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. It is declared to be in the public interest that the district shall not express any preference for one union over another.

Sec. 4.2. Whenever a majority of the employees employed by the district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the district, upon determining, as provided in Section 4.4, that such labor organization represents the employees in the appropriate unit, shall enter into a written contract with the accredited representative of such employees governing wages, hours, pensions, and working conditions. In case of a dispute over wages, salaries, hours, or working conditions, which is not resolved by negotiations in good faith between the district and the labor organization, upon the request of either, the district and the labor organization may submit the dispute to the decision of the majority of an arbitration board, and the decision of the majority of such arbitration board shall be final.

The arbitration board shall be composed of two representatives of the district, and two representatives of the labor organization, and they shall endeavor to agree upon the selection of the fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the Supervisor of Conciliation of the Division of Conciliation, Department of Industrial Relations. The labor organization and the district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated as the arbitrator. The labor organization and the district shall determine by lot who shall first strike from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of arbitration shall be borne equally by the parties. Each party shall bear his own costs.

Sec. 4.3. No contract or agreement shall be made with any labor organization, association, or group, or be assumed under the provisions of this chapter, where such organization, association, or group denies membership to, or in any manner discriminates, against any employee on the grounds of race, creed, color, or sex. However, such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence. The district shall not discriminate in regard to employment against any person because of his race, creed, color, or sex.

Sec. 4.4. If there is a question whether a labor organization represents a majority of employees, or whether the proposed unit is or is not appropriate, such matters shall be submitted to the State Conciliation Service for disposition. The State Conciliation Service shall promptly hold a public hearing, after due notice to all interested parties, and shall thereupon determine the unit appropriate for the purposes of collective bargaining. In making such determination and in establishing rules and regulations governing petitions and the conduct of hearings and elections, the State Conciliation Service shall be guided by relevant federal law and administrative

practice, developed under the Labor-Management Relations Act, 1947, as presently amended.

The State Conciliation Service shall provide for an 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. However, no collective bargaining agreement shall be construed to be a bar to representation proceedings for a period of more than two years.

Sec. 4.5. The obligation of the district to bargain in good faith with a duly designated or certified labor organization and to execute a written collective bargaining agreement with such labor organization covering the wages, salaries, hours, pensions, and working conditions of the employees represented by such labor organization in an appropriate unit, and to comply with the terms thereof, shall not be limited or restricted by any other provision of law. The obligation of the district to bargain collectively shall extend to all subjects of collective bargaining which are, or may be proper subjects of collective bargaining with a private employer, including retroactive provisions.

Sec. 4.6. In the event an exclusive collective bargaining representative is selected pursuant to this article, the provisions of Chapter 10 (commencing with Section 3500), Division 4, Title 1 of the Government Code are not applicable to the district.

Sec. 4.7. Notwithstanding any provisions of the Government Code, the board may authorize payment of any or all of the premiums on any group life, accident and health insurance, health and welfare plan, or pension or retirement plan, on officers or employees of the district. Upon authorization by its employees, the district may make deductions from the wages and salaries of its employees.

(a) Pursuant to collective bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

(b) For the payment of contributions pursuant to any health and welfare, pension, or retirement plan.

(c) For any purpose for which deductions may be authorized by employees of any private employer.

### Article 2. Rights of Employees of Existing Facilities

Sec. 4.21. Whenever the district acquires existing facilities from a publicly or privately owned public utility, either in proceedings by eminent domain or otherwise, the district shall assume and observe all existing pension and labor contracts.

To the extent necessary for operation of facilities, all of the employees of such acquired public utility whose duties pertain to the facilities acquired shall be appointed to comparable positions in the district without examination, subject to all the rights and benefits of this act. Such employees shall be given sick leave, seniority, vacation, and pension credits in accordance with the records and labor agreements of the acquired public utility.

Members and beneficiaries of any pension or retirement system or other benefits established by that public utility shall continue to have the rights, privileges, benefits, obligations, and status with respect to such established system. No employee of any acquired public utility shall suffer any worsening of his wages, seniority, pension, vacation, or other benefits by reason of the acquisition.

The district may extend the benefits of this section to officers or supervisory employees of the acquired public utility.

Sec. 4.22. Whenever the district acquires existing facilities from a publicly or privately owned public 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.

Whenever any such facilities are acquired by the district, the board shall consider and take into account the outstanding obligations and liabilities of the publicly or privately owned public utility by reason of such pension plan and shall negotiate an allowance in the purchase price of such utility for the assumption of such obligations and liabilities when acquiring the facilities.

Sec. 4.23. The district shall not contract with any company, person, or public agency to provide transit facilities or services, or acquire any existing system or part thereof, whether by purchase, lease, condemnation, or otherwise, nor shall the district dispose of or lease any transit system or its system, or part thereof, nor merge, consolidate, or coordinate any transit system, or part thereof, or reduce or limit the lines or service of any existing system, or of its system, unless it first makes adequate provision for any employees who are, or may be, displaced. The terms and conditions of such provision shall be a proper subject of collective bargaining.

## Article 3. Retirement System

Sec. 4.31. The district may provide for a retirement system. However, the adoption, terms, and conditions of any retirement system covering employees of the district represented by a labor organization shall be pursuant to a collective bargaining agreement between such labor organization and the district.

Sec. 4.32. The board may contract with the board of administration of the Public Employees' Retirement System and

may enter all, or any portion, of its employees under such system. However, 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.

Article 4. Other Benefits

Sec. 4.41. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under Title II of the Federal Social Security Act, as amended, and the related provisions of the Federal Insurance Contributions Act, as amended.

Sec. 4.42. 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.

SEC. 3. Chapter 5 (commencing with Section 5.1) of the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961) is repealed.

---

## CHAPTER 1336

*An act to amend Section 1616 of the Health and Safety Code, relating to biologics production.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 1616 of the Health and Safety Code is amended to read:

1616. The amount of the application and license fee and renewal fees under this chapter shall be as follows:

(a) The application fee shall be three hundred dollars ($300), which also shall be the license fee for the first year or portion thereof ending December 31st, provided, however, that when the applicant is a city, county, city and county, district, or official thereof, no fee shall be required.

(b) The annual renewal fee shall be three hundred dollars ($300), provided, however, that when the applicant is a city, county, city and county, district, or official thereof, no fee shall be required.

(c) Licenses shall be renewed every year. The annual renewal fee shall be paid on or before the first day of January. Failure to pay the annual fee in advance during the time the license remains in force shall, ipso facto, work a forfeiture of the license after a period of 60 days from the first day of January. The department shall give written notice to a licensee 30 days in advance of the renewal date.

(d) The department shall fix reasonable charges when necessary for analyzing and testing the products of a licensee.

(e) The director may fix the fees required by this section at a less amount, and may adjust such fees, from time to time, whenever he finds that the cost of administering the provisions of this chapter can be defrayed from revenues derived from such lower fees.

## CHAPTER 1337

*An act to add Section 1801.5 to the Welfare and Institutions Code, relating to youths.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 1801.5 is added to the Welfare and Institutions Code, to read:

1801.5. If the person is ordered returned to the Youth Authority following a hearing by the court, he, or his parent or guardian on his behalf, may within 10 days after the making of such order, file a written demand that the question of whether he is physically dangerous to the public be tried by a jury in the superior court of the county in which he was committed. Thereupon, the court shall cause a jury to be summoned and to be in attendance at a date stated, not less than four days nor more than 30 days from the date of the demand for a jury trial. The court shall submit to the jury the question: Is the person physically dangerous to the public because of his mental or physical deficiency, disorder, or abnormality? The court's previous order entered pursuant to Section 1801 shall not be read to the jury, nor alluded to in such trial. The trial shall be had as provided by law for the trial of civil cases and shall require a verdict by at least three-fourths of the jury.

## CHAPTER 1338

*An act to amend Section 6141 of, to add Sections 6140 and 6140.5 to, and to repeal Section 6140 of, the Business and Professions Code, relating to the practice of law.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 6140 of the Business and Professions Code is repealed.

SEC. 2. Section 6140 is added to the Business and Professions Code, to read:

6140. (a) The board shall fix the annual membership fee as follows:

(1) For active members who have been admitted to the practice of law in this state for five (5) years or longer, at a sum not exceeding eighty dollars ($80).

(2) For active members who have been admitted to the practice of law in this state for less than five (5) years but more than two (2) years preceding the first day of February of the year for which the fee is payable, at a sum not exceeding sixty dollars ($60).

(3) For active members who have been admitted to the practice of law in this state for less than two (2) years preceding the first day of February of the year for which the fee is payable, at a sum not exceeding forty-five dollars ($45).

(b) For the years commencing January 1, 1973, and ending December 31, 1982, the board may increase the annual membership fee fixed pursuant to subdivision (a) by an additional amount not exceeding ten dollars ($10) in any or all of such years, such additional amount in any year to be applied only to the cost of land and buildings to be used to conduct the operations of the State Bar, including furniture, furnishings, equipment, architects' fees, construction and financing costs, landscaping and other expenditures incident to the acquisition, construction, furnishing and equipping of such land and buildings, the payment of interest on and the repayment of moneys borrowed for such purposes, and the reimbursement of the State Bar's treasury expended for such purposes.

(c) The annual membership fee for active members is payable on or before the first day of February of each year.

SEC. 3. Section 6140.5 is added to the Business and Professions Code, to read:

6140.5. (a) The board may establish and administer a Client Security Fund to relieve or mitigate pecuniary losses caused by the dishonest conduct of those active members of the State Bar. Any payments from the fund shall be discretionary and shall be subject to such regulation and conditions as the board shall prescribe. The board may delegate the administration of the fund to the disciplinary board provided for in Section 6086.5, or to any board or committee created by the board of governors.

(b) Commencing January 1, 1972, the board may increase the annual membership fees fixed by it pursuant to Section 6140 by an additional amount per active member not to exceed ten dollars ($10) in any year, the additional amount to be applied only for the purposes of the fund.

SEC. 4. Section 6141 of the Business and Professions Code is amended to read:

6141. The board shall fix the annual membership fee for inactive members at a sum not exceeding twenty dollars ($20). The annual membership fee for inactive members is payable on or before the first day of February of each year.

# CHAPTER 1339

*An act to amend Sections 66620 and 66632 of the Government Code, relating to the San Francisco Bay Conservation and Development Commission.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 66620 of the Government Code is amended 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 Administrator of the United States Environmental Protection Agency, 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, Sonoma, Napa, and Solano Counties;

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

66632. (a) During the existence of the San Francisco Bay Conservation and Development Commission, any person or governmental agency wishing to place fill, 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 from all applicants before the commission including government agencies, notwithstanding the provisions of Section 6103 of this code.

(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 including, 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. 3. 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 from all applicants before the commission, including government agencies, notwithstanding the provisions of Section 6103 of this code.

Any person who places fill, extracts materials or makes any substantial change in the use of any water, land, or structure within the area of the commission's jurisdiction without se-

curing a permit from the commission as required by this title is guilty of a misdemeanor.

(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 including, 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. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 1860 are both chaptered and amend Section 66632 of the Government Code, and this bill is chaptered after Assembly Bill No. 1860, that the amendments to Section 66632 proposed by both bills be given effect and incorporated in Section 66632 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 1860 are both chaptered, both amend Section 66632, and Assembly Bill No. 1860 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

## CHAPTER 1340

*An act to add Sections 14044.5, 14082, and 14083 to the Corporations Code, relating to community development.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 14044.5 is added to the Corporations Code, to read:

14044.5. The executive board may create in the State Job Development Loan Guarantee Fund a revolving loan guarantee fund, which shall be made available to private, nonprofit consulting agencies under contract with the executive board. The funds contained in such revolving fund so created shall be utilized to provide interim financing for small business enterprises operating in economically disadvantaged areas that show a definite potential for success, where funding has been requested, or a loan proposal is in preparation, under Division 12 (commencing with Section 28000) of the Financial Code. Moneys to establish such revolving fund shall be obtained from sources other than appropriations made by the state, and shall be allocated to contractors under Division 12 (commencing with Section 28000) of the Financial Code in amounts not to exceed ten thousand dollars ($10,000) per contractor.

SEC. 2. Section 14082 is added to the Corporations Code, to read:

14082. With the approval of the executive board, a regional corporation may establish a profitmaking subsidiary for the specific purpose of sponsoring a minority enterprise small business investment company regulated by the Office of Minority Business Enterprise of the United States Department of Commerce under the Small Business Investment Act of 1958, as amended.

SEC. 3. Section 14083 is added to the Corporations Code, to read:

14083. A regional corporation, acting as a sponsor under Section 14082, is authorized to capitalize a minority enterprise small business investment company from funds committed by its members, in an amount designated by the board of directors of the regional corporation. A regional corporation may also capitalize such an investment corporation with funds allocated to it by the executive board. The allocation of moneys from the State Job Development Loan Guarantee Fund for the capitalization of such an investment corporation shall be restricted to funds obtained to expand such fund from any source other than appropriations from the General Fund. The state shall not be liable or obligated in any way beyond the money which is deposited in the fund.

---

## CHAPTER 1341

*An act to add and repeal Article 13 (commencing with Section 8495) of Chapter 2 of Part 3 of Division 6 of, and to add and repeal Section 8843 of, the Fish and Game Code, relating to commercial fishing of halibut.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Article 13 (commencing with Section 8495) is added to Chapter 2 of Part 3 of Division 6 of the Fish and Game Code, to read:

### Article 13. Halibut Trawl Grounds

8495. The following areas are designated as the California halibut trawl grounds:

Those portions of District 18, 19, and 118.5 adjacent to the mainland shore in waters not more than 25 fathoms deep and not less than one nautical mile from the mainland shore lying south and east of a line running due west (270° true) from Point Arguello and north and west of a line running due south (180° true) from Point Mugu.

8496. Within the California halibut trawl grounds the following requirements shall apply to the use of trawl nets:

(a) Open season shall be June 1 through January 30.

(b) No California halibut which weighs less than four pounds each in the round may be possessed aboard trawl vessels.

(c) Not more than 500 pounds of fish other than California halibut may be possessed.

(d) It is unlawful to operate a trawl net in such a way as to damage or destroy other types of fishing gear which is buoyed or otherwise visibly marked.

(e) Sections 8392, 8833, and 8836 do not apply to trawl nets when used or possessed on such California halibut trawl grounds.

8497. If the director determines that the California halibut resource, or existing fishing operations, within the designated California halibut trawl grounds are in danger of irreparable injury, he may order the closure of the area, or portions thereof, to trawl net fishing or further restrict the nets that may be used in the area, or portions thereof. Any such closure or restriction order shall be adopted by emergency regulation in accordance with Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

The department shall bring to the attention of the Legislature within 30 calendar days after commencement of the next succeeding regular session of the Legislature any regulations adopted pursuant to this section.

8498. This article shall remain in effect only until the 61st day after final adjournment of the 1975 Regular Session of the Legislature, and as of that date is repealed.

SEC. 2. Section 8843 is added to the Fish and Game Code, to read:

8843. It is unlawful to use any trawl net with cod-end mesh less than 7½ inches in length in waters less than 25 fathoms deep, adjacent to the mainland shore, between a line running due west (270° true) from Point Arguello and a line running due south (180° true) from Point Mugu.

This section shall remain in effect only until the 61st day after the final adjournment of the 1975 Regular Session of the Legislature, and as of that date is repealed.

---

## CHAPTER 1342

*An act to amend Section 11825 of the Education Code, relating to pupils.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 11825 of the Education Code is amended to read:

11825. Upon first enrollment in a California school district of a child at a California elementary school, and at least every

third year thereafter until the child has completed the eighth grade, the child's vision shall be appraised by the school nurse or other authorized person under Section 11823. This evaluation shall include tests for visual acuity and color vision; however, color vision shall be appraised once and only on male children, and the results of the appraisal shall be entered in the health record of the pupil. Color vision appraisal need not begin until the male pupil has reached the first grade. Gross external observation of the child's eyes, visual performance, and perception shall be done by the school nurse and the classroom teacher. The evaluation may be waived, if the child's parents so desire, by their presenting of a certificate from a physician and surgeon or an optometrist setting out the results of a determination of the child's vision, including visual acuity and color vision. The number of children so evaluated and the results of such evaluations shall be reported by each elementary or unified school district to the Department of Education at the end of each school year, on forms to be provided by the department.

The provisions of this section shall not apply to any child whose parents or guardian file with the principal of the school in which the child is enrolling, a statement in writing that they adhere to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depend for healing upon prayer in the practice of their religion.

---

## CHAPTER 1343

*An act to amend Section 3003.5 and to repeal Section 3003 of the Fish and Game Code, relating to birds and mammals.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 3003 of the Fish and Game Code is repealed.

SEC. 2. Section 3003.5 of the Fish and Game Code is amended to read:

3003.5. It is unlawful to pursue, drive, or herd any bird or mammal with any motorized water, land, or air vehicle, including, but not limited to, a motor vehicle, airplane, powerboat, or snowmobile, except in any of the following circumstances:

(a) On private property by the landowner or tenant thereof to drive or herd game mammals for the purpose of preventing damage by such mammals to private property.

(b) Pursuant to a permit from the department issued under such regulations as the commission may prescribe.

(c) In the pursuit of agriculture.

## CHAPTER 1344

*An act to amend Sections 24013 and 24300, and to repeal Sections 23988 and 24015 of the Business and Professions Code, relating to alcoholic beverages.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 23988 of the Business and Professions Code is repealed.

SEC. 2. Section 24013 of the Business and Professions Code is amended to read:

24013. Protests may be filed at any office of the department at any time within 30 days from the first date of posting the notice of intention to engage in the sale of alcoholic beverages at such premises.

The department may reject protests, except protests made by a public agency or public official or protests made by the governing body of a city or county, if it determines such protests are false, vexatious, or without reasonable or probable cause at any time before hearing thereon, notwithstanding the provisions of Section 24016 or 24300. If the department rejects a protest as provided in this section and issues a license, a protestant whose protest has been rejected may, within 10 days after the issuance of the license, file an accusation with the department alleging the grounds of protest as a cause for revocation of the license and the department shall hold a hearing as provided in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Nothing in this section shall be construed as prohibiting or restricting any right which the individual making the protest might have to a judicial proceeding.

SEC. 3. Section 24015 of the Business and Professions Code is repealed.

SEC. 4. Section 24300 of the Business and Professions Code is amended to read:

24300. (a) Any hearings held on a protest, accusation, or petition for a license shall be held at the county seat of the county in which the premises or licensee are located; provided, that hearings before the department itself on reconsideration or under subdivision (c) of Section 11517 of the Government Code may be held at any place in the state where the department is meeting. Except as provided in Section 24203 and in this section, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and in all cases the department shall have all the powers granted therein.

(b) Notwithstanding the provisions of subdivision (a), if a protest is filed against an application for a license and the proposed premises are located within a city, the department may, in its discretion, hold the hearing within such city, unless the protest is filed by the governing body of the city, in which case the department shall hold the hearing within such city.

---

## CHAPTER 1345

*An act to amend Sections 16004 and 16202 of the Welfare and Institutions Code, relating to facilities for children and the aged.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 16004 of the Welfare and Institutions Code is amended to read:

16004. The department may inspect, examine and license under this chapter, or any county or city may establish, and the department may accredit and approve, a county or city inspection service to perform such functions under this chapter.

If any county or city establishes an inspection service, and such service is approved by the department, the inspection may be made by a health department having at least one regularly licensed physician, or a qualified social service department.

The inspection service shall conform to the requirements of this chapter and to the rules of the department.

The costs of any inspection service undertaken by a county or city, with the approval of the department, shall be borne by the state in the amount found necessary by the department for proper and efficient administration, but not to exceed in

any fiscal year an amount equal to sixty-five dollars ($65) for each new or renewal license granted, except that such maximum may be exceeded if the county or city demonstrates to the satisfaction of the department that the excess costs are unavoidable and the department does not elect to perform the inspection service function with state employees. Claims shall be filed with the department, at the time and in the manner specified by the department, for reimbursement of the expenses incurred. Whenever a claim covering a prior fiscal year is found to have been in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the appropriation for the prior fiscal year. If any grants-in-aid are made by the federal government for the support of any inspection service approved by the department, the amount of the federal grant shall first be applied to defer the costs of the service and the remainder of the costs, if any, shall be borne by the state.

SEC. 2. Section 16202 of the Welfare and Institutions Code is amended to read:

16202. The department may inspect, examine and license under this chapter, or any county or city may establish, and the department may accredit and approve, a county or city inspection service to inspect, make licensing decisions, issue licenses, consult with licensees, require compliance with statutory law, rules and regulations and minimum standards, and make recommendations to the department on revocation and suspension of licenses.

If any county or city establishes an inspection service, and such service is approved by the department, the inspection may be made by either a health department having at least one regularly licensed physician or a qualified social service department.

The inspection service shall conform to the requirements of this chapter, to the rules and regulations of the department, and to the minimum requirements and interpretations made by the department. Functions performed by a county or city inspection service are undertaken as agent of the department. Any applicant for a license or renewal thereof, or any licensee, may request the department to review any action taken by an accredited and approved inspection agency, and the department is authorized to take any action which it may deem advisable.

The costs of any inspection service undertaken by a county or city, with the approval of the department, shall be borne by the state in the amount found necessary by the department for the proper and efficient administration, but not to exceed in any fiscal year an amount equal to sixty-five dollars ($65) for each new or renewal license granted; except that such maximum may be exceeded if the county or city demonstrates to

the satisfaction of the department that the excess costs are unavoidable and the department does not elect to perform the inspection service function with state employees. Claims shall be filed with the department, at the time and in the manner specified by the department, for reimbursement of the expenses incurred. Whenever a claim covering a prior fiscal year is found to have been in error, adjustment may be made on a current claim, without the necessity of applying the adjustment to the appropriation for the prior fiscal year. If any grants-in-aid are made by the federal government for the support of any inspection service approved by the department, the amount of the federal grant shall first be applied to defer the costs of the service, and the remainder of the costs, if any, shall be borne by the state.

## CHAPTER 1346

*An act to amend Section 19581 of the Education Code, relating to state school building aid.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 19581 of the Education Code is amended to read:

19581. No apportionment shall be made for new construction which, when added to the area of adequate school construction existing in the applicant school district at the time of application, will provide a total area of school building construction per unit of average daily attendance of the estimated average daily attendance in excess of that computed in accordance with Sections 19583, 19585, 19586, 19587, and 19588.

As used in Sections 19583, 19585, 19586, 19587, and 19588, "maximum area" means maximum area of school building construction and "attendance unit" means unit of estimated average daily attendance.

As used in this section and Sections 19586, 19587, and 19588, "attendance center" means a school maintained or to be maintained at a given location within a district. The Department of Education shall approve or disapprove, the allocation by an applicant district of units of estimated average attendance among the attendance centers of the district.

To the building area permitted to an applicant school district by Sections 19583, 19585, 19586, 19587, and 19588, there may be added such additional building area as may be required to provide adequate facilities for exceptional children

pursuant to Article 3 (Sections 19681 to 19689, inclusive) of this chapter.

No estimate of average daily attendance made by an applicant for the purpose of justifying an apportionment shall be made for a longer time than the third fiscal year beyond the fiscal year in which an application is made, except that an estimate for the purpose of justifying an apportionment for a grade level maintained by a unified district, under an application filed prior to the effective date of the amendment to this section made at the 1961 Regular Session, or by a high school district composed of grades 7 to 12, inclusive, 9 to 12, inclusive, or 7 to 10, inclusive, or of justifying an apportionment for a unified district for a junior high school or high school project under an application made on or after such effective date shall not be made for a longer time than the fourth fiscal year beyond the fiscal year in which the application is made. The estimates of average daily attendance shall be based upon the number of family dwellings and mobilehome parks, as defined in Section 18214 of the Health and Safety Code, under construction or newly constructed and never occupied in the district and the number of children residing in the district. In no case shall an estimate be given effect unless approved by the Department of Education.

For the purposes of this chapter pupils attending grades 7 and 8 in an elementary district but residing in a high school district which maintains one or more junior high schools shall not be considered in determining or estimating the average daily attendance of the elementary district, unless the elementary district is maintaining and has continuously maintained grades 7 and 8 since a date prior to January 1, 1959. When such pupils are so considered in determining or estimating the average daily attendance of the elementary district in making an apportionment to the elementary district, such pupils shall not be considered in determining or estimating average daily attendance of the high school district in making an apportionment to the high school district for junior high school purposes.

The Department of Education shall develop criteria and procedures for the determination of statewide or areawide averages of pupil occupancy for family dwellings of various sizes and for mobilehomes of various sizes for use by applicant school districts in estimating the average daily attendance of family dwellings and mobilehome parks under construction or newly constructed and never occupied in the district.

SEC. 2. Section 19581 of the Education Code is amended to read:

19581. No apportionment shall be made for new construction which, when added to the area of adequate school construction existing in the applicant school district at the time

of application, will provide a total area of school building construction per unit of average daily attendance of the estimated average daily attendance in excess of that computed in accordance with Sections 19583, 19585, 19586, 19587, and 19588.

As used in Sections 19583, 19585, 19586, 19587, and 19588, "maximum area" means maximum area of school building construction and "attendance unit" means unit of estimated average daily attendance.

As used in this section and Sections 19586, 19587, and 19588, "attendance center" means a school maintained or to be maintained at a given location within a district. The Department of Education shall approve or disapprove the allocation by an applicant district of units of estimated average daily attendance among the attendance centers of the district.

To the building area permitted to an applicant school district by Sections 19583, 19585, 19586, 19587, and 19588, there may be added such additional building area as may be required to provide adequate facilities for exceptional children pursuant to Article 3 (Sections 19681 to 19689, inclusive) of this chapter.

No estimate of average daily attendance made by an applicant for the purpose of justifying an apportionment shall be made for a longer time than the third fiscal year beyond the fiscal year in which an application is made, except that an estimate for the purpose of justifying an apportionment for a grade level maintained by a unified district, under an application filed prior to the effective date of the amendment to this section made at the 1961 Regular Session or by a high school district composed of grades 7 to 12, inclusive, 9 to 12, inclusive, or 7 to 10, inclusive, or of justifying an apportionment for a unified district for a junior high school or high school project under an application made on or after such effective date shall not be made for a longer time than the fourth fiscal year beyond the fiscal year in which the application is made. Except as otherwise provided by the board, the estimates of average daily attendance shall be based upon the number of family dwellings and mobilehome parks, as defined in Section 18214 of the Health and Safety Code, under construction or newly constructed and never occupied in the district and the number of children residing in the district. In no case shall an estimate be given effect unless approved by the board.

For the purposes of this chapter pupils attending grades 7 and 8 in an elementary district but residing in a high school district which maintains one or more junior high schools shall not be considered in determining or estimating the average daily attendance of the elementary district, unless the elementary district is maintaining and has continuously maintained

grades 7 and 8 since a date prior to January 1, 1959. When such pupils are so considered in determining or estimating the average daily attendance of the elementary district in making an apportionment to the elementary district, such pupils shall not be considered in determining or estimating average daily attendance of the high school district in making an apportionment to the high school district for junior high school purposes.

The board shall develop statewide or areawide averages of pupil occupancy for family dwellings of various sizes and for mobilehomes of various sizes for use by applicant school districts in estimating the average daily attendance of family dwellings and mobilehome parks under construction or newly constructed and never occupied in the district.

SEC. 3. It is the intent of the Legislature, if amendments to Section 19581 of the Education Code proposed by both this bill and Assembly Bill No. 546 are enacted, that both amendments be given effect and incorporated in Section 19581 in the form set forth in Section 2 of this act. Therefore, in the event Assembly Bill No. 546 is enacted and amends Section 19581, Section 2 of this act shall become operative at the same time that Section 19581 as amended by Assembly Bill No. 546 becomes operative, and at that time, Section 19581 of the Education Code as amended by Section 1 of this act is repealed.

---

## CHAPTER 1347

*An act to add Section 50402 to the Government Code, relating to county park areas.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 50402 is added to the Government Code, to read:

50402. A city, county, or city and county owning or leasing property devoted to park, amusement, or recreational purposes may make a charge for use or enjoyment of facilities provided therein based upon person and vehicle entrance into such areas in such amount as may be provided by resolution by the governing body; provided that, the governing body shall not charge fees for day use of such facilities in excess of those fees charged by the State Department of Parks and Recreation for the use of similar facilities. The city, county, or city and county may, by resolution of the governing body, control, regulate, restrict, or close road entrances under its jurisdiction to such areas for the purpose of facilitating collection of these charges.

## CHAPTER 1348

*An act to amend Sections 13355, 13355.5, and 13356 of the Vehicle Code, relating to drivers' licenses.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

*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, a juvenile traffic hearing officer, or a referee of a 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 under the influence of intoxicating liquor, or while a habitual user of or while under the influence of narcotic drugs in violation of the provisions of Section 23105.

(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.

(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, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 2. Section 13355.5 of the Vehicle Code is amended to read:

13355.5. Upon the recommendation of the judge of a juvenile court, a juvenile traffic hearing officer, or a referee 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.

Participation in a methadone maintenance program approved pursuant to Section 11655.7 of the Health and Safety Code shall not be grounds for such suspension.

Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such recommendation and findings to the department.

SEC. 3. Section 13356 of the Vehicle Code is amended to read:

13356. Upon the recommendation of the judge of a juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court, the department shall also revoke or suspend the privilege of any person to operate a motor vehicle who has been found to have committed any of the following offenses:

(a) Reckless driving.

(b) Failure to stop in the event of an accident as provided for in Section 20002.

(c) Two or more offenses within a period of six months of violating the provisions of this code limiting the speed of vehicles.

(d) A violation of this code punishable as a felony or of the provisions of the Penal Code relating to the grand theft of a motor vehicle.

(e) Any unlawful taking of a motor vehicle as prescribed by Section 10851.

Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such recommendation and findings to the department.

SEC. 4. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle while under the influence of intoxicating liquor, or while a habitual user of or while under the influence of narcotic drugs in violation of the provisions of Section 23105.

(3) 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.

(4) 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.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 5. 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, a juvenile traffic hearing officer, or a referee of a 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 under the influence of intoxicating liquor, or in violation of the provisions of Section 23105.

(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.

(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, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 6. 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, a juvenile traffic hearing officer, or a referee of a 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 or while under the influence of narcotic drugs in violation of the provisions of Section 23105.

(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.

(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, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 7. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle while under the influence of intoxicating liquor, or in violation of the provisions of Section 23105.

(3) 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.

(4) 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.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 8. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle while a habitual user of or while under the influence of narcotic drugs in violation of the provisions of Section 23105.

(3) 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.

(4) 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.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 9. 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(a) Manslaughter arising from the operation of a motor vehicle.

(b) Operating a vehicle in violation of the provisions of Section 23105.

(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.

(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, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 10. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the

following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle in violation of the provisions of Section 23105.

(3) 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.

(4) 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.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 11. It is the intent of the Legislature that if this bill and Assembly Bill No. 600, Assembly Bill No. 1069, or Assembly Bill No. 1953, or any combination thereof, are chaptered and amend Section 13355 of the Vehicle Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 600 are both chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 1069 and Assembly Bill No. 1953 are not chaptered or as chaptered do not amend that section, and this bill is chaptered after Assembly Bill No. 600, the amendments proposed by both bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 4 of this act. Therefore, if Assembly Bill No. 600 is chaptered before this bill and both bills amend Section 13355, and Assembly Bill No. 1069 and Assembly Bill No. 1953 are not chaptered or as chaptered do not amend that section, Section 4 of this act shall be operative and Section 1 and Sections 5 to 10, inclusive, of this act shall not become operative.

(b) If this bill and Assembly Bill No. 1069 are both chaptered and amend Section 13353 of the Vehicle Code, but Assembly Bill No. 600 and Assembly Bill No. 1953 are not chaptered or as chaptered do not amend that section, and this bill is chaptered after Assembly Bill No. 1069, the amendments proposed by both bills shall be given effect and

incorporated in Section 13355 in the form set forth in Section 5 of this act. Therefore, if Assembly Bill No. 1069 is chaptered before this bill and both bills amend Section 13355, and Assembly Bill No. 600 and Assembly Bill No. 1953 are not chaptered or as chaptered do not amend that section, Section 5 shall be operative and Sections 1 and 4, and Sections 6 to 10, inclusive, of this act shall not become operative.

(c) If this bill and Assembly Bill No. 1953 are both chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 600 and Assembly Bill No. 1069 are not chaptered or as chaptered do not amend that section, and this bill is chaptered after Assembly Bill No. 1953, the amendments proposed by both bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 6 of this act. Therefore, if Assembly Bill No. 1953 is chaptered before this bill and both bills amend Section 13355, and Assembly Bill No. 600 and Assembly Bill No. 1069 are not chaptered or as chaptered do not amend that section, Section 6 of this act shall be operative and Sections 1, 4, and 5, and Sections 7 to 10, inclusive, of this act shall not become operative.

(d) If this bill and Assembly Bill No. 600 and Assembly Bill No. 1069 are all chaptered and amend Section 13353 of the Vehicle Code, but Assembly Bill No. 1953 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 600 and Assembly Bill No. 1069, the amendments proposed by all three bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 7 of this act. Therefore, if Assembly Bill No. 600 and Assembly Bill No. 1069 are chaptered before this bill and all three bills amend Section 13355, and Assembly Bill No. 1953 is not chaptered or as chaptered does not amend that section, Section 7 shall be operative and Section 1 and Sections 4 to 6, inclusive, and Sections 8 to 10, inclusive, of this act shall not become operative.

(e) If this bill and Assembly Bill No. 600 and Assembly Bill No. 1953 are all chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 1069 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 600 and Assembly Bill No. 1953, the amendments proposed by all three bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 8 of this act. Therefore, if Assembly Bill No. 600 and Assembly Bill No. 1953 are chaptered before this bill and all three bills amend Section 13355, and Assembly Bill No. 1069 is not chaptered or as chaptered does not amend that section, Section 8 of this act shall be operative and Section 1, and Sections 4 to 7, inclusive, and Sections 9 and 10 of this act shall not become operative.

(f) If this bill and Assembly Bill No. 1069 and Assembly Bill No. 1953 are all chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 600 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 1069 and Assembly Bill No. 1953, the amendments proposed by all three bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 9 of this act. Therefore, if Assembly Bill No. 1069 and Assembly Bill No. 1953 are chaptered before this bill and all three bills amend Section 13355, and Assembly Bill No. 600 is not chaptered or as chaptered does not amend that section, Section 9 shall be operative and Section 1, and Sections 4 to 8, inclusive, and Section 10 of this act shall not become operative.

(g) If this bill and Assembly Bill No. 600, Assembly Bill No. 1069, and Assembly Bill No. 1953 are all chaptered, and all four bills amend Section 13355 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 600, Assembly Bill No. 1069, and Assembly Bill No. 1953, the amendments proposed by all four bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 10 of this act. Therefore, if Assembly Bill No. 600, Assembly Bill No. 1069, and Assembly Bill No. 1953 are all chaptered before this bill and all four bills amend Section 13355 of the Vehicle Code, Section 10 of this act shall be operative and Section 1, and Sections 4 to 9, inclusive, of this act shall not become operative.

---

## CHAPTER 1349

*An act to amend Sections 4532, 4538, 4585, 4590, 4591, and 4592 of the Public Resources Code, relating to forest practices.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 4532 of the Public Resources Code is amended to read:

4532. "Timber operator" means any person who is engaged in timber operations himself or who contracts with others to conduct such operations on his behalf, except a person who is engaged in timber operations as an employee with wages as his sole compensation.

SEC. 2. Section 4538 of the Public Resources Code is amended to read:

4538. Service of documents where required in this chapter may be made by registered or certified mail addressed to

respondent's latest address registered on file with the State Forester. Where other forms of service are prescribed, personal service is not precluded.

SEC. 3. Section 4585 of the Public Resources Code is amended to read:

4585. Every timber owner shall notify the State Forester of proposed timber operations on his holdings prior to the date of commencement of the timber operations in accordance with regulations of the board adopted pursuant to Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

Every notice shall include all of the following:

(a) The location of the proposed timber operations for the current calendar year given by a legal subdivision description or in such a manner as to enable the State Forester to locate the timber operations on the ground.

(b) The approximate area of the timber operations.

(c) The dates within which the timber operations are to take place.

If the timber operations are to be conducted by a person other than the timber owner, the notice shall so state and contain the name and address of the person under contract to conduct the timber operations.

Each timber owner, from the date of filing notice to one year after completion of timber operations, shall notify the State Forester in writing within 30 days of any change of address.

Any violation of this section is a misdemeanor.

This section does not apply to any timber salvage operation resulting mainly from any necessary utility or public works clearing operation.

SEC. 4. Section 4590 of the Public Resources Code is amended to read:

4590. Every permit to engage in timber operations shall be renewed annually during the month of December. Application for renewal shall be made to the State Forester on forms which he has approved and shall be accompanied by the renewal fee prescribed by Section 4602. The renewal application shall contain such other information as in an original application.

The State Forester may refuse to renew any permit for any reason that he is authorized by Section 4587 to deny an original permit. In addition, the State Forester may refuse to renew any permit until any violations by the operator of the forest practice rules, applicable forest management plan, or applicable alternate plan as exist on the date of the renewal application, of which the timber operator has been notified by the State Forester and given reasonable opportunity to correct, are corrected on such reasonable terms and conditions as the State Forester may require, including but not limited to, the planting of a reasonable number of seedlings and young growth trees to restock cutover lands. The applicant shall,

upon such refusal, have the same rights as are granted by Sections 4588 and 4589 to an applicant for an original permit which has been denied by the State Forester.

SEC. 5. Section 4591 of the Public Resources Code is amended to read:

4591. The original and annual permit shall be for the period from January 1 through December 31, of each year of issuance.

SEC. 6. Section 4592 of the Public Resources Code is amended to read:

4592. Every timber operator shall, prior to the commencement of any timber operations in this state, give notice of the timber operations to the State Forester in accordance with regulations of the board adopted pursuant to Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code. The notice shall include all of the following:

(a) The location of the timber operations given by legal subdivision description or in such a manner as to enable the State Forester to locate the operations on the ground.

(b) The approximate area of said timber operations.

(c) The proposed date of commencement and the approximate date of completion of the operations.

Any timber operator who fails to notify the State Forester of any timber operations as described in this section, prior to the commencement of any timber operations, is guilty of a misdemeanor.

---

## CHAPTER 1350

*An act to amend Sections 19056 and 19451 of the Government Code, relating to state employment.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 19056 of the Government Code is amended to read:

19056. If the appointment is to be made from a departmental reemployment list or subdivisional reemployment list, unless either one is used as an appropriate employment list, the person standing highest shall be certified and appointed.

SEC. 2. Section 19451 of the Government Code is amended to read:

19451. For the purpose of meeting the needs of the state service for continuing employee educational development and the upgrading of employee skills, the board may prescribe: (a) conditions under which employees may be assigned to take out-service training; and (b) conditions under which employees may be reimbursed for tuition fees and other necessary expenses in connection with out-service training authorized by

the appointing power to meet the needs of the service. The conditions prescribed by the board shall include but not be limited to the requirements that such training shall be of direct value to the state, be relevant to the employee's career development in state service, and be limited to providing knowledges or skills that cannot be provided through available in-service training. The board shall further prescribe the conditions under which an employee may be required to reimburse the state for the costs of such training in the event he fails to remain in state service for a reasonable time after receiving the training. The board shall report annually to the Governor and to each house of the Legislature concerning activities under this section.

## CHAPTER 1351

*An act to amend Section 65600 of the Government Code, relating to planning area.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 65600 of the Government Code is amended to read:

65600. A planning area for area planning purposes may include populated areas, unpopulated areas, or unimproved areas within or outside of cities, or any combination of such areas.

## CHAPTER 1352

*An act to amend Section 50612 of the Government Code, relating to open-space maintenance districts.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 50612 of the Government Code is amended to read:

50612. The legislative body may levy an annual ad valorem special assessment not to exceed fifty cents ($0.50) per one hundred dollars ($100) assessed valuation of taxable land and improvements within the maintenance district to pay the costs of maintenance and operation of the open areas or such portion of said costs as the legislative body determines shall be borne by the maintenance district. The legislative body may determine that all or a portion of the costs may be borne by the local agency. The annual assessments shall be levied and collected at the same time and in the same manner and with the same interest and penalties as general taxes for the local agency are collected.

# CHAPTER 1353

*An act to amend Section 10757 of the Revenue and Taxation Code, and to amend Sections 4150.2, 4161, 11515, and 11519 of, and to add Section 9563 to, the Vehicle Code, relating to motor vehicles.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 10757 of the Revenue and Taxation Code is amended to read:

10757. (a) No additional license fee shall be imposed under this part upon any vehicle upon the transfer of ownership of the vehicle, except as provided under Section 9563 of the Vehicle Code, if any license fee due thereon has already been paid for the year in which the transfer of ownership occurs.

(b) In the event that additional fees are required on a vehicle due to a prior departmental error, no penalty shall be assessed against the application for the transfer of registration when the required additional fees are paid.

SEC. 2. Section 4150.2 of the Vehicle Code is amended to read:

4150.2. Application for the original registration of a motorcycle shall be made by the owner to the department upon the appropriate form furnished by it, and shall contain:

(a) The true full name and business or residence address of the owner, and the legal owner, if any.

(b) The name of the county in which the owner resides.

(c) A description of the motorcycle, including the following data insofar as it may exist:

(1) The make and type of body.

(2) The motor and frame numbers recorded exactly as stamped on the engine and frame, respectively, by the manufacturer, and any other identifying number of the motorcycle as may be required by the department.

(3) The date first sold by a manufacturer or dealer to a consumer.

(d) Such information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to registration.

(e) The department shall maintain a cross-index file of motor and frame numbers registered with it.

The application shall be accompanied by a tracing of the motor number.

SEC. 3. Section 4161 of the Vehicle Code is amended to read:

4161. (a) Whenever a motor vehicle engine or motor is installed, except temporarily, in a motor vehicle which is identified on the ownership and registration certificates by

motor or engine number or by both the motor and frame numbers and subject to registration under this code, the owner of the motor vehicle shall, within 10 days thereafter, give notice to the department upon a form furnished by it containing a description of the motor vehicle engine or motor installed, including any identifying number thereon and the date of the installation. The owner of the motor vehicle shall also submit to the department with the notice the certificate of ownership and registration card covering the motor vehicle in which the motor vehicle engine or motor is installed and evidence of ownership covering the new or used motor vehicle engine or motor installed and such other documents as may be required by the department.

(b) Upon receipt of motor vehicle engine or motor change notification and other required documents, the department shall assign a distinguishing vehicle identification number to motor vehicles, other than motorcycles or motor-driven cycles registered under a motor number or motor and frame numbers. When the distinguishing vehicle identification number is placed on the vehicle as authorized, the vehicle shall thereafter be identified by the distinguishing identification number assigned.

SEC. 4. Section 9563 is added to the Vehicle Code, to read:

9563. Notwithstanding any other provisions of this code, when a passenger motor vehicle is rebuilt and restored to operation after it has been reported to be dismantled pursuant to Section 11520, the application shall be deemed to be an application for original registration of a new vehicle for determination of fees.

SEC. 5. Section 11515 of the Vehicle Code is amended to read:

11515. (a) Whenever a vehicle subject to registration is sold as salvage as a result of a total loss insurance settlement, the insurance company or its authorized agent shall, within 10 days from settlement of the loss with its insured, forward the endorsed certificate of ownership or other evidence of title to the department at its headquarters office.

(b) Upon sale of the salvage vehicle the insurance company or its authorized representative shall issue a bill of sale to the purchaser within 10 days after receipt of payment in full for the salvage on a form to be prescribed and supplied by the department. The department shall accept such bill of sale in lieu of the certificate of ownership or other evidence of title for purposes mentioned in Division 3 (commencing with Section 4000) of this code when accompanied by an appropriate application or other documents and fees as therein required.

(c) When the salvage vehicle is rebuilt and to be restored to operation, the vehicle shall not be licensed for operation or the ownership thereof transferred until there is submitted to the department with the prescribed bill of sale an appropriate application, official brake and light adjustment certificates issued

by an inspection station licensed by the California Highway Patrol, other documents and fees required, and a certificate of inspection of safety glazing material signed by a department employee.

(d) When a total loss insurance settlement between the insurance company and its insured results in the retention of the salvage vehicle by the insured, the insurance company, or its authorized agent shall within 10 days from the date of settlement notify the department of such retention by its insured upon a form to be prescribed and supplied by the department.

SEC. 6. Section 11519 of the Vehicle Code is amended to read:

11519. No vehicle which has been reported dismantled may be subsequently registered until there is submitted to the department with the prescribed bill of sale an appropriate application, official brake and light adjustment certificates issued by an inspection station licensed by the California Highway Patrol, other documents and fees required, and a certificate of inspection of safety glazing material signed by a department employee.

---

## CHAPTER 1354

*An act to amend Section 7203.5 of the Revenue and Taxation Code, relating to local sales and use taxes.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 7203.5 of the Revenue and Taxation Code is amended to read:

7203.5. Except as herein provided, the State Board of Equalization shall not administer and shall terminate its contract to administer any sales or use tax ordinance of a city, county or city and county, if such city, county or city and county imposes a sales or use tax in addition to the sales and use taxes imposed under an ordinance conforming to the provisions of Section 7202 and 7203. The board shall give such city, county or city and county written notice of termination, stating the reasons therefor and the effective date of the termination, which shall be not earlier than the first day of the first calendar quarter commencing at least 30 days after the mailing of the notice to the city, county or city and county. If the cause for termination is not cured within the time specified in the notice, the board shall not administer the ordinance until the cause for termination is removed and a new contract

for the administration of the ordinance executed. Such contract shall be operative not earlier than the first day of the first calendar quarter commencing after its execution. During the period of time that the board is not administering the sales and use tax ordinance of a city, county or city and county, no ordinance of such city, county or city and county shall be considered to be an ordinance enacted in accordance with this part.

Nothing in this section shall be construed as prohibiting the levy or collection by a city, county or city and county of any other substantially different tax authorized by the Constitution of California or by statute or by the charter of any charter city.

---

## CHAPTER 1355

*An act to amend Section 73347 of, and to add Section 70056.5 to, the Government Code, relating to courts.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 70056.5 is added to the Government Code, to read:

70056.5. Notwithstanding the provisions of Section 70056, in a county with a population of over 395,000 and under 420,000, as determined on the basis of the 1960 federal census, the fee required by Section 70053 shall be thirteen dollars ($13).

SEC. 2. Section 73347 of the Government Code is amended to read:

73347. In any civil action or proceeding, in addition to the fees required by Article 2 (commencing with Section 72050) of Chapter 8 of Title 8, a fee of thirteen dollars ($13) 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 proceeding, in the following instances:

(a) Upon the filing of a complaint or other first paper.

(b) Upon the filing of the 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 one court on the transfer of a civil action or 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 of Chapter 8 of Title 8.

# CHAPTER 1356

*An act to amend Section 5902 of, to add Section 5893 to, and to add Chapter 6 (commencing with Section 5950) to Part 2 of Division 8 of, the Harbors and Navigation Code, relating to harbors.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 5893 is added to the Harbors and Navigation Code, to read:

5893. In no event shall the district levy a tax in excess of twenty cents ($0.20) for each one hundred dollars ($100) of assessed valuation within the district.

SEC. 2. Section 5902 of the Harbors and Navigation Code is amended to read:

5902. The board of supervisors may by ordinance provide for the appointment of a harbor commission consisting of seven persons, and shall by ordinance define its powers and duties.

SEC. 3. Chapter 6 (commencing with Section 5950) is added to Part 2 of Division 8 of the Harbors and Navigation Code, to read:

## CHAPTER 6. INLAND PARKS AND RECREATION AREAS

5950. The board of supervisors of any harbor improvement district organized and existing pursuant to this part may authorize the district to acquire, develop, operate, and maintain inland parks and recreation areas pursuant to this chapter.

5951. If the district is authorized to acquire, develop, operate, and maintain inland parks and recreation areas, the board of supervisors shall, by resolution, adopt a new name for the district which will reflect its new duties and responsibilities.

5952. If the district is authorized to acquire, develop, operate, and maintain inland parks and recreation areas, at least 75 percent of its annual expenditures shall be devoted to that purpose until such time as the total expenditure of district and county funds for land, structures, and improvements which is used for inland park and recreation purposes shall have equaled the total expenditure of district and county funds for land, structures, and improvements which is used for beach and harbor purposes. Thereafter, the district shall devote at least 50 percent of its annual expenditures averaged over each five-year period for inland park and recreation purposes.

5953. For the purpose of determining the annual expenditures required by Section 5952, only such expenditures for land, structures, and improvements as are raised by local taxation within the district shall be included and the district

shall be both charged and credited with the expenditures for land, structures, and improvements made by the county in which the district is located, both for beach and harbor purposes and for inland park and recreational purposes. Within 90 days after the effective date of this section, the auditor-controller of the county in which the district is located shall report to the board of supervisors the moneys raised by local taxation for land, structures, and improvements by the district and by the county for beach and harbor purposes and inland park and recreational purposes. The future annual expenditures, at the ratio set forth in Section 5952, shall be for those expenditures paid from funds raised by the levy of taxes by the district.

5954. In acquiring, developing, operating, or maintaining inland parks and recreation areas, the district shall follow and comply with, as nearly as possible, the procedures provided in Chapter 5 (commencing with Section 5940) of this part in regard to the acquisition, improvement, or maintenance of lands for public beaches.

---

## CHAPTER 1357

*An act to add Section 1203.1a to the Penal Code, relating to imprisoned persons.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 1203.1a is added to the Penal Code, to read:

1203.1a. The probation officer of the county may authorize the temporary removal under custody or temporary release without custody of any inmate of the county jail, honor farm, or other detention facility, who is confined or committed as a condition of probation, after suspension of imposition of sentence or suspension of execution of sentence, for purposes preparatory to his return to the community, within 30 days prior to his release date, if he concludes that such an inmate is a fit subject therefor. Any such temporary removal shall not be for a period of more than three days. When an inmate is released for purposes preparatory to his return to the community, the probation officer may require the inmate to reimburse the county, in whole or in part, for expenses incurred by the county in connection therewith.

# CHAPTER 1358

*An act to amend Sections 73682 and 73683 of, to add Section 73694 to, and to repeal Section 73694 of, the Government Code, relating to municipal courts.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 73682 of the Government Code is amended to read:

73682. There shall be one clerk to be appointed by the judges of the court in the manner provided by law who shall be the clerk, administrator and secretary of the court. He shall receive a monthly salary at the rate specified in range 86 of the salary schedule set forth in Section 73684.

SEC. 2. Section 73683 of the Government Code is amended to read:

73683. The clerk may appoint the following court personnel who shall receive a salary at the range indicated as set forth in Section 73684:

(a) Three chief deputy clerks at salary range 68.

(b) Seven court clerks at salary range 64.

(c) Two deputy clerks II at salary range 64.

(d) One calendar clerk at salary range 64.

(e) One senior account clerk at salary range 55.

(f) Six deputy clerks I at salary range 52.

(g) Two intermediate stenographer-clerks at salary range 50.

(h) Two junior stenographer-clerks at salary range 43.

(i) Twenty-four intermediate typist-clerks at salary range 46.

(j) Twenty-four junior typist-clerks at salary range 40.

(k) The clerk may appoint any combination of stenographer clerks (g) and (h) not to exceed a total of two and may appoint any combination of typist-clerks (i) and (j) not to exceed a total of 24.

SEC. 3. Section 73694 of the Government Code is repealed.

SEC. 4. Section 73694 is added to the Government Code, to read:

73694. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon the recommendation of the judges as to the clerk and the clerk as to all other officers and attachés of the court, and with the approval of the Board of Supervisors of the County of Fresno, the officers and attachés of the court may be paid any compensation which is within the ranges and increments set forth in Section 73684,

but not exceeding 25 percent of the amounts provided for the position by Sections 73682 and 73683. Such increases may be made operative at the same time as the higher compensation becomes operative for the similar positions within the County of Fresno. This section shall remain in effect until the 60th day after the final adjournment of the 1972 Regular Session of the California Legislature.

## CHAPTER 1359

*An act to amend Section 542b of the Code of Civil Procedure, relating to attachments.*

[Approved by Governor November 3, 1971 Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 542b of the Code of Civil Procedure is amended to read:

542b. An attachment or garnishment on personal property, whether heretofore levied or hereafter to be levied, shall, unless sooner released or discharged, cease to be of any force or effect and the property levied on be released from the operation of such attachment or garnishment, at the expiration of three years after the issuance of the writ of attachment under which said levy was made; and the property levied on shall be delivered to the defendant or his order or to his assignee or executor or administrator; provided, that upon motion of a party to the action, made not less than 10 nor more than 60 days before the expiration of such period of three years, and upon notice of not less than five days to the party whose property is attached or garnished, the court in which the action is pending may, by order filed prior to the expiration of the period and for good cause, extend the time of such attachment or garnishment for a period not exceeding one year from the date on which the original attachment or garnishment would expire. The attachment or garnishment may be extended from time to time in the manner herein prescribed provided that the aggregate period or periods of such extensions shall not exceed two years.

## CHAPTER 1360

*An act to amend Sections 17261 and 17262 of the Education Code, relating to assessed valuation of property.*

[Approved by Governor November 3, 1971. Filed with Secretary of State November 3, 1971.]

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

SECTION 1. Section 17261 of the Education Code is amended to read:

17261. On the basis of computations made by the State Board of Equalization, the secretary of that board shall certify on or before October 1st of each year to the Superintendent of Public Instruction the factor, carried to three decimal places, by which the total assessed value of all tangible property on the current local roll of each county must be modified to conform to the statewide average assessment level.

SEC. 2. Section 17262 of the Education Code is amended to read:

17262. Any state department, board, or agency which allocates funds to any school district on the basis of the assessed valuation of property within the district, or which makes any computation on this basis for school building fund repayment purposes, shall average the factor certified for the current year under Section 17261 for the local roll of the county in which the district is located with the factors so certified for the two immediately preceding years. The department, board, or agency shall then modify that part of the valuation of the district shown on the local roll by application of this three-year average factor carried to three decimal places, or by application of the factor for the current fiscal year, whichever factor is lowest. If a district is located in more than one county, this modification shall be made by applying the average factor or the single-year factor appropriate for the assessed value of the property upon the local roll of each county within which the district is located.

SEC. 3. Section 17262 of the Education Code is amended to read:

17262. Any state department, board, or agency which allocates funds to any school district on the basis of the assessed valuation of property within the district, or which makes any computation on this basis for school building fund repayment purposes, shall average the factor certified for the current year under Section 17261 for the local roll of the county in which the district is located with the factors so certified for the two immediately preceding years; provided, that, in the event that an assessment ratio announced by a county assessor for the 1970–71 tax year is less than 25 percent, the factor for such county for such year shall be multiplied by a fraction in which the announced ratio is the numerator and 25 percent is the denominator, before averaging the factor of that county for 1970–71 with the 1971–72 and 1972–73 factors. The department, board, or agency shall then modify that part of the valuation of the district shown on the local roll by application of this three-year average factor carried to three decimal places. If a district is located in more than one county, this modification shall be made by applying the average factor or the single-

year factor appropriate for the assessed value of the property upon the local roll of each county within which the district is located.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 1851 are both chaptered and amend Section 17262 of the Education Code, and this bill is chaptered after Assembly Bill No. 1851, that Section 17262 of the Education Code, as amended by Section 2 of this act shall remain operative only until the operative date of Assembly Bill No. 1851, and that on the operative date of Assembly Bill No. 1851 Section 17262 of the Education Code as amended by Section 2 of this act be further amended in the form set forth in Section 3 of this act to incorporate the changes in Section 17262 proposed by Assembly Bill No. 1851. Therefore, Section 3 of this act shall become operative only if Assembly Bill No. 1851 is chaptered before this bill and amends Section 17262, and in such case Section 3 of this act shall become operative on the operative date of Assembly Bill No. 1851.

---

## CHAPTER 1361

*An act to add Article 6.5 (commencing with Section 5078) to Chapter 1 of Division 5 of the Public Resources Code, and to amend Section 21116 of the Vehicle Code, relating to bicycles.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Article 6.5 (commencing with Section 5078) is added to Chapter 1 of Division 5 of the Public Resources Code, to read:

### Article 6.5. Bicycle Paths and Routes

5078. The Legislature hereby declares that it is the policy of the state to foster and encourage the use of bicycles by the citizens of the state in recognition of the fact that: (1) the riding of bicycles is an extremely popular form of transportation and recreation; (2) it does not in any way cause air pollution or adversely affect the environment; (3) it is available to all citizens of all age brackets; and (4) it provides substantial pleasure and healthful exercise to the public at a minimal cost.

In light of these facts, the Legislature finds and declares that there is a need to separate the use of bicycles from vehicular traffic and that such separation is necessary to protect the public safety and to otherwise serve the public interest and convenience.

5078.1. This article shall be known and may be cited as the Bicycle Recreation and Safety Act of 1971.

5078.3. As used in this article:

(a) "Bicycle" means a device upon which any person may ride, propelled by human power through a belt, chain, or gears, and having either two or three wheels in a tandem or tricycle arrangement.

(b) "Bicycle path" means a specifically designated area which is designed for the sole purpose of accommodating bicycles.

(c) "Bicycle route" means a recommended route for bicycle travel along bicycle paths and other facilities which safely accommodate bicycles and their riders.

5078.5. The governing body of a city, county, or local agency may:

(a) Establish bicycle paths and routes.

(b) Acquire, by gift, purchase, or condemnation, land, real property, easements, or rights-of-way to establish bicycle paths or routes.

(c) Establish bicycle lanes separated from any vehicular lanes upon highways pursuant to Section 21207 of the Vehicle Code.

5078.7. In addition to the elements which may be permitted in the general plans of local agencies as enumerated in Section 65303 of the Government Code, consideration shall be given to the establishment and designation of bicycle paths and routes in such plans. Special consideration shall be given to the inclusion of such bicycle paths or routes in any area in which there is a planned or existing school.

5078.9. Whenever a subdivider is required pursuant to Section 11611 of the Business and Professions Code to dedicate roadways to the public, he may also be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision, if the subdivision, as shown on the final map thereof, contains 200 or more parcels.

5079. Rights-of-way established for other purposes by cities, counties, or local agencies shall not be abandoned unless the governing body thereof determines that the rights-of-way or parts thereof are not useful as bicycle paths or routes.

State highway rights-of-way shall not be abandoned until the Department of Public Works first consults with the local agencies having jurisdiction over the areas concerned and the Department of Parks and Recreation to determine whether the rights-of-way or parts thereof could be developed as bicycle paths or routes. If an affirmative determination is made, before abandoning such rights-of-way, the department shall first make such property available to local agencies for development as bicycle paths or routes in accordance with the terms and procedures of Sections 104.15 and 105.5 of the Streets and Highways Code and Section 14012 of the Government Code.

5079.1. The departments of public works of cities, counties and the state shall consult with the Department of Parks and Recreation in establishing general design criteria applicable

to all state, county and city roads to assess the advisability of including bicycle paths adjacent to the roadways and accommodating existing and planned bicycle routes.

5079.3. The Department of Public Works shall, after consultation with local agencies, adopt uniform signs consistent with the purposes of this article in accordance with the provisions of Section 21400 of the Vehicle Code.

The Department of Motor Vehicles shall include such signs in the driver's license examination prescribed by Section 12804 of the Vehicle Code.

5079.5. All bicycle paths and routes shall be clearly and adequately marked both on the ground where feasible, and by signs. Locations at which bicycle paths or routes cross public roads shall be clearly marked to alert motorists to the bicycle traffic.

5079.7. Except in emergency, no vehicle other than a bicycle may be operated or parked upon a designated bicycle path.

SEC. 2. Section 21116 of the Vehicle Code is amended to read:

21116. (a) No person shall drive any motor vehicle upon a roadway located on a levee, canal bank, natural watercourse bank, or pipeline right-of-way if the responsibility for maintenance of the levee, canal bank, natural watercourse bank, or pipeline right-of-way is vested in the state or in a reclamation, levee, drainage, water or irrigation district, or other local agency, unless such person has received permission to drive upon such roadway from the agency responsible for such maintenance, or unless such roadway has been dedicated as a public right-of-way.

(b) For this section to be applicable to a particular levee, canal bank, natural watercourse bank, or pipeline right-of-way, the state or other agency having responsibility for maintenance of the levee, canal bank, natural watercourse bank, or pipeline right-of-way shall erect or place appropriate signs giving notice that permission is required to be obtained to drive a motor vehicle thereon and giving notice of any special conditions or regulations that are imposed pursuant to this section and shall prepare and keep available at the principal office of the state agency or other agency affected or of the board of such agency, for examination by all interested persons, a written statement, in conformity with the existing rights of such agency to control access to the roadway, describing the nature of the vehicles, if any, to which such permission might be granted and the conditions, regulations, and procedure for the acquisition of such permission adopted pursuant to this section.

(c) Nothing in this section prohibits the establishment of bicycle paths or routes (as prescribed by Article 6.5 (commencing with Section 5078) of Chapter 1 of Division 5 of the Public Resources Code) on levees, canal banks, natural watercourse banks, or pipeline rights-of-way.

# CHAPTER 1362

*An act to amend Sections 23802, 23803, 23805, 24000.1, and 24002 of, and to add Section 24000.2 to, the Education Code, relating to state colleges.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 23802 of the Education Code is amended to read:

23802. Notwithstanding any provision of law to the contrary, student body organization membership fees authorized under the provisions of Section 23801 hereof shall be collected by the officials of the college, together with all tuition and material and service fees, at the time of registration. All unexpended funds and money collected on behalf of or by student body organizations, except funds and money collected from commercial services as provided in Section 24057, shall, with the approval of an appropriate officer of the student body organization, be deposited in trust by the chief fiscal officer of the state college and such money shall, subject to the approval of the trustees, be deposited or invested in any one or more of the following ways:

(a) Deposits in trust accounts of the centralized State Treasury system pursuant to Sections 16305 to 16305.7, inclusive, of the Government Code or in the State Colleges Trust Fund or in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.

(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 or investment by the State Treasurer in those securities.

All money received by a state college from any agency of the state or federal government for the payment of student body organizations membership fees of students attending the college shall be deposited or invested as provided above.

SEC. 2. Section 23803 of the Education Code is amended to read:

23803. All money collected by a state college on behalf of a student body organization under Sections 23801, 23802, 24051, 24101, and 24102 shall be available for such purposes of the student body organization as are approved by the trustees.

The chief fiscal officer of each college shall be custodian of these moneys and provide the necessary accounting records and controls thereof.

These funds may be expended by the custodian only upon the submission of an appropriate claim schedule by officers of the student body organization.

The state college shall be reimbursed by the student body organization an amount to cover the cost of the custodial and accounting services provided by the college in connection with these funds.

Student body funds used for scholarships, grants-in-aid, stipends, loans, and similar expenditures shall conform to the regulations of the trustees, which shall be adopted within 180 days after the effective date of the amendment to this section enacted at the 1969 Regular Session of the Legislature, and shall be approved by the College Financial Aids Office before such funds are expended and shall be reflected on the student's record kept in that office. The student's financial aid record shall include all such funds received by the student.

SEC. 3. 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 the 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 unexpended funds and money collected by any state college under this section shall be available for financing, operating and constructing a student body center, and until so used, shall, subject to the approval of the trustees, be deposited or invested in trust by the chief fiscal officer of that college in any one or more of the following ways:

(a) Deposits in trust accounts of the centralized State Treasury system pursuant to Sections 16305 to 16305.7, inclusive, of the Government Code or in the State Colleges Trust Fund or in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.

(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 or investment by the State Treasurer in those securities. The chief fiscal offi-

cer of each college shall be custodian of those moneys and provide the necessary accounting records and controls thereof.

The state college shall be reimbursed from these funds in an amount to cover the cost of the custodial and accounting services provided by the college in connection with these funds.

These funds may be expended by the custodian only upon the submission of an appropriate claim schedule by an elected representative of the student body or his appointee.

SEC. 4. Section 24000.1 of the Education Code is amended to read:

24000.1. Notwithstanding any other provision of law to the contrary, the chief fiscal officer of each college shall deposit into and maintain in local trust accounts or in trust accounts in accordance with the provisions of Section 16305 to 16305.7, inclusive, of the Government Code, or in the State Colleges Trust Fund, moneys received in connection with the following sources or purposes:

(a) Gifts, bequests, devises, and donations received under Section 24000.

(b) Any student loan or scholarship fund program, including but not limited to, student loan programs of the state, federal government (including programs referred to in Section 24001), local government, or private sources.

(c) Advance payment for anticipated expenditures or encumbrances in connection with federal grants or contracts.

(d) Room, board, and similar expenses of students enrolled in the international program of the California State Colleges.

(e) Cafeteria replacement funds.

(f) Miscellaneous receipts in the nature of deposits subject to return upon approval of a proper application.

SEC. 5. Section 24000.2 is added to the Education Code, to read:

24000.2. The State Colleges Trust Fund is hereby created in the State Treasury. Money in the State Colleges Trust Fund is appropriated to the State College Trustees for the California State Colleges as provided in Section 24002 of this code. Interest accruing upon the investment of moneys of the State Colleges Trust Fund shall be paid into and credited to such fund. The trustees shall apportion as of June 30 and December 31 of each year the revenues earned and deposited in the fund during the six calendar months ending with such dates. There shall be apportioned and credited to each state college having deposits in the fund, an amount directly proportionate to the total deposits in the fund and the length of time such deposits remained therein. The chief fiscal officer of each state college may allocate further this amount to the extent considered necessary.

SEC. 6. Section 24002 of the Education Code is amended to read:

24002. (a) All money received from the sale of publications pursuant to Section 23616, all money received under an

agreement entered into pursuant to Section 23608 except recovery of contributions to the State Employees' Retirement Fund, and all money collected as fees from students in any state college and from other persons under Section 23604, Sections 23608 to 23612, inclusive, and Sections 23751, 23754, 23759, 23760, 24000, and 24000.1, and by reason of Section 2080.9 of the Civil Code, is hereby appropriated for the support of the California State Colleges in addition to such other amounts as may be appropriated therefor by the Legislature, and such money received under Sections 24000 and 24000.1, or received by reason of Section 2080.9 of the Civil Code, is appropriated without regard to fiscal year; provided, that money received by reason of Section 2080.9 of the Civil Code shall be used for student scholarships and loans pursuant to such regulations as the trustees shall provide, and while held pending the grant of a scholarship or loan, may be invested by the State Treasurer upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code, in which case all interest or other earnings received pursuant to such investment shall also be used for such scholarships and loans; and provided further, that money received by reason of Sections 24000 and 24000.1 may be invested by the State Treasurer upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code, in which case all interest and other earnings received pursuant to such investment shall also be used for such purposes as may be established by the trustees consistent with the terms and conditions of the gift, bequest, devise, donation, or agreement under Sections 24000 and 24000.1. Except as otherwise provided with respect to money received by reason of Section 2080.9 of the Civil Code and Sections 24000 and 24000.1 of the Education Code, all money received pursuant to this section shall augment such support appropriation of the California State Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

(b) All money received from the sale or the disposition of real property acquired by or on behalf of a particular state college by gift, devise, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquisition and improvement of real property for, such particular state college, in addition to such other amounts as may be appropriated therefor by the Legislature. All money received from the sale or other disposition of personal property, other than money, acquired by or on behalf of a particular state college by gift, bequest, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquistion and improvement of real or per-

sonal property for, such particular state college, in addition to such other amounts as may be appropriated therefor by the Legislature. No money shall be expended by the trustees under this subdivision without the approval of the Director of Finance. Such money shall augment such support or capital outlay appropriation of the California State Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

## CHAPTER 1363

*An act to amend the Section 5083.5 that was added to the Business and Professions Code by Chapter 110 of the Statutes of 1971, and to add Section 128 to the Business and Professions Code, relating to business and professions.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 128 is added to the Business and Professions Code, to read:

128. Notwithstanding any other provision of law, if at the end of any fiscal year an agency within the Department of Consumer Affairs has unencumbered funds in an amount which equals or is more than the agency's operating budget for the next two fiscal years, such agency shall reduce pro rata all the license or other fees payable by persons regulated by such agency, whether such license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount which will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years.

SEC. 2. The Section 5083.5 that was added to the Business and Professions Code by Chapter 110 of the Statutes of 1971 is amended to read:

5083.5. Notwithstanding the provisions of Section 5083, an applicant shall receive a certificate as a certified public accountant if the applicant has passed the uniform certified public accountants examination on or before November, 1963, and has taught a total of 90 units of accounting classes in an accredited institution of college grade subsequent to passage of such examination.

The provisions of this section shall remain in effect for only 60 days following the 61st day after final adjournment of the 1971 Regular Session of the Legislature.

SEC. 3. Section 1 of this act shall be operative July 1, 1972.

## CHAPTER 1364

*An act to add Section 1085.1 to the Education Code, relating to driver training.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 1085.1 is added to the Education Code, to read:

1085.1. Instruction in automobile driver training shall be made available by school districts maintaining a high school or high schools for all students who are eligible to enroll in the program and wish to do so, and for all nonpublic high school students who are eligible and wish to enroll and who are residents of the school district or who attend a nonpublic school located within the boundaries of the school district.

SEC. 2. This act shall become operative only if Senate Bill No. 763 of the 1971 Regular Session is also enacted, and at the same time as Senate Bill No. 763.

---

## CHAPTER 1365

*An act to add Section 7026.1 to the Business and Professions Code, relating to contractors.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 7026.1 is added to the Business and Professions Code, to read:

7026.1. "Contractor" includes any person not exempt under Section 7053 who maintains or services air-conditioning, heating or refrigeration equipment that is a fixed part of the structure to which it is attached. If an employee of a person who is a signatory to a collective bargaining agreement performs work covered by the agreement, such employee shall be exempt from the provisions of this section.

---

## CHAPTER 1366

*An act to amend Section 417.30 of the Code of Civil Procedure, relating to summons.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 417.30 of the Code of Civil Procedure is amended to read:

417.30. (a) After a summons has been served on a person, the summons must be returned together with proof of service as provided in Section 417.10 or 417.20, unless the defendant has previously made a general appearance.

(b) If a summons is lost after service has been made but before it is returned, an affidavit of the person who made the service showing the time, place, and manner of service and facts showing that such service was made in accordance with this chapter may be returned with the same effect as if the summons itself were returned.

---

## CHAPTER 1367

*An act to amend Sections 12812 and 12813 of, and to add Article 4.5 (commencing with Section 12841) to Chapter 2 of Division 7 of, the Agricultural Code, and making an appropriation therefor, relating to economic poisons.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 12812 of the Agricultural Code is amended to read:

12812. The annual fee for each product submitted for registration shall be forty dollars ($40). The director may reduce the fee to a lesser amount, if he determines that such reduced fee will provide the funds necessary to accomplish the purposes of this chapter

SEC. 2. Section 12813 of the Agricultural Code is amended to read:

12813. Any person that manufactures economic poisons which do not exceed a total retail value of two thousand dollars ($2,000) per year shall pay an annual fee of twenty-five dollars ($25) for up to two products submitted for registration. For each variety over two, an additional fee of ten dollars ($10) shall be paid.

SEC. 3. Article 4.5 (commencing with Section 12841) is added to Chapter 2 of Division 7 of the Agricultural Code, to read:

### Article 4.5. Assessments

12841. Each registrant shall pay to the director an assessment not to exceed eight mills ($0.008) per dollar of sales for all sales of his registered and labeled economic poisons for use in this state. A registrant is not required to pay an assess-

ment on his products registered and labeled only for use in further manufacturing or formulating of economic poisons. The director may reduce the assessment if he determines that a lesser assessment rate, together with other available funds, will provide adequate revenue to enforce the provisions of Division 6 (commencing with Section 11401) and Chapter 2 (commencing with Section 12751), Chapter 3 (commencing with Section 14001), and Chapter 3.5 (commencing with Section 14101) of this division.

12842. Each registrant shall maintain in this state, or with the director's permission at another location, an accurate record of all transactions subject to assessment. Such records shall be subject to audit by the director.

12843. The payment required by Section 12841, together with a return in a form prescribed by the director, shall be made quarterly one calendar month after March 31, June 30, September 30, and December 31 of each year. For any delinquency in making a return, or any deficiency in payment, the director may add to such delinquent payment a penalty of 10 percent of the amount which is due to defray the cost of collection of such delinquent or deficient payment.

This section shall become operative on January 1, 1972.

12844. Notwithstanding Section 12784, the director shall pay five-eighths of the money received pursuant to this article to the counties as reimbursement for costs incurred by the counties in the administration and enforcement of the provisions of Division 6 (commencing with Section 11401) and Chapter 2 (commencing with Section 12751), Chapter 3 (commencing with Section 14001), and Chapter 3.5 (commencing with Section 14101) of this division.

Such payment shall be apportioned to the counties by the director in relation to each county's expenditures for such programs to the total amount expended by all counties for such programs. The director shall by regulation establish procedures for the determination and payment to the counties of such funds.

---

## CHAPTER 1368

*An act to add Section 4455.5 to the Government Code, relating to access to public facilities by handicapped persons.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 4455.5 is added to the Government Code, to read:

4455.5. All new elevators in public buildings or facilities after the operative date of this section shall have braille symbols and marked arabic numerals corresponding to the numer-

als on the elevator buttons embossed immediately to the right thereof.

All new door casings on all elevator floors after the operative date of this section shall have the number of the floor on which the casing is located embossed in braille symbols and marked arabic numerals on both sides at a height of approximately 42 inches from the floor.

---

## CHAPTER 1369

*An act to amend Sections 73771, 73772, and 73773 of the Government Code, relating to courts.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 73771 of the Government Code is amended to read:

73771. There shall be four judges. A branch court shall be maintained at an appropriate location in the former Western Judicial District.

SEC. 2. Section 73772 of the Government Code is amended to read:

73772. There shall be one clerk, who shall be secretary of the court and who shall receive an annual salary of nineteen thousand eight hundred dollars ($19,800) payable in equal monthly installments of one thousand six hundred fifty dollars ($1,650) per month.

SEC. 3. Section 73773 of the Government Code is amended to read:

73773. The clerk, with the approval of the judges of such court, may appoint:

(a) One chief deputy clerk who shall receive an annual salary of fifteen thousand four hundred eighty dollars ($15,480) payable in equal monthly installments of one thousand two hundred ninety dollars ($1,290) per month.

(b) Eleven deputy clerks grade V, each of whom shall receive a minimum salary of eight hundred twenty-nine dollars ($829) monthly with increments of forty-one dollars ($41) and forty-four dollars ($44) to a maximum of nine hundred fourteen dollars ($914) monthly.

(c) Four deputy clerks grade IV, each of whom shall receive a minimum salary of seven hundred thirty-five dollars ($735) monthly with increments of thirty-six dollars ($36) and thirty-eight dollars ($38) to a maximum of eight hundred nine dollars ($809) monthly.

(d) Twelve deputy clerks grade III, each of whom shall receive a minimum salary of six hundred sixty-six dollars ($666)

monthly with increments of thirty-four dollars ($34) and thirty-five dollars ($35) to a maximum of seven hundred thirty-five dollars ($735) monthly.

(e) Ten deputy clerks grade II, each of whom shall receive a minimum salary of six hundred four dollars ($604) monthly with increments of twenty-nine dollars ($29) and thirty-three dollars ($33) to a maximum of six hundred sixty-six dollars ($666) monthly.

(f) Seven deputy clerks grade I, each of whom shall receive a minimum salary of five hundred seventy-six dollars ($576) monthly with increments of twenty-eight dollars ($28) and twenty-nine dollars ($29) to a maximum of six hundred thirty-three dollars ($633) monthly.

(g) Five intermediate typists, each of whom shall receive a minimum salary of five hundred thirty-six dollars ($536) monthly with increments of twenty-six dollars ($26) and twenty-eight dollars ($28) to a maximum of five hundred ninety dollars ($590) monthly.

(h) One clerk (file clerk) who shall receive a minimum salary of four hundred fifty-one dollars ($451) monthly with increments of twenty-three dollars ($23) and twenty-four dollars ($24) to a maximum of four hundred ninety-eight dollars ($498) monthly.

In the application of the provisions of this section to existing officers and attachés of the court on the effective date hereof, the allocations of ranges and increments shall be made in the manner provided in Section 73778.

---

## CHAPTER 1370

*An act to amend Sections 6902 and 6902.09 of, and to add Section 6903.3 to, the Education Code, relating to special education.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. 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 all eligible minors 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 to mentally retarded minors who are between five years nine months and six years of age

and those above compulsory school age and less than 21 years of age.

An annual report shall be made by each school district or county superintendent of schools to the Department of Education indicating the number of eligible minors for whom no such special education is provided and the reason therefor.

SEC. 2. Section 6902.09 of the Education Code is amended to read:

6902.09. Any minor who is determined to be misplaced in a special education program for the mentally retarded pursuant to Section 6902.08 shall be withdrawn from such a program upon consultation with his parents or guardian. Such a minor may be placed in a compensatory education program or any similar supplementary educational program conducted by the district with the goal of accelerating his educational attainment so that he may participate in the regular instruction of the district.

If a parent or guardian objects to the withdrawal of his child or ward from a special education class or program provided pursuant to Section 6902 or 6903, he may request a hearing regarding such withdrawal. The hearing shall be held not less than 20 nor more than 30 days after the request is made.

For purposes of Section 6902, the hearing panel shall consist of a credentialed school psychologist, a teacher currently instructing a special education class at the same grade level in which the minor is enrolled, but who is not an employee of the school district involved, and a special education administrator, each of whom shall be designated by the county superintendent of schools. In any case in which it is not practicable to secure the services on the panel of a person or persons having the qualifications herein specified, the county superintendent of schools may designate for service on the panel a person or persons not having such qualifications but whom the superintendent deems otherwise qualified to serve. The panel, by majority vote may uphold or reverse the action taken by the district to withdraw the minor from the program. The decision of the panel is binding upon the school district. Upon a decision by the panel to reverse the district decision, the minor shall be readmitted to a special education class for the mentally retarded notwithstanding Section 6902.085, except that in no case shall a minor scoring higher than one standard deviation below the norm, considering the standard error of measurement, be readmitted to such a class.

For purposes of Section 6903, the hearing panel shall consist of a credential school psychologist designated by the county superintendent of schools of the county in which the school is located, the medical director or his appointee of the nearest regional center for the mentally retarded, and a teacher, designated by the county superintendent of schools,

currently instructing a special education class at the same grade level in which the minor is enrolled, but who is not an employee of the school district involved. The panel, by majority vote may uphold or reverse the action taken by the district to withdraw the minor from the program. The decision of the panel is binding upon the school district. Upon a decision by the panel to reverse the district decision, the minor shall be readmitted to a special education class for the mentally retarded notwithstanding Section 6902.085, except that in no case shall a minor scoring higher than one standard deviation below the norm, considering the standard error of measurement, be readmitted to such a class.

The hearings shall be conducted pursuant to rules and regulations adopted by the State Board of Education.

SEC. 3. Section 6903.3 is added to the Education Code, to read:

6903.3. An annual report shall be made by each school district or county superintendent of schools to the Department of Education indicating the number of eligible minors under Section 6903 for whom no such education is provided and the reason therefor.

---

## CHAPTER 1371

*An act to add Section 23102.2 to the Vehicle Code, relating to judgments.*

[Approved by Governor November 4, 1971 Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 23102.2 is added to the Vehicle Code, to read:

23102.2. (a) A motion to vacate or set aside a prior judgment of conviction of driving a motor vehicle while under the influence of intoxicating liquor made in a pending criminal proceeding in which the defendant is accused of having committed another such offense shall be in writing and a copy thereof shall be served on the prosecuting attorney at least two days prior to the hearing. The motion shall state with particularity the grounds upon which the prior judgment should be vacated or set aside and shall be supported by an affidavit of the defendant stating facts showing that he is entitled to the relief sought.

(b) On request of the prosecuting attorney, the court shall continue the hearing on a motion described in subdivision (a) for at least five days upon a showing that such continuance is necessary to enable the prosecuting attorney to prepare his response to the motion. The prosecuting attorney may file counteraffidavits with his response.

## CHAPTER 1372

*An act to add Section 39052.7 to the Health and Safety Code, relating to motor vehicles.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 39052.7 is added to the Health and Safety Code, to read:

39052.7. (a) The board shall establish criteria for the evaluation of the effectiveness of motor vehicle pollution control devices and of fuel additives. After the establishment of such criteria, the board shall evaluate motor vehicle pollution control devices and fuel additives which have been submitted to it for testing.

(b) The criteria established by the board pursuant to subdivision (a) shall include, but need not be limited to:

(1) Provisions for the testing of vehicles on which a device is installed or in which fuel with an additive is burned, when an engineering evaluation of the device or additive indicates such testing is warranted.

(2) A requirement that independent test data be supplied to the board for each device it is requested to test.

---

## CHAPTER 1373

*An act to add Section 854 to the Public Utilities Code, relating to public utilities.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 854 is added to the Public Utilities Code, to read:

854. No person or corporation, whether or not organized under the laws of this state, shall, after the effective date of this section, acquire or control either directly or indirectly any public utility organized and doing business in this state without first securing authorization to do so from the commission. Any such acquisition or control without such prior authorization shall be void and of no effect. No public utility organized and doing business under the laws of this state shall aid or abet any violation of this section.

# CHAPTER 1374

*An act to add Part 14 (commencing with Section 102000) to Division 10 of the Public Utilities Code, relating to transit districts.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Part 14 (commencing with Section 102000) is added to Division 10 of the Public Utilities Code, to read:

## PART 14. SACRAMENTO REGIONAL TRANSIT DISTRICT

### CHAPTER 1. TITLE OF ACT AND POLICY

102000. This part shall be known and may be cited as the "Sacramento Regional Transit District Act."

102001. The Legislature hereby finds and declares:

(a) It is necessary that a transit district be established to operate a single unified public transportation system in the Sacramento region in order to meet the present and future public transportation, and mass and rapid transit, needs of that region. The existing Sacramento Transit Authority, because of its limited legal and financial base, is unable to solve the transit problems of the Sacramento region and provide the needed comprehensive public transportation system.

(b) It is, therefore, necessary to provide a successor corporation to the authority, to wit: a transit district, and to establish such transit district appointed by and responsive to the cities and counties in the Sacramento region served by the district so that there will be sufficient governmental authority to solve the existing and future transportation problems of the Sacramento region and provide the needed comprehensive public transportation system.

(c) Because there is no general law under which such a district could be formed, the adoption of a special act and the creation of a special district is required.

102002. It is the intent of the Legislature that the creation of this district shall further the concept of regional rapid transit and transit districts, with the eventual goal of the creation of a network of rapid transit systems throughout the state which would be operated as a single coordinated statewide system to facilitate the expeditious movement of people between the major metropolitan centers of the state.

### CHAPTER 2. DEFINITIONS

102010. Unless the context otherwise requires, the provisions of this chapter govern the construction of this part.

102011. "District" means the Sacramento Regional Transit District.

102012. "Transit" means the transportation of passengers and their incidental baggage by any means.

102013. "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.

102014. "Board of directors", "board", and "directors", means the board of directors of the district.

102015. "City" means, individually, the Cities of Davis, Folsom, Roseville, Sacramento, and Woodland, and any other city which is annexed to the district as provided in this part.

102016. "County" means, individually, the Counties of Sacramento and Yolo, and any other county which is annexed, in whole or in part, to the district as provided in this part.

102017. "Public agency" includes the State of California, and any 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.

102018. "System" means all transit works and transit facilities owned or held, or to be owned or held, by the district for transit purposes.

102019. "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, 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.

102020. "Person" includes any individual, firm, partnership, association, corporation, trust, or business trust, or the receiver, trustee, or conservator for any thereof, but does not include a public agency, as defined in Section 102017.

102021. "Establish" includes establish, construct, complete, acquire, extend, or reroute. It does not, however, include the maintenanee and operation of any existing system acquired by the district.

102022. "Sacramento Regional Area Planning Commission" means that agency or any successor thereto.

### CHAPTER 3. CREATION OF DISTRICT AND ANNEXATION

102050. There is hereby created the Sacramento Regional Transit District. The district is a public corporation created for purposes of this part.

102051. The district shall comprise the Cities of Davis, Folsom, Roseville, Sacramento, and Woodland, and the following described unincorporated territory of the Counties of Sacramento and Yolo:

The unincorporated territory of the County of Sacramento which is hereby included is described as follows:

(a) Beginning at the northeasterly corner of the Sacramento County line running Southeasterly to Highway 50; thence southwesterly along Highway 50 to Prairie City Road; thence southeasterly along Prairie City Road to White Rock Road; thence along White Rock Road to Grant Line Road; thence along Grant Line Road to Douglas Road; thence westerly along Douglas Road to Sunrise Blvd.; thence southerly along Sunrise Blvd. to Kiefer Blvd.; thence westerly along Kiefer Blvd. to Excelsior Road; thence southerly along Excelsior Road to Jackson Road; thence northwesterly along Jackson Road to Elk Grove-Florin Road; thence southerly along Elk Grove Florin Road to the Sacramento City Limits; thence following the Sacramento City Limits to Elk Grove-Florin Road; thence southerly along Elk Grove-Florin Road to Calvine Road; thence westerly along Calvine Road and its extension to the Sacramento City Limits; thence along the Sacramento City Limits to the Sacramento River; thence along the Sacramento River upstream to the intersection of the Sacramento River and prolongation of San Juan Road; thence easterly along the prolongation of San Juan Road to the Sacramento City Limits; thence along the Sacramento City Limits to Elk Horn Blvd; thence easterly along Elk Horn Blvd. to the Western Pacific Railroad; thence along the Western Pacific Railroad to Elverta Road; thence easterly along Elverta Road to Watt Avenue; thence southerly along Watt Avenue to U Street; thence easterly along U Street to Southern Pacific Railroad; thence northeasterly along Southern Pacific Railroad to Sacramento County line; thence easterly along Sacramento County line to point of beginning, and excluding the cities of Sacramento and Folsom.

(b) Beginning at the intersection of Bond Road and the Southern Pacific Railroad; thence easterly along Bond Road to Waterman Road; thence southerly along Waterman Road to Grant Line Road; thence southwesterly along Grant Line Road to U.S. 99; thence northwesterly along U.S. 99 to the intersection of Bond Road; thence easterly along Bond Road and its prolongation to the point of beginning.

(c) All of that property known as the Sacramento County Metropolitan Airport in Natomas Elkhorn Subdivision and Sec. 36, T. 10 N., R. 3 E., M.D.M. and filed for record the 29th day of January, 1968, at 4:45 P. M. in Book 26 of Surveys, at Page 12 in the office of the Sacramento County Recorder.

The unincorporated territory of the County of Yolo which is hereby included is described as follows:

(a) Beginning at the northeast corner of Sec. 36, T. 9 N., R. 3 E., M.D.B. & M.; thence north ½ mile along the west line of Sec. 30, T. 9 N., R. 4 E., to the west ¼ corner of Sec 30; thence east ½ mile to the center of Sec. 30; thence north ⅛ mile more or less to the north line of S.L.S. No. 970, the point

being on the centerline of Tule Lake Road; thence northeasterly along the north line of S.L.S. 970 to the centerline of the Sacramento River; thence easterly and southerly down and along said river to the south line of Swamp Land Survey No. 815; thence northwesterly along the said south line of said survey to its southwest corner; thence northeasterly along the west line of said last named survey to a point where it is intersected by the quarter section line running east and west through Sec. 30, T. 8 N., R. 4 E.; thence west about ¾ mile to the east ¼ corner of Sec. 25, T. 8 N., R. 3 E.; thence north 5½ miles more or less to the point of beginning.

(b) Beginning at the Intersection of State Route 113 and the Yolo County line, southern boundary; thence easterly along the Yolo County line southern boundary to the Davis City Limits; thence meandering along the Davis City Limits to Russell Boulevard; thence westerly along Russell Boulevard to State Route 113; thence southerly along state route 113 to the point of beginning.

For purposes of this section, any reference to an avenue, boulevard, highway, railroad, road, or street includes the right-of-way thereof.

102052. The district shall not be activated until the adoption of a resolution by the City Council of the City of Sacramento and the adoption of a resolution by the Board of Supervisors of the County of Sacramento declaring there is a need for the district to function.

102053. The district may operate and exercise the powers under this part within any city, provided that the district shall have no power to levy an ad valorem property tax within the boundaries of any city, as provided in Article 7 (commencing with Section 102330) of Chapter 5 of this part, unless the city council of the city adopts a resolution declaring there is a need for the district to operate and levy a tax within the boundaries of the city.

102054. The district may operate and exercise the powers under this part within all or a part of the herein described unincorporated area of any county. However, the district shall have no power to levy an ad valorem property tax within any such unincorporated area, as provided in Article 7 (commencing with Section 102330) of Chapter 5 of this part, unless the board of supervisors of the county adopts a resolution declaring there is a need for the district to operate and levy a tax within the unincorporated area of the county or so much of the unincorporated area as described in the resolution.

102055. Any city or county may annex to and become a part of the district upon approval by the board of the district following (1) written request by said city or county to the district for such annexation, and (2) approval of such annexation by the Sacramento Regional Area Planning Commission. Approval of annexation by the district board shall be made by adoption of a resolution to that effect.

## CHAPTER 4. GOVERNMENT OF DISTRICT

### Article 1. Board of Directors

102100. Upon activation of the district as provided in Section 102052, the government of the district shall be vested in a board of directors consisting of not less than seven members nor more than 11 members who shall serve for two-year terms.

The first board of directors shall consist of seven members appointed within 30 days after the district is activated as provided in Section 102052. Four members of the first board of directors shall be appointed by the City Council of the City of Sacramento. Three members of the first board of directors shall be appointed by the Board of Supervisors of the County of Sacramento, unless, prior to the 30th day after the district is activated, the Board of Supervisors of Yolo County has adopted a resolution declaring there is a need for the district to operate, in which case, two members of the first board of directors shall be appointed by the Board of Supervisors of the County of Sacramento and one member of the first board of directors shall be appointed by the Board of Supervisors of Yolo County.

The number of the directors of the district shall be increased by the board, to a maximum number of 11, as may be necessary to provide that each city and county specifically named in Sections 102015 and 102016, which is receiving service from the district and is rendering tax or financial support to the district, shall have at least one appointment to the board.

The appointments to the board may be changed in the following manner. Not more often that every two years, the counties, for the unincorporated areas thereof, and the cities in which the district is providing service and in which the voters have authorized the district to operate and levy a tax within their boundaries or which are providing financing support to the district, may by agreement apportion the appointments to the board among them in the approximate ratio that the district provides transit service, as determined by the gross cost of such service without regard to income or revenues of the district, within their respective boundaries. However, there shall be at least one appointment by each such city and county specifically named in Sections 102015 and 102016.

If the cities and counties are unable to agree upon such apportionment of the appointments to the board, the Sacramento Regional Area Planning Commission, upon request of any two of the cities and counties stating that such an agreement cannot be reached, shall make such apportionment of appointments as nearly as practicable in the approximate ratio that the district provides transit service, as determined by the gross cost of such service without regard to income or revenues of the district, within the boundaries of the cities and counties. How-

ever, there shall be at least one appointment by each such city and county specifically named in Sections 102015 and 102016.

102101. A member of a city council or board of supervisors may serve as a member of the board of directors.

102102. In order to provide orderly transition from the Sacramento Transit Authority (herein referred to as the "authority") to the district, it may be desirable for a member or members of the authority to serve as a member or members of the board, and nothing in this part shall prevent each one of the appointing bodies from each appointing a member or members of the authority as a member or members of the board if the appointing body involved, in its discretion, wishes to do so.

102103. Within 10 days after the adoption of a resolution or resolutions appointing a majority of the first board, the City Clerk of the City of Sacramento shall call the first meeting of the board at an appropriate time within 20 days after such notice at a place in the City of Sacramento to be designated in such notice.

102104. The board at its first meeting, and thereafter 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.

102105. 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 all official acts of the board shall require the affirmative vote of a majority of the members of the board. The acts of the board shall be expressed by motion, resolution, or ordinance. 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).

102106. The members of the board shall receive for each attendance at the meetings of the board the sum of twenty dollars ($20), but not to exceed eighty dollars ($80) in any calendar month, and shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties.

### Article 2. Powers and Duties of Board of Directors

102120. The board of directors is the legislative body of the district and shall determine all questions of district policy.

102121. It shall be the duty of the board of directors 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. The board may provide in the budget for a reasonable replacement reserve.

(c) Fix rates, rentals, charges, and classifications of transit service operated by the district.

(d) Adopt an administrative code which shall prescribe the powers and duties of district officers, the method of appointment of district employees, and methods, procedures, and systems of operation and management of the district.

(e) Adopt 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

102140. The board may establish an advisory commission to the board pursuant to this article.

102141. The commission shall be composed of three members appointed by each of the city councils and boards of supervisors in cities and counties which are receiving service from the district and are rendering tax or financial support to the district. At least one of the three members appointed by each city and county shall be a member of the appointing body. Commission members shall serve at the pleasure of their appointing bodies.

102142. The commission shall meet as often as the board deems necessary, but at least twice annually, and shall advise the board on matters of district policy, including the administrative, fiscal, and operational policies of the district and their relation to the administrative, fiscal, and operational policies of the cities and counties in which the district is operating, levels of service, and allocation of the districts financial resources. The commission shall have such other advisory duties as may be provided by the board pursuant to this part.

### Article 4. Officers

102160. The officers of the district shall consist of the members of the board, and the chairman, chairman pro tem, and secretary, who shall be selected from members of the board. The board may also hire and appoint a general manager, a legal counsel, a controller, a treasurer, and such other officers, assistants, and deputies as the board may deem necessary.

102161. Until such time as the district begins actual operations, any city, county, or other public agency may render such assistance to the district as it may require, including the performance by officers of the city, county, or public agency as ex officio officers of the district, of the functions of general manager, legal counsel, controller, and treasurer. At any time, any city, county, or other public agency may contract with the district for the performance of services on behalf of the dis-

trict by the legal counsel, controller or fiscal officer, or treasurer of the city, county, or public agency.

102162. 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. General Manager

102180. The power and duties of the general manager are:

(a) To head the administrative branch of the district and to be responsible to the board for the proper administration of all affairs of the district.

(b) To appoint, supervise, suspend, or remove district employees other than members of the board and officers appointed by the board.

(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

102200. The district has perpetual succession and may adopt a seal and alter it at its pleasure.

102201. 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.

102202. 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.

102203. Subject to the provisions of Article 7 (commencing with Section 102330) of this chapter, the district may levy, and collect, or cause to be collected, taxes for any lawful purpose, as provided by law.

102204. Except as otherwise provided in this part, district elections shall be called, held and conducted as provided by law for county elections. Except in cases of emergency or com-

pelling public need, as determined by the district, district elections, including those held pursuant to Article 7 (commencing with Section 102330) of this chapter or Article 1 (commencing with Section 102500) of Chapter 7 of this part, shall be held and consolidated with city, county, or state elections, or any election held under the provisions of the Uniform District Election Law (Part 3 (commencing with Section 23500), Division 12 of the Elections Code).

102205. The district shall annually submit its tentative or proposed budget to the city council of each city and to the board of supervisors of each county in which the district is providing service, within the time and in the manner required in this section. The tentative or proposed budget shall be in sufficient detail so as to permit a city council or board of supervisors to reasonably ascertain matters relating to the service provided within its jurisdiction, such as projected cost of service and projected revenues from taxes, fares, and other sources. The tentative or proposed budget shall be submitted to each city council and board of supervisors not less than 60 days prior to its adoption by the district. It shall be submitted for review and comment. The board of directors may adopt the budget after its submission to the city councils and boards of supervisors, but shall consider any comments made by them on the budget.

The board shall adopt its budget at a public hearing held after the submission of its tentative or proposed budget. Notice of the time and place of the hearing shall be published pursuant to Section 6061 of the Government Code and shall be made not later than the 15th day prior to the date of the hearing.

102206. The district shall also submit to each city council and board of supervisors with its tentative or proposed budget a statement of its proposed operations and level of service for the period covered by the budget, and shall call attention to any substantial or significant changes or proposed changes in operations and level of service within each jurisdiction. A city council or board of supervisors may include with its comments to the district on the budget, comments concerning the proposed operations and level of service, and the board shall consider such comments prior to adopting the budget.

## Article 2. Contracts

102220. 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.

102221. 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.

102222. Contracts for the purchase of supplies, equipment, and materials in excess of five thousand dollars ($5,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in emergency declared by four-fifths vote of the board of the district.

102223. Contracts for the construction of transit works or transit facilities in excess of five thousand dollars ($5,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in emergency declared by four-fifths vote of the board of the district.

102224. 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), Division 3.6, Title 1 of the Government Code.

102225. The district may contract for the services of independent contractors.

### Article 3. Property

102240. 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.

102241. 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.

102242. 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, except as provided in Section 102243, 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.

102243. 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. No taking or acquisition by the district which would involve the abandonment, removal, relocation, or use of the property of a railroad corporation, as defined in Section 230, shall be permitted, unless the Public Utilities Commission, after a hearing, shall find and determine that the public interest and necessity require the abandonment, removal, relocation, or use of such property and that such taking or acquisition will not unreasonably impair the ability of the railroad corporation involved to provide safe, adequate, economical, and efficient service. The district may commence and maintain such eminent domain proceedings in the Public Utilities Commission or the superior court at its option.

102244. 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

102260. The district shall adopt and maintain a general transit plan for the district.

102261. The general transit plan, or any element or amendment thereof, shall be adopted in the manner provided in this article.

102262. Before adopting the plan, or an element or amendment thereof, the board shall refer the plan or element or amendment thereof to the advisory commission, if the commission has been established under Article 3 (commencing with Section 102140) of Chapter 4 of this part. Failure of the advisory commission to consider such matters within a reasonable time as established by the board shall not prevent the board from acting under this article.

102263. 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 at least 30 days before the hearing. The notice shall be published pur-

suant to Section 6061 of the Government Code and written notice shall also be mailed to each city council and board of supervisors in the district. The hearing may be continued from time to time.

102264. The adoption of the general plan, or an element or amendment thereof, shall be by resolution of the board.

102265. The Sacramento Regional Area Planning Commission shall be the long-range planning agency advising the district.

### Article 5. Transit Facilities and Service

102280. The district may provide transit service for the transportation of passengers and their incidental baggage by any means, both within and outside the district.

102281. (a) The district may engage in the business of providing charter bus service, sightseeing service, special school service, and other service, including such other service as may be provided by the existing Sacramento Transit Authority.

(b) No bus equipment which is designed solely for charter service shall be purchased. No intercity model bus shall be operated in charter service; however, nothing in this section shall limit the features and equipment on, or the use of, transit and suburban model buses.

(c) The board shall hold a public hearing prior to adopting a charter rate schedule or any amendment thereof. Notice of the hearing shall be mailed at least 30 days in advance to each charter party carrier maintaining an office or equipment point within the district, and to each charter party carrier or representative thereof who has requested, in writing, to be notified of such hearings. A notice shall include the proposed charter rate schedule. At the close of the public hearing, the board may adopt charter rate schedules which shall not be less than the lowest of the three largest private charter party carriers operating similar service in the district. For any charter service between points within the district, the district may establish a lower minimum charge. The designation "three largest private charter party carriers" refers to the three carriers with the highest gross revenue generated from charter service originating within the district.

(d) A charter trip shall have its origin within the district, and the return trip shall have its destination within the district, unless the district is requested by a private charter party carrier to provide a trip not having origin and return destination within the district.

102282. The board may contract with any public agency or person to provide transit facilities and services for the district.

102283. 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.

102284. 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.

102285. The rates and charges, if any, for transit service furnished pursuant to this part shall be fixed by the board and shall be reasonable.

102286. 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 Department of the California Highway Patrol pursuant to that chapter regulating the safe operation of buses.

102287. The district and any one or more school districts may enter into agreements pursuant to which school transportation equipment may be used by the district.

102288. The district may 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.

102289. 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.

### Article 5.5. Existing Systems

102300. Notwithstanding any other provision of this part, before the district may establish any transit service or system which may at any time substantially divert, lessen, or

compete for the patronage or revenues of any privately owned transit or intercity route existing prior to June 1, 1971, the district shall give a written notice to the public utility which is operating the existing route. 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.

102301. 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.

102302. 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.

102303. The district and the 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.

102304. Section 851 of the Public Utilities Code shall 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.

### Article 6. Public Grants, Loans and Contributions

102310. 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 indebted-

ness issued under this section shall constitute a negotiable instrument.

102311. 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

102330. The district may levy and collect, or cause to be collected, property taxes for any lawful purpose.

102331. In addition to revenues and receipts from other sources, the board may levy and collect a property tax. The board may impose different rates of taxation in areas within the district based upon and related to the net cost of providing service to such areas as reasonably determined by the board.

102332. The district shall not levy or collect a property tax within any city or within all or any part of the unincorporated area of any county until:

(a) The legislative body of the city or county adopts a resolution declaring there is need for the district to operate and levy a tax within the city or the unincorporated area, or part thereof, of the county.

(b) A majority of the voters of the city or such unincorporated area, or part thereof, following the adoption of the resolution under subdivision (a), voting on the question at an election called for such purpose, approves the operation of the district, and the levy of a property tax by the district, within the city or within the unincorporated area, or part thereof, of the county.

102333. The district may conduct a single election in an area comprising the area of a city and the unincorporated area of a county or more than one unincorporated area of a county or counties, or any combination of such areas, with the approval of the cities and counties concerned, in which event a majority of the voters voting at such election shall be sufficient to approve the proposition submitted for the entire area included in such election. Where more than one election will be held, the approval of the voters in one election pertaining to an area may be conditioned upon the approval of voters in one or more other elections pertaining to other areas.

102334. Each election shall be called and conducted by the district in the same manner as provided by law for the conduct of special elections by a county. The board may contract with a county, or delegate to the appropriate county officials the authority, to conduct the election within the county on behalf of the district. The costs of any such election may be advanced to the district by any city or county prior to the time that the district has revenues of its own, to be repaid from subsequent district revenues.

102335. 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 Sacramento Regional Transit District be authorized to operate and levy a property tax at an annual rate which shall not exceed _____ cents ($0.__) on each one hundred dollars ($100) of assessed valuation within (describe city or unincorporated area)?

YES ☐

NO ☐

102336. In addition to the general tax levy as set forth in Section 102331, 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 they 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 district purposes as provided in this article, a tax sufficient, together with revenues already collected and available therefor, to pay the interest on the bonds that 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, that will become due before the proceeds of a tax levied at 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.

102337. The board shall avail itself of the assessments made by the assessor of any county in which it operates 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.

102338. 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 county lying within an authorized taxing area of the district, ascertained from the assessments referred to in Section 102337.

102339. The board shall, on or before the first day of September, fix the rate or rates of taxes, designating the number of cents upon each one hundred dollars ($100), and use 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.

102340. The board shall, immediately after fixing the rate or rates of taxes, transmit to the county auditor of each county in which the board has levied a tax, a statement of the rate of taxes fixed by the board.

102341. 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.

102342. 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.

102343. 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.

102344. 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.

102345. In lieu of, or in addition to, any taxes which may be levied by the district pursuant to this article, the legislative body of any city or county may enter into agreement with the district to make annual contributions to the district from its general funds or from any other source of funds legally available to it for such purpose.

## CHAPTER 6. PERSONNEL

### Article 1. Employee Relations

102400. 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.

102401. Notwithstanding any other provision of this part, whenever a majority of the employees employed by the district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the district, upon determining, as provided in Section 102403, that such labor organization represents the employees in the appropriate unit, shall enter into a written contract with the accredited representative of such employees governing wages, salaries, hours, pensions, and working conditions. 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 the 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 the fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the Supervisor of Conciliation of the Division of Conciliation, Department of Industrial Relations. The labor organization and the district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated as the arbitrator. The labor organization and the district shall determine by lot who shall first strike from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of arbitration shall be borne equally by the parties. Each party shall bear his own costs.

102402. No contract or agreement shall be made with any labor organization, association, or group, or be assumed under the provisions of this article, where such organization, association, or group, denies membership to, or in any manner discriminates against, any employee on the grounds of race, creed, color, or sex; provided, that such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence. The district shall not discriminate in regard to employment against any person because of his race, creed, color, or sex.

102403. If there is a question whether a labor organization represents a majority of employees or whether the proposed unit is or is not appropriate, such matters shall be submitted to the State Conciliation Service for disposition. The State Conciliation Service shall promptly hold a public hearing after due notice to all interested parties and shall thereupon determine the unit appropriate for the purposes of collective bargaining. In making such determination and in establishing rules and regulations governing petitions and the conduct of hearings and elections, the State Conciliation Service shall be guided by relevant federal law and administrative practice, developed under the Labor-Management Relations Act, 1947, as presently amended. It is declared to be in the public interest that the district shall not express any preference for one union over another.

The State Conciliation Service shall provide for an 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; provided, that no collective bargaining agreement shall be con-

strued to be a bar to representation proceedings for a period of more than two years.

102404. Whenever the district acquires existing facilities from a publicly or privately owned public utility, either in proceedings by eminent domain or otherwise, the district shall assume and observe all existing pension and labor contracts. To the extent necessary for operation of facilities, all of the employees of such acquired public utility whose duties pertain to the facilities acquired shall be appointed to comparable positions in the district without examination, subject to all the rights and benefits of this part, and these employees shall be given sick leave, seniority, vacation, and pension credits in accordance with the records and labor agreements of the acquired public utility. Members and beneficiaries of any pension or retirement system or other benefits established by that public utility shall continue to have the rights, privileges, benefits, obligations, and status with respect to such established system. No employee of any acquired public utility shall suffer any worsening of his wages, seniority, pension, vacation, or other benefits by reason of the acquisition.

The district may extend the benefits of this section to officers or supervisory employees of the acquired public utility.

102405. The district shall not contract with any company, person, or public agency for such company, person, or public agency to provide transit facilities or services or acquire any existing system, or part thereof, whether by purchase, lease, condemnation, or otherwise, nor shall the district dispose of or lease any transit system, or of its system, or part thereof, nor merge, consolidate, or coordinate any transit system or part thereof, unless it shall first have made adequate provision for any employees who are, or may be, displaced. The terms and conditions of such provision shall be a proper subject of collective bargaining.

102406. Notwithstanding the provisions of the Government Code, employees of this district may authorize and, upon such authorization, the district shall make deductions from wages and salaries of such employees pursuant to a collective bargaining agreement with a duly designated or certified labor organization:

(a) For the payment of union dues, fees, or assessments.

(b) For the payment of contributions pursuant to any health and welfare plan or pension or retirement plan.

(c) For any purpose for which deductions may be authorized by employees of any private employer.

102407. The obligation of the district to bargain in good faith with a duly designated or certified labor organization and to execute a written collective bargaining agreement with such labor organization covering the wages, hours, and working conditions of the employees represented by such labor organization in an appropriate unit, and to comply with the

terms thereof, shall not be limited or restricted by any provision of law. The obligation of the district to bargain collectively shall extend to all subjects of collective bargaining which are or may be proper subjects of collective bargaining with a private employer, including retroactive provisions. The duly designated or certified labor organization shall also have the obligation to bargain in good faith.

102408. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under Subchapter II of the Federal Social Security Act, as amended, and the related provisions of the Federal Insurance Contributions Act, as amended.

102409. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under the workman's compensation, unemployment compensation disability, and unemployment insurance laws of the State of California.

102410. In the event an exclusive collective bargaining representative is selected pursuant to Section 102403, 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. Retirement System

102430. The district may provide for a retirement system; provided, that the adoption, terms and conditions of any retirement system covering employees of the district represented by a labor organization in accordance with this section shall be pursuant to a collective bargaining agreement between such labor organization and the district.

102431. 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.

102432. Whenever the district acquires existing facilities from a publicly or privately owned public 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.

Whenever any such facilities are acquired by the district, the board shall consider and take into account the outstanding obligations and liabilities of the publicly or privately owned public utility by reason of such pension plan, and shall negotiate an allowance in the purchase price of such utility for the assumption of such obligations and liabilities when acquiring the facilities.

## CHAPTER 7. BONDS AND OTHER EVIDENCES OF INDEBTEDNESS

### Article 1. Authorization and Issuance of General Obligation Bonds

102500. The district may exercise its powers under this article only with respect to territory in cities and counties in which the voters have authorized the district to operate and levy a tax; the term "district" as used in this article, shall be limited to such territory for purposes of the election and the incurring of indebtedness, and for purposes of Section 102336.

102501. 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 the district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the 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 rolls of the Counties of Sacramento, Placer, and Yolo. The 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 such 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 any other matters authorized by this part or any other law.

102502. 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.

102503. 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.

102504. If a majority 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. The 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.

102505. The bonds shall bear interest at a rate or rates not exceeding 7 percent per annum, payable semianually, 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.

102506. 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.

102507. 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.

102508. 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 such 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.

102509. 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 the election remaining unsold shall not be issued or sold. When the ordinance takes effect, the authorization to issue said bonds shall become void.

102510. 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.

102511. 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 (a) no election need be called or held for the purpose of authorizing the issuance of refunding bonds, and (b) when refunding bonds are to be exchanged for outstanding bonds the method of exchange shall be as determined by the board.

102512. 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.

102513. 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.

## Article 2. Revenue Bonds

102530. 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.

102531. 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

102550. The district shall have power to purchase transit equipment such as cars, trolley buses and motorbuses, 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.

102551. 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.

102552. 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.

102553. 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.

102554. 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

102570. The Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 are applicable to the district.

102571. 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

102580. 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 or other revenues 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 the notes, their issuance and sale, will be governed by the applicable provisions referred to in Sections 102504 and 102505.

102581. At any time prior to the first receipt by the district of revenues from taxation or other sources, any city or county may lend any available money to the district for the purposes of organization and operation. Such expenditures shall constitute a proper expenditure of city and county funds.

102582. 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.

102583. The district may borrow money in anticipation of the sale of bonds which have been authorized to be issued pursuant to Article 1 (commencing with Section 102500) of this chapter, 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 Section 102336 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

102600. 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.

102601. 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.

102602. 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 constitute 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 in-

cluded 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.

102603. The district shall not incur a total indebtedness under the provisions of this chapter which exceeds 15 percent of the assessed value of all taxable property within the district.

### CHAPTER 8. DISSOLUTION

102700. The district may be dissolved pursuant to the provisions of the District Reorganization Act of 1965 (Division 1 (commencing with Section 56000), Title 6 of the Government Code).

---

## CHAPTER 1375

*An act relating to schools for the deaf and blind.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. The sum of forty-three thousand dollars ($43,000), including part or all of the twenty-five thousand dollars ($25,000) appropriated by Item 308.5 of the Budget Act of 1970 (Chapter 303, Statutes of 1970), is hereby appropriated from the General Fund to be expended for purposes of a feasibility study for rehabilitation of the present facilities of the California School for the Deaf, Berkeley, and the California School for the Blind, including possible need for relocating such schools.

## CHAPTER 1376

*An act relating to the formation of a unified school district.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. The governing boards of the Georgetown Divide Elementary School District and the Northside Elementary School District, may, with the concurrence of the governing boards of the high school districts affected, and with the approval of the county committee on school district organization of the county having jurisdiction over the elementary districts, submit a proposal for the formation of a unified district of such territory to the State Board of Education. The State Board of Education may approve such proposal if, in the judgment of the board, the criteria of subdivisions (a), (b), (c), and (d) of Section 3100 of the Education Code are substantially met, or if the board determines that it is not practical to apply the criteria of subdivisions (a), (b), (c), and (d) of Section 3100 literally, and that the circumstances with respect to the proposal provide an exceptional situation sufficient to justify approval. However, the State Board of Education shall, in all events, require that the proposal comply with the provisions of subdivision (e) of Section 3100 of the Education Code.

SEC. 2. The Legislature finds and declares that because of the unusually sparse population of the school districts involved, and because of the extraordinary transportation difficulties involved in transporting high school pupils residing in the Northside Elementary School District and the Georgetown Divide Elementary School District to and from the high schools in which they are enrolled, that a special act to provide for the establishment of a new unified school district comprised of that territory is essential, and that a general law cannot be made applicable to provide for the unique circumstances involved.

SEC. 3. All provisions of the Education Code not inconsistent with this act shall apply to the formation and operation of the new unified school district.

---

## CHAPTER 1377

*An act to amend Section 8163 of, and to add Section 11011.7 to, the Government Code, and to amend Sections 2.6, 4, 5, and 7 of, to add Sections 8 and 9 to, and to repeal Sections 1, 2, 2.5, and 6 of, Chapter 1251 of the Statutes of 1967, relating to the disposition and leasing of property by the Director of General Services.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

*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 3,520 square feet of land fronting on County Road 772-639 and Hemlock Street, being a portion of Castle Crags State Park in Shasta County.

Parcel 2. Approximately two acres of land fronting on the Willow Creek-Eagle Lake County Road, being the Willow Creek Forest Fire Station in Lassen County.

SEC. 2. Notice of every public auction or bid opening shall be posted on the property to be sold and shall be published in a newspaper 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. 3. Any moneys received from the disposition of Parcels 1 and 2 shall be paid into the General Fund.

SEC. 4. Oil, gas and other mineral rights may be sold if in the opinion of the Director of General Services the value of such rights is nominal. If such rights below a depth of 500 feet have value, they shall not be sold.

SEC. 5. To insure that the state receives fair market rental during the entire term, any lease of any parcel described in Section 1 with a term in excess of five years shall provide that the amount of rental payable to the state shall be subject to recalculation to the satisfaction of the state at intervals of not less than every five years.

SEC. 6. The Director of General Services shall not sell, exchange or lease any property described in this act until the agency having jurisdiction of the property has declared the property surplus to its operating requirements, or has received due notice of a hearing before the Public Works Board and the Public Works Board, after a public hearing, has approved the commencement of a program directed toward the sale, exchange or lease of the property.

SEC. 7. The authorization granted to the Director of Finance by Chapter 1668 of the Statutes of 1953 to dispose of Parcel 7 in such chapter is hereby repealed.

SEC. 8. The Director of General Services is hereby authorized to quitclaim to the Redevelopment Agency of the City of San Bernardino any interest the state may have in a rectangular parcel of land, measuring 22′ x 25′, lying south and west of the State Office Building in the City of San Bernardino and being a portion of the former right-of-way of the

San Bernardino, Arrowhead and Waterman Railway Company. The state does not claim any interest in this property.

SEC. 9. The Director of General Services is hereby authorized to convey to the City of Santa Rosa, for use as a fire and police station, upon such terms and conditions as in his opinion may be for the best interests of the state, approximately 4.5 acres of land located at the Los Guilucos School for Girls.

SEC. 9.5. The Director of General Services is hereby authorized to convey to the County of Los Angeles for use as a portion of Phase III of the Los Angeles Civic Center Mall, for consideration equal to or greater than market value and upon such terms and conditions as in his opinion may be for the best interests of the state, approximately 36,000 square feet located in the City of Los Angeles. The land is a portion of the state office building site in the block bounded by Broadway, Temple, Spring and First Streets.

SEC. 10. The Department of General Services may, with the approval of the Department of Mental Hygiene, lease for a term not to exceed 30 years approximately 2½ acres of state-owned real property at Metropolitan State Hospital in Norwalk provided that the lessee is required to construct facilities on the property for use of the state during the term thereof, with title to the facilities vesting in the state at the expiration of the term or earlier. Such lease may contain such other terms and conditions as the Department of General Services may deem to be in the best interest of the state.

SEC. 11. The Department of General Services may lease for a term not to exceed 30 years, approximately 1.76 acres of state-owned real property at the Division of Forestry District Headquarters in Santa Rosa, provided that the lessee is required to construct facilities on the property for use of the state during the term thereof, with title to the facilities vesting in the state at the expiration of the term or earlier. Such lease may contain such other terms and conditions as the Department of General Services may deem to be in the best interest of the state.

SEC. 12. Section 8163 of the Government Code is amended to read:

8163. The plan for location of state buildings and other improvements in the Capitol area, as approved by the Capitol Building and Planning Commission on February 15, 1961, as part of the report prepared by its consultants, is the official state master plan for the development of state buildings in the Capitol area. It is hereby designated the Capitol Area Plan. It shall be a guide for future state policy in the expansion of the state's physical plant and in the locating of state buildings and other facilities in the Capitol area.

Notwithstanding the above; blocks in the City of Sacramento bounded by 17th, 18th, N and O Streets; 17th, 18th, P and Q Streets; 15th, 16th, Q and R Streets; 12th, 13th, Q and R Streets; the south one-half of block bounded by 9th,

10th, Q and R Streets; and those properties that have not been acquired and are not being acquired under eminent domain proceedings one year from the effective date of the amendment to this section at the 1971 Regular Session of the Legislature shall not be included in the plan.

SEC. 13. Section 11011.7 is added to the Government Code, to read:

11011.7. All real property acquired for park and recreation purposes by the state which was formerly part of Camp Pendleton shall be used solely for park and recreation purposes and no part thereof shall be declared surplus or disposed of.

SEC. 14. Section 1 of Chapter 1251 of the Statutes of 1967 is repealed.

SEC. 15. Section 2 of Chapter 1251 of the Statutes of 1967 is repealed.

SEC. 16. Section 2.5 of Chapter 1251 of the Statutes of 1967 is repealed.

SEC. 17. Section 2.6 of Chapter 1251 of the Statutes of 1967 is amended to read:

Sec. 2.6. The Director of General Services shall file quarterly progress reports with the Joint Legislative Budget Committee on March 1, June 1, September 1, and December 1 of each year following the effective date of this act until all of the real or personal property, or both, in Squaw Valley, including any interest the state may acquire in the Blythe Arena, has been disposed of or exchanged. Such reports shall specify the terms and conditions of all proposals made by, or received by, the department with respect to the disposal or exchange of such property. The first quarterly report shall be made on the first quarterly date following the effective date of the amendment to this section at the 1971 Regular Session of the Legislature.

SEC. 18. Section 4 of Chapter 1251 of the Statutes of 1967 is amended to read:

Sec. 4. The Director of General Services may execute any and all instruments, documents, and papers and make all contracts and releases and do all things necessary to carry out the intent and purpose of this act.

SEC. 19. Section 5 of Chapter 1251 of the Statutes of 1967 is amended to read:

Sec. 5. The Director of General Services shall propose to the Legislature from time to time such additional legislation as may be necessary to accomplish the intent and purpose of this act.

SEC. 20. Section 6 of Chapter 1251 of the Statutes of 1967 is repealed.

SEC. 21. Section 7 of Chapter 1251 of the Statutes of 1967 is amended to read:

Sec. 7. No language of this act shall be construed in derogation of any other powers of the Director of General Services.

SEC. 22. Section 8 is added to Chapter 1251 of the Statutes of 1967, to read:

Sec. 8. The jurisdiction and control over all state-owned property in Squaw Valley is in the Department of General Services.

SEC. 23. Section 9 is added to Chapter 1251 of the Statutes of 1967, to read:

Sec. 9. All moneys received by the state from agreements, leases or licenses in connection with its Squaw Valley property shall be deposited in the General Fund in the account established by Section 15863 of the Government Code. Expenditures to maintain, repair, care for, remove snow from, and sell such real property may be paid by the Department of General Services from the appropriation made by Section 15863.

---

## CHAPTER 1378

*An act to amend Section 24071 of the Business and Professions Code, relating to alcoholic beverages.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 24071 of the Business and Professions Code is amended to read:

24071. The license of one spouse may be transferred to the other spouse when the application for transfer is made prior to the entry of a final decree of divorce, and the license of a decedent, minor ward, incompetent person, conservatee, bankrupt person, person for whose estate a receiver is appointed, or assignor for the benefit of creditors may be transferred by or to the surviving partners of a deceased licensee, the executor, administrator, conservator or guardian of an estate of a licensee, the surviving spouse of a deceased licensee in the event that the deceased licensee leaves no estate to be administered, the trustee of a bankrupt estate of a licensee, a receiver of the estate of a licensee, or an assignee for the benefit of creditors of a licensee with the consent of the assignor, or a license may be transferred between partners where no new partner is being licensed, or a license may be transferred between corporations whose outstanding shares of stock are owned by the same natural persons, or a licensee may transfer upon compliance with Section 24073 any license to a corporation whose entire stock is owned by the licensee, or his spouse, or a license may be transferred from a corporation to a person who owns, or whose spouse owns, the entire stock of the corporation, and the fee for transfer of each license is fifty dollars ($50). The regular transfer fee provided in Section 24072 shall be due and payable upon the subsequent transfer of 25

percent of the stock in a corporation to which a license has been transferred by a licensee or his spouse pursuant to this section, except if such transfer of stock is from a parent to his child or grandchild, in which case the fee shall be one-half of the regular transfer fee. In no case shall a fee be charged for the transfer of an importer's license. All money collected from the fees provided for in this section shall be deposited directly in the General Fund in the State Treasury, rather than in the Alcohol Beverage Control Fund as provided in Section 25761.

## CHAPTER 1379

*An act to amend Section 31401 of the Agricultural Code, to amend Section 1909 of the Health and Safety Code, and to add Section 853.5 to the Penal Code, relating to infractions.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

*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 an infraction 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).

SEC. 2. Section 1909 of the Health and Safety Code is amended to read:

1909. Every person who possesses or holds any animal in violation of the provisions of this article is guilty of an infraction, punishable by a fine not exceeding five hundred dollars ($500).

SEC. 3. Section 853.5 is added to the Penal Code immediately following the chapter heading of Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2, to read:

853.5. Except as otherwise provided by law, in any case in which a person is arrested for an offense declared to be an infraction, the person may be released according to the procedures set forth by this chapter for the release of persons arrested for an offense declared to be a misdemeanor.

## CHAPTER 1380

*An act making an appropriation to the Department of Parks and recreation for the development of overnight recreational facilities at Red Rock Canyon State Park in Kern County.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. There is hereby appropriated from the Resources Protection Account in the General Fund the sum of one hundred thousand dollars ($100,000) to the Department of Parks and Recreation for the development of overnight recreational facilities at Red Rock Canyon State Park in Kern County.

---

## CHAPTER 1381

*An act to amend Section 17262 of the Education Code, relating to assessed valuation of property.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 17262 of the Education Code is amended to read:

17262. Any state department, board, or agency which allocates funds to any school district on the basis of the assessed valuation of property within the district, or which makes any computation on this basis for school building fund repayment purposes, shall average the factor certified for the current year under Section 17261 for the local roll of the county in which the district is located with the factors so certified for the two immediately preceding years; provided, that, in the event that an assessment ratio announced by a county assessor for the 1970–71 tax year is less than 25 percent, the factor for such county for such year shall be multiplied by a fraction in which the announced ratio is the numerator and 25 percent is the denominator, before averaging the factor of that county for 1970–71 with the 1971–72 and 1972–73 factors. The department, board, or agency shall then modify that part of the valuation of the district shown on the local roll, other than any part of the valuation which was excluded under Section 17261, by application of this three-year-average factor carried to three decimal places. If a district is located in more than one county, this modification shall be made by applying the average factor or the single-year factor appropriate for the assessed value of the property upon the local roll of each county within which the district is located.

SEC. 2. Section 17262 of the Education Code is amended to read:

17262. Any state department, board, or agency which allocates funds to any school district on the basis of the assessed valuation of property within the district, or which makes any computation on this basis for school building fund repayment purposes, shall average the factor certified for the current year under Section 17261 for the local roll of the county in which

the district is located with the factors so certified for the two immediately preceding years; provided, that, in the event that an assessment ratio announced by a county assessor for the 1970–71 tax year is less than 25 percent, the factor for such county for such year shall be multiplied by a fraction in which the announced ratio is the numerator and 25 percent is the denominator, before averaging the factor of that county for 1970–71 with the 1971–72 and 1972–73 factors. The department, board, or agency shall then modify that part of the valuation of the district shown on the local roll by application of this three-year-average factor carried to three decimal places. If a district is located in more than one county, this modification shall be made by applying the average factor or the single-year factor appropriate for the assessed value of the property upon the local roll of each county within which the district is located.

SEC. 3. This act shall become operative on July 1, 1972.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 2114 are both chaptered and amend Section 17262 of the Education Code, and this bill is chaptered after Assembly Bill No. 2114, that Section 17262 of the Education Code, as amended by Section 2 of Assembly Bill No. 2114 be further amended on the operative date of this act in the form set forth in Section 2 of this act to incorporate the changes in Section 17262 proposed by this bill. Therefore, Section 2 of this act shall become operative only if Assembly Bill No. 2114 is chaptered before this bill and amends Section 17262, and in such case Section 2 of this act shall become operative on the operative date of this act and Section 1 of this act shall not become operative.

---

## CHAPTER 1382

*An act to amend Section 5024 of the Streets and Highways Code, relating to sewer assessments.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 5024 of the Streets and Highways Code is amended to read:

5024. "Incidental expense" includes:

(a) The compensation of the engineer for work done by him, and attorney's fees for services in proceedings pursuant to this division;

(b) The cost of printing and advertising provided for in this division, including the treasurer's estimated cost of printing, servicing and collecting any bonds to be issued to represent or be secured by unpaid assessments;

(c) The compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work;

(d) The expenses of making the assessment, and of the collection of assessments by the superintendent of streets when directed by ordinance to receive payments pursuant to Section 5396, and of preparing and typing the resolutions, notices and other papers and proceedings for any work authorized by this division;

(e) The expenses of making any analysis and tests to determine that the work and any materials or appliances incorporated therein comply with the specifications;

(f) All costs and expenses incurred in carrying out the investigations and making the reports required by the provisions of the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931";

(g) The cost of title searching, description writing, salaries of right-of-way agent, appraisal fees, partial reconveyance fees, surveys and sketches incident to securing rights-of-way for any work authorized by this division;

(h) Any other expenses incidental to the construction, completion, and inspection of the work in the manner provided for in this division;

(i) The cost of relocating or altering any public utility facilities as required by the improvement in those cases where such cost is the legal obligation of the city;

(j) In a county having a population of 4,000,000 or over, the cost of purchasing plans prepared by a registered civil engineer engaged by owners;

(k) The cost of filing and of recording documents where such cost is the legal obligation of the city;

(*l*) The cost of any acquisition as defined in Section 5023.1 of this code, and expenses incidental in connection with such acquisition; and

(m) In the event that the construction of sewers or appurtenances incident thereto shall have been ordered, sewer service charges established by the city as a condition to the providing of sewer service for the benefit of properties within the assessment district, and required for the completion and utilization of the improvement constructed.

All demands for incidental expenses shall be presented to the street superintendent, by an itemized bill, duly verified by the demandant.

---

## CHAPTER 1383

*An act to add Section 13009.5 to, the Health and Safety Code, to amend Section 4953 of, and to repeal Sections 4954 and 4955 of the Public Resources Code, relating to fire suppression.*

[*Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.*]

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

SECTION 1. Section 13009.5 is added to the Health and Safety Code, to read:

13009.5. Where the Division of Forestry utilizes inmate labor for fighting fires, the charge for their use, for the purpose of Section 13009, shall be set by the Director of Conservation. In determining the charges he may consider, in addition to costs incurred by the division, the per capita cost to the state of maintaining such inmates.

SEC. 2. Section 4953 of the Public Resources Code is amended to read:

4953. The State Forester shall utilize such inmates and wards assigned to conservation camps in performing fire prevention, fire control and other work of the division. At such times as he deems proper and on such terms as he deems wise he may enter into contracts or cooperative agreements with any public agency, state or federal, for the performance of other conservation projects which are appropriate for such public agencies under policies which shall be established by the Correctional Industries Commission. The charge for such service shall be determined by the Director of Conservation. All such contracts are subject to the approval of the Director of Conservation and the Director of General Services.

SEC. 3. Section 4954 of the Public Resources Code is repealed.

SEC. 4. Section 4955 of the Public Resources Code is repealed.

---

## CHAPTER 1384

*An act to amend Section 626.8 of the Penal Code, relating to schools.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 626.8 of the Penal Code is amended to read:

626.8. (a) Any person who comes into any school building or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful business thereon, and whose presence or acts interfere with the peaceful conduct of the activities of such school or disrupt the school or its pupils or school activities, and who remains there, or who reenters or comes upon such place within 72 hours, after being asked to leave by the chief administrative official of that school or any designated agent of the chief administrative official who possesses a standard supervision credential or a standard administration credential or who carries out the same functions as

a person who possesses such a credential or, in the absence of the chief administrative official, the person acting as the chief administrative official, or by a member of the security patrol of the school district who has been given authorization, in writing, by the chief administrative official of that school to act as his agent in performing this duty, is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction by a fine of not exceeding five hundred dollars ($500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

(b) As used in this section:

(1) "School" means any elementary school, junior high school, four-year high school, senior high school, adult school or any branch thereof, opportunity school, continuation high school, regional occupational center, evening high school, or technical school.

(2) "Lawful business" means a reason for being present upon school property which is not otherwise prohibited by statute, by ordinance, or by any regulation adopted pursuant to statute or ordinance.

---

## CHAPTER 1385

*An act relating to recreation and parks.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. The Department of Parks and Recreation may exchange approximately 10 acres of land within Humboldt Redwoods State Park located in Section 30, T1N, R2E, HMBL, for private land of equivalent value. Such exchange shall be made upon terms in the best interests of the state park system

as determined by the Director of Parks and Recreation with the concurrence of the Director of General Services.

No highway access shall be provided for, nor any signs or billboards which may be seen from a public highway shall be erected on, the park land which is exchanged for private land unless specifically authorized by the Legislature.

## CHAPTER 1386

*An act to add Section 25.5 to the Vehicle Code, relating to unlawful or false representation.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 25.5 is added to the Vehicle Code, to read:

25.5. (a) It is unlawful for any person to falsely represent himself in any manner as an employee of the Department of Motor Vehicles for the purpose of obtaining records or information to which he is not entitled.

## CHAPTER 1387

*An act to add Section 3057.5 to the Business and Professions Code, relating to optometry.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 3057.5 is added to the Business and Professions Code, to read:

3057.5. Notwithstanding by other provision of this chapter, the board shall permit a person who meets all of 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) Has a degree as a doctor of optometry issued by a university located outside of the United States.

Nothing contained in this section shall be construed to prohibit the board from refusing to permit a person meeting the above requirements to take such examination if, in the opinion of the board, the course of instruction at the institution issuing him the degree of doctor of optometry was not reasonably equivalent to that required of applicants for the examination who have graduated from a college or university located in the United States.

# CHAPTER 1388

*An act to add Chapter 7.5 (commencing with Section 12765) to, and to repeal Article 3 (commencing with Section 12201), Article 4 (commencing with Section 12251), Article 5 (commencing with Section 12301), Article 9 (commencing with Section 12501), of Chapter 6 of, and Article 3 (commencing with Section 12651), Article 4 (commencing with Section 12701) of Chapter 7 of Division 9 of, and Sections 12455, 12456, 12457, 12755, 12757, 12758 and 12759 of the Education Code, relating to employment of minors.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Article 3 (commencing with Section 12201) of Chapter 6 of Division 9 of the Education Code is repealed.

SEC. 2. Article 4 (commencing with Section 12251) of Chapter 6 of Division 9 of the Education Code is repealed.

SEC. 3. Article 5 (commencing with Section 12301) of Chapter 6 of Division 9 of the Education Code is repealed.

SEC. 4. Article 9 (commencing with Section 12501) of Chapter 6 of Division 9 of the Education Code is repealed.

SEC. 5. Article 3 (commencing with Section 12651) of Chapter 7 of Division 9 of the Education Code is repealed.

SEC. 6. Article 4 (commencing with Section 12701) of Chapter 7 of Division 9 of the Education Code is repealed.

SEC. 7. Chapter 7.5 (commencing with Section 12765) is added to Division 9 of the Education Code, to read:

## CHAPTER 7.5. EMPLOYMENT OF MINORS

### Article 1. Employment and Attendance

12765. No minor having a permit to work and no minor under 18 years of age, who is otherwise required by law to attend school, shall be out of school and unemployed for a period longer than 10 consecutive days while the public schools are in session, but shall enroll and attend school.

### Article 2. Permits to Work

12767. The superintendent of any school district in which any minor resides, or a person authorized by him in writing, may issue to certain minors permits to work. Where the minor resides in a portion of a county not under the jurisdiction of the superintendent of any school district, the permit to work shall be issued by the superintendent of schools of the county or by a person authorized by him, in writing. No permit to work shall be issued until the written request therefor from the parent or guardian has been filed with the issuing authority.

12768. A permit to work may be issued to any minor over the age of 12 years and under the age of 18 years to be employed on a regular school holiday, and during the regular vacation of the public school and during the period of a specified occasional public school vacation in any of the establishments or occupations not otherwise prohibited by law.

12769. A permit to work may be issued to a minor under the age of 18 years and over the age of 14 years to work outside of school hours for a period of time not to exceed four hours in any day in which he is required by law to attend school if he has completed the equivalent of the seventh grade of a public school course.

12770. A permit to work may be issued to a minor who is under the age of 18 years and over the age of 14 years who is regularly enrolled in a high school or community college or who has been assigned to a vocational course in a place of employment, and who will work part time as a properly enrolled pupil in a work experience education course that meets all the requirements of such course as provided in Sections 5985 to 5992, inclusive, of this code.

12771. A permit to work shall be issued to each minor enrolled in continuation education classes.

12772. The person authorized to issue permits to work or to employ may issue to any minor a certificate of age when the minor accompanied by his parent, guardian, or other person in control or charge of the minor, presents to the authority, the evidence of age specified in this chapter. The certificate of age shall serve as a permit to employ a minor who is not by law required to attend school, and who is otherwise required to hold a permit to work.

12773. The permit to employ shall contain:

(a) The name, age, birth date, address and phone number of the minor.

(b) The place and hours of compulsory part-time school attendance for the minor, or statement of exemption therefrom, and the hours of compulsory full-time school attendance for the minor, if the permit is issued for outside of school hours.

(c) The maximum number of hours per day and per week the student may work while school is in session.

(d) The minor's social security number.

(e) The signature of the minor and the issuing authority.

(f) The date on which the permit expires.

12774. Except in agricultural and homemaking occupations and approved work experience education programs, no employer shall employ a minor under 18 years of age for more than four hours in any day in which such minor is required by law to attend school. If evidence is shown to the satisfaction of the person issuing the permit that the schoolwork or the health of the minor is being impaired by the employment, the authority issuing the permit may revoke it.

12775. All permits to work or to employ, all certificates of age, and certificates of health pursuant to this chapter, shall be issued on forms prepared and provided by the Superintendent of Public Instruction. Local school districts authorized to issue permits to work may be authorized by the Superintendent of Public Instruction to produce permits to work.

12775.1. Permits to work issued during the school year shall expire five days after the opening of the next succeeding school year.

## Article 3. Permits to Work Full Time

12776. A permit to work full time may be issued to a minor under the age of 16 years and over the age of 14 years who holds a diploma of graduation from the prescribed elementary school course. A permit of this class shall be issued only when the parent, or foster parent, or guardian of the minor child presents a sworn statement that the parent or foster parent, or guardian of the minor is incapacitated for labor through illness or injury, or that through the death or desertion of the father of the minor the family is in need of the earnings of the minor and that sufficient aid cannot be secured in any other manner. In no case shall the permit be issued for a period of time to exceed the end of the current school year.

The person issuing the permit shall make a signed statement that he, or a competent person designated by him, has investigated the conditions under which the application for the permit has been made and has found that, in his judgment, the earnings of the minor are necessary for the family to support the minor and that sufficient aid cannot be secured in any other manner. Such minors shall be duly enrolled in a work experience education program.

12776.1. Notwithstanding Sections 12776, 12777, 12778(d), or 12779, a permit to work full time may be issued to a minor over the age of 16 and under the age of 18.

12777. No permit shall be issued until the minor accompanied by his parent or guardian, appears before the person authorized to issue the permit and makes application therefor.

This section shall be applicable only to minors subject to Section 12776.

12778. No permit shall be issued until the issuing authority has received, examined, approved, and filed, the following papers duly executed:

(a) The school record of the minor giving age, grade, and attendance for the current term signed by the principal or teacher.

(b) Evidence of age, such as the school record of enrollment, or a certificate of birth, or a baptism certificate duly attested, or a passport, or affidavit of the parent, guardian, or custodian of the minor, such as shall convince the officer that the minor is of the age required by law.

(c) The written statement from a prospective employer that work is waiting for the minor and describing the nature of the work.

(d) A certificate signed by a physician appointed by the school board, or by other public medical officer, stating that the minor has been thoroughly examined by him, and, in his opinion, is physically fit to pursue the work specified. No fee shall be charged the minor for the physical certificate.

This section shall be applicable only to minors subject to Section 12776.

12779. The parent, guardian, or custodian accompanying the minor shall make oath that his statement of the name, address, birthplace, and age of the minor as entered upon the application for the permit to work are true and correct to the best of his knowledge and belief.

This section shall be applicable only to minors subject to Section 12776.

12780. The authority issuing any permit to work full time shall immediately notify, in writing, the person in charge of the organization and maintenance of part-time continuation classes of the place of the minor's prospective employment, and the parent or guardian of the minor shall send the minor to the classes designated.

## Article 4. Exceptions

12781. Every owner, tenant, or operator of a farm employing thereon as agricultural labor any parent or guardian having minor children in his immediate care and custody shall post at a conspicuous place on the property or place of employment where it may be easily read by those employed, a notice stating that minor children are not allowed to work upon the premises unless legally permitted to do so by law and unless permits to work have been secured by the minor children from duly constituted authorities. No owner, tenant, or operator posting the notice shall be held to have violated the provisions of this code because work has been performed upon the premises by minor children without permits to work unless minors are directly employed by or for him or under his direction or unless the owner, tenant, or operator has knowledge of the employment of minors on premises owned, leased, or operated by him and fails to ascertain if permits to work have been secured by the minors.

12782. In order that children may be disciplined and trained in habits of work and industry by their parents, guardians, or other persons standing in the place of parents, nothing in this chapter shall require a permit to work to be issued to any minor or require a permit to employ to be issued to the parent or guardian when the work or intended work to be performed by the minor is for or under the control of his parent or guardian and is performed upon or in connection with the premises owned, operated, or controlled by the parent or guardian. Nothing in this section shall be held to affect

existing provisions of law which require permits to work to be issued to minors employed in manufacturing, mercantile, or similar nonagricultural commercial enterprises by their parents or guardians. All other provisions of law relating to compulsory education shall be effective as to the minor.

### Article 5. Compliance

12783. An annual report of all permits to work issued during the year shall be made by the issuing authority to the county or city and county superintendents of schools. The reports shall be upon forms prepared and provided by the Superintendent of Public Instruction. The superintendent of schools of each county or city and county shall include in his annual report to the Superintendent of Public Instruction a summary of all such reports.

12784. Nothing in this chapter shall be construed to repeal or in any way modify the provisions of Sections 1298, 1390, 1394, 1395, 1396, and 1397 of the Labor Code.

### Article 6. Duties of Employer

12785. No person, firm or corporation shall employ, suffer, or permit any minor under the age of 18 years to work in or in connection with any establishment or occupation except as provided in Section 12784 without a permit to employ, issued by the proper educational officers in accordance with law.

12786. Every person, firm, corporation, or agent or officer of a firm or corporation, employing minors under the age of 18 years shall keep on file all permits to employ, for minors under the age of 18 years during the term of the employment.

Within five days after the termination of the employment, the permit to employ, shall be sent by the employer to the work permit issuing authority. The permit shall contain the latest correct address of the minor known to the employer. When the term of employment is for two or less days the permit shall be returned directly to the minor.

12787. The employer of any minor subject to this chapter shall, within five days after the beginning of employment, send to the officer issuing the permit to work a written notification of the employment. The permit to work shall become invalid unless written notification of the employment is sent by the employer within five days of the date of employment. The form of the notification shall be prescribed by the Department of Education and shall be furnished to the employer by the officer. The employer shall retain and file with the permit to work a copy of the notification.

12788. The notification of employment of minor shall contain:

(a) The name, address, phone number, and social security number of the minor.

(b) The name, address, phone number, and supervisor at the minor's place of employment.

(c) The kind of work the minor will perform.

(d) The maximum number of hours per day and per week the student will be expected to work for the employer.

(e) The signatures of the parent or guardian, of the minor, and of the employer.

12789. Permits and certificates shall always be open to inspection by attendance or probation officers, by officers of the Division of Labor Law Enforcement, and by officers of the Superintendent of Public Instruction. All permits to work or to employ and all certificates of age shall be subject to cancellation at any time by the Superintendent of Public Instruction, or by the Labor Commissioner, or by the person issuing the permits or certificates whenever any such officer or person finds that the conditions for the legal issuance of the permits or certificates of age do not exist or did not exist at the time the permit was issued. A permit to work shall be revoked by the issuing authority when he is satisfied that the employment of the minor is impairing the health or education of the minor, or that any provision or condition of the permit is being violated.

## Article 7. Violations

12791. The clerk or secretary of the governing board, of the school district in which the minor resides, a supervisor of attendance, or other person authorized by the board shall bring an action against any person, firm, corporation, or agent or officer of a firm or corporation that employs a minor in violation of the provisions of this chapter.

12792. Failure to produce a permit to work and a duplicate of the written notification of employment sent to the officer issuing the permit to work are prima facie evidence of the illegal employment of any minor whose permit to work is not produced.

12793. Any person, firm, corporation, or agent or officer of a firm or corporation, that violates or omits to comply with any of the provisions of this chapter, or that employs or suffers any minor under 18 years of age who is too old to be subject to compulsory full-time school attendance to be employed in violation thereof, is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars ($50), nor more than two hundred dollars ($200), or by imprisonment in the county jail for not more than 60 days, or by both such fine and imprisonment for each and every offense.

12794. Every person authorized to sign any certificate of age or any permit to work or to employ which allows employment of any minor during or outside school hours, during a vacation of the public schools, or upon the regular school holiday who knowingly certifies to any false statement therein, is guilty of a misdemeanor, and is punishable by a fine of not less than five dollars ($5) or more than fifty dollars ($50), or imprisonment for not more than 30 days, or by both such fine and imprisonment.

12795. Any fine collected under this article shall be paid into the school funds of the county in which the minor resides.

SEC. 7. Section 12455 of the Education Code is repealed.

SEC. 8. Section 12456 of the Education Code is repealed.

SEC. 9. Section 12457 of the Education Code is repealed.

SEC. 10. Section 12755 of the Education Code is repealed.

SEC. 11. Section 12757 of the Education Code is repealed.

SEC. 12. Section 12758 of the Education Code is repealed.

SEC. 13. Section 12759 of the Education Code is repealed.

---

## CHAPTER 1389

*An act to add Section 13013 to the Education Code, and to amend Sections 628, 657 of, and to add Section 1801.5 to, the Welfare and Institutions Code, relating to minors.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 13013 is added to the Education Code, to read:

13013. When a principal or other school official releases a minor pupil of such school to a peace officer for the purpose of removing the minor from the school premises, such school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to such officer, and regarding the place to which the minor is reportedly being taken.

SEC. 2. Section 628 of the Welfare and Institutions Code is amended to read:

628. Upon delivery to the probation officer of a minor who has been taken into temporary custody under the provisions of this article, the probation officer shall immediately investigate the circumstances of the minor and the facts surrounding his being taken into custody and shall immediately release such minor to the custody of his parent, guardian, or responsible relative unless one or more of the following conditions exist:

(a) The minor is in need of proper and effective parental care or control and has no parent, guardian, or responsible relative; or has no parent, guardian, or responsible relative willing to exercise or capable of exercising such care or control; or has no parent, guardian, or responsible relative actually exercising such care or control.

(b) The minor is destitute or is not provided with the necessities of life or is not provided with a home or suitable place of abode.

(c) The minor is provided with a home which is an unfit place for him by reason of neglect, cruelty, or depravity of

either of his parents, or of his guardian or other person in whose custody or care he is.

(d) Continued detention of the minor is a matter of immediate and urgent necessity for the protection of the minor or the person or property of another.

(e) The minor is likely to flee the jurisdiction of the court.

(f) The minor has violated an order of the juvenile court.

(g) The minor is physically dangerous to the public because of a mental or physical deficiency, disorder or abnormality.

SEC. 3. Section 628 of the Welfare and Institutions Code is amended to read:

628. Upon delivery to the probation officer of a minor who has been taken into temporary custody under the provisions of this article, the probation officer shall immediately investigate the circumstances of the minor and the facts surrounding his being taken into custody and shall immediately release the minor to the custody of his parent, guardian, or responsible relative unless one or more of the following conditions exist:

(a) The minor is in need of proper and effective parental care or control and has no parent, guardian, or responsible relative; or has no parent, guardian, or responsible relative willing to exercise or capable of exercising such care or control; or has no parent, guardian, or responsible relative actually exercising such care or control.

(b) The minor is destitute, is not provided with the necessities of life, or is not provided with a home or suitable place of abode.

(c) The minor is provided with a home which is an unfit place for him by reason of neglect, cruelty, or depravity of either of his parents, his guardian, or other person in whose custody or care he is.

(d) Continued detention of the minor is a matter of urgent necessity for the protection of the minor or the person or property of another.

(e) The minor is likely to flee the jurisdiction of the court.

(f) The minor has violated an order of the juvenile court.

(g) The minor is physically dangerous to the public because of a mental or physical deficiency, disorder or abnormality.

SEC. 4. Section 657 of the Welfare and Institutions Code is amended to read:

657. Upon the filing of the petition, the clerk of the juvenile court shall set the same for hearing within 30 days, except that in the case of a minor detained in custody at the time of the filing of the petition, the petition must be set for hearing within 15 judicial days from the date of the order of the court directing such detention.

At the detention hearing, or any time thereafter, a minor who is alleged to come within the provisions of Section 601 or 602, may, with the consent of counsel, admit in court the allegations of the petition and waive the jurisdictional hearing.

SEC. 5. Section 1801.5 is added to the Welfare and Institutions Code, to read:

1801.5. If the person is ordered returned to the Youth Authority following a hearing by the court, he, or his parent or guardian on his behalf, may, within 10 days after the making of such order, file a written demand that the question of whether he is physically dangerous to the public be tried by a jury in the superior court of the county in which he was committed. Thereupon, the court shall cause a jury to be summoned and to be in attendance at a date stated, not less than four days nor more than 30 days from the date of the demand for a jury trial. The court shall submit to the jury the question: Is the person physically dangerous to the public because of his mental or physical deficiency, disorder, or abnormality? The court's previous order entered pursuant to Section 1801 shall not be read to the jury, nor alluded to in such trial. The trial shall be had as provided by law for the trial of civil cases and shall require a verdict by at least three-fourths of the jury.

SEC. 6. It is the intent of the Legislature, if this bill and Senate Bill No. 6 are both chaptered and amend Section 628 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 6, that the amendments to Section 628 proposed by both bills be given effect and incorporated in Section 628 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Senate Bill No. 6 are both chaptered, both amend Section 628, and Senate Bill No. 6 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

---

## CHAPTER 1390

*An act to amend Section 1547 of the Penal Code, relating to rewards.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 1547 of the Penal Code is amended to read:

1547. (a) The Governor may offer a reward of not more than ten thousand dollars ($10,000), payable out of the General Fund, for information leading to the arrest and conviction of any of the following:

(1) Any convict who has escaped from a state prison, prison camp, prison farm, or the custody of any prison officer or employee or as provided in Section 3059, 4530, or 4531.

(2) Any person who has committed, or is charged with the commission of, an offense punishable with death.

(3) Any person engaged in the robbery or hijacking of, or any attempt to rob or hijack, any person upon or in charge of, in whole or in part, any public conveyance engaged at the time in carrying passengers within this state.

(4) Any person who kills, assaults with a deadly weapon, or inflicts serious bodily harm upon a police officer who is acting in the line of duty.

(5) Any person who has committed a crime involving the burning or bombing of public property.

(b) The reward shall be paid to the person giving the information, immediately upon the conviction of the person so arrested.

(c) As used in this section, "hijacking" means an unauthorized person causing, or attempting to cause, by violence or threat of violence, a public conveyance to go to an unauthorized destination.

---

## CHAPTER 1391

*An act to amend Section 6039 of the Agricultural Code, relating to plants.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 6039 of the Agricultural Code is amended to read:

6039. The director shall appoint a Curly Top Virus Control Board consisting of nine members. The membership shall consist of at least one representative of each of the primary crop commodities assessed and shall include representation from each of the districts assessed. Annually the director shall appoint one member of the board to serve as chairman.

---

## CHAPTER 1392

*An act to amend Section 16430 of the Government Code, relating to investment of state funds.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 16430 of the Government Code is amended to read:

16430. Eligible securities for the investment of surplus moneys shall be:

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the

United States are pledged for the payment of principal and interest.

(b) Bonds of this state, or those for which the faith and credit of this state are pledged for the payment of principal and interest.

(c) Bonds of any county, city, metropolitan water district, municipal utility district, or school district of this state.

(d) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, in stock, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act as amended, and in the bonds of any federal home loan bank established under said act, and in bonds, notes, and other obligations issued by the Tennessee Valley Authority under the Tennessee Valley Authority Act as amended.

(e) Commercial paper of "prime" quality as defined by a nationally recognized organization which rates such securities. Eligible paper is further limited to issuing corporations: (1) organized and operating within the United States; (2) having total assets in excess of five hundred million dollars ($500,000,000); and (3) approved by the Pooled Money Investment Board. Purchases of eligible commercial paper may not exceed 90 days' maturity, represent more than 10 percent of the outstanding paper of an issuing corporation, nor exceed 15 percent of the resources of an investment program. At the request of the Pooled Money Investment Board, such investment shall be secured by the issuer by depositing with the Treasurer securities authorized by Section 53651 of a market value at least 10 percent in excess of the amount of the state's investment.

(f) Bills of exchange or time drafts drawn on and accepted by a commercial bank, otherwise known as bankers acceptances, which are eligible for use as collateral by member banks for borrowing from a Federal Reserve Bank.

---

## CHAPTER 1393

*An act to add Section 5139 to the Public Utilities Code, relating to public utilities.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 5139 is added to the Public Utilities Code, to read:

5139. The commission may establish rules for the performance of any service of the character furnished or supplied by household goods carriers. Every household goods carrier shall observe such rules. Failure to do so is unlawful.

---

## CHAPTER 1394

*An act to amend Section 13739 of the Education Code, relating to classified employees.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 13739 of the Education Code is amended to read:

13739. A person who has served an initial probationary period in a class not to exceed six months or 130 days of paid service, whichever is longer, as prescribed by the rules of the commission shall be deemed to be in the permanent classified service, except that the commission may establish a probationary period in a class not to exceed one year for classes designated by the commission as executive, administrative, or police classes. No employee shall attain permanent status in the classified service until he has completed a probationary period in a class. In any case the rules of the commission may provide for the exclusion of time while employees are on a leave of absence. The rights of appeal from disciplinary action prior to attainment of permanent status in the classified service shall be in accordance with the provisions of Section 13743.

---

## CHAPTER 1395

*An act to repeal Article 2 (commencing with Section 40) of Chapter 1 of Division 1 of the Probate Code, relating to testamentary gifts to charity.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Article 2 (commencing with Section 40) of Chapter 1 of Division 1 of the Probate Code is repealed.

## CHAPTER 1396

*An act to amend Section 5992 of the Education Code, and to add Section 3368 to the Labor Code, relating to student work-experience programs.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 5992 of the Education Code is amended to read:

5992. Notwithstanding any provisions of this code or the Labor Code to the contrary, the school district under whose supervision work-experience education, or occupational training classes held in the community, are provided shall be considered the employer under Division 4 (commencing with Section 3201) of the Labor Code of persons receiving such training unless such persons during such training are being paid a cash wage or salary by a private employer, or unless the person or firm under whom such persons are receiving work-experience or occupational training elects to provide workmen's compensation insurance.

SEC. 2. Section 3368 is added to the Labor Code, to read:

3368. Notwithstanding any provision of this code or the Education Code to the contrary, the school district under whose supervision work-experience education, or occupational training classes held in the community, are provided shall be considered the employer under Division 4 (commencing with Section 3201) of persons receiving such training unless such persons during such training are being paid a cash wage or salary by a private employer, or unless the person or firm under whom such persons are receiving work-experience or occupational training elects to provide workmen's compensation insurance.

---

## CHAPTER 1397

*An act to amend Section 2736.5 of the Business and Professions Code, relating to nursing.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 2736.5 of the Business and Professions Code is amended to read:

2736.5. (a) Any person who has served on active duty in the medical corps of any of the armed forces of the United

States and who has successfully completed the course of instruction required to qualify him for rating as a medical service technician—independent duty, or other equivalent rating in his particular branch of the armed forces, and whose service in the armed forces has been under honorable conditions, may submit the record of such training to the board for evaluation.

(b) If such person meets the qualifications of paragraphs (1) and (3) of subdivision (a) of Section 2736, and if the board determines that his education and experience would give reasonable assurance of competence to practice as a registered nurse in this state, he shall be granted a license upon passing the standard examination for such licensure.

(c) The board shall, by regulation, establish criteria for evaluating the education and experience of applicants under this section.

(d) The board shall maintain records of the following categories of applicants under this section:

(1) Applicants who are rejected for examination, and the areas of such applicants' preparation which are the causes of rejection.

(2) Applicants who are qualified by their military education and experience alone to take the examination, and the results of their examinations.

(3) Applicants who are qualified to take the examination by their military education and experience plus supplementary education, and the results of their examinations.

(e) The board shall report to the Legislature its findings and recommendations relating to applicants under the provisions of this section not later than the fifth legislative day of the 1971 and 1973 Regular Sessions of the Legislature.

(f) The board shall attempt to contact by mail or other means individuals meeting the requirements of subdivision (a) who have been or will be discharged or separated from the armed forces of the United States, in order to inform them of the application procedure provided by this section. The board may enter into an agreement with the federal government in order to secure the names and addresses of such individuals.

---

## CHAPTER 1398

*An act to amend Section 470 of the Streets and Highways Code, relating to state highways.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 470 of the Streets and Highways Code is amended to read:

470. Route 170 is from:

(a) Los Angeles International Airport to Route 90.

(b) Route 2 to Route 101 in Los Angeles.

(c) Route 101 near Riverside Drive to Route 5 near Tujunga Wash.

---

## CHAPTER 1399

*An act to add Article 2.5 (commencing with Section 11025) to Chapter 1 of Part 2 of Division 4 of, and to repeal Sections 11018.6, 11018.9, and 11024 of, the Business and Professions Code, relating to land projects.*

[Approved by Governor November 4, 1971. Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Section 11018.6 of the Business and Professions Code is repealed.

SEC. 2. Section 11018.9 of the Business and Professions Code is repealed.

SEC. 3. Section 11024 of the Business and Professions Code is repealed.

SEC. 4. Article 2.5 (commencing with Section 11025) is added to Chapter 1 of Part 2 of Division 4 of the Business and Professions Code, to read:

### Article 2.5. Land Projects

11025. 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, unless he makes a specific finding that:

(1) The total complex of existing or proposed improvements reflected in the subdivision offering (including storm sewers, sanitary sewers, water systems, roads, utilities, community facilities, recreational amenities) will be adequate to serve the projected population of the entire land project.

(2) The arrangements that have been made to assure completion, maintenance and financing of the total complex of existing or proposed improvements referred to in paragraph (1) are reasonable. 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.

(3) The offsite and onsite measures, including the overall design of the entire land project, are adequate to prevent damage to property by reason of flooding, erosion and other natural occurrences which are usual or predictable for the area.

(4) The method of financing the purchase of individual parcels or lots, including the effect of balloon payments, is reasonable.

(5) The existing zoning, or any change in zoning that has been proposed to the local governing body, is compatible with the proposed use of the lots within the land project.

(6) The use, or zoning, of adjacent properties is compatible with the proposed land project.

11027. (a) A copy of the public report issued on land within a land project shall be given by the subdivider or his agents or salesmen:

(1) At any time, upon oral or written request, to any member of the public.

(2) To every adult or head of a family who, as a prospective purchaser, visits the site of a land project, whether by appointment or by casual visitation and whose presence is known, or should reasonably be known, by the subdivider, his agents or salesmen.

(3) To every prospective purchaser to whom the subdivider, his agent or salesman makes a sale presentation or to whom promotional material, other than a preliminary solicitation, is sent.

(b) Willful failure to distribute a copy of the public report pursuant to this section shall be a misdemeanor.

(c) If a subdivider or his agent or salesman violates the provisions of subdivision (b) the commissioner, at his discretion, may order the subdivider, his agents and salesmen to desist and refrain from the further sale or lease of lots or parcels within the land project for a period not to exceed 30 days.

(d) No receipt shall be required for a copy of a public report issued pursuant to this section.

11028. 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 14th calendar day following the day on which the purchaser or

prospective purchaser has executed such contract or agreement. 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. 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.

11029. 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.

11030. The requirements of this article are in addition to those of any other provision of this chapter.

# CHAPTER 1400

*An act to add Article 11 (commencing with Section 29530) to Chapter 2 of Division 3 of Title 3 of, and to amend Section 37101 of, the Government Code, to add Chapter 4 (commencing with Section 99200) to Part 11 of Division 10 of the Public Utilities Code, and to amend Sections 6011, 6012, 6051, 6052.5, 6201, 6357, 7102, 7202, 7203, 7203.5, 7204, 7204.5, 7264, 7273, 8101.5, 8101.7, and 30462 of, and to add Section 7204.3 to, the Revenue and Taxation Code, relating to sales and use taxes to finance public transportation systems.*

[Approved by Governor November 4, 1971 Filed with Secretary of State November 4, 1971.]

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

SECTION 1. Article 11 (commencing with Section 29530) is added to Chapter 2 of Division 3 of Title 3 of the Government Code, to read:

## Article 11. Transportation Fund

29530. If the board of supervisors so agrees by contract with the State Board of Equalization, the board of supervisors shall establish a local transportation fund in the county treasury and shall deposit in such fund all revenues transmitted to the county by the State Board of Equalization under Section 7204 of the Revenue and Taxation Code, which are derived from that portion of the taxes imposed by the county at a rate in excess of 1 percent pursuant to Part 1.5 (commencing with Section 7200) of Division 2 of such code, less an allocation of the cost of the State Board of Equalization's services in administering the sales and use tax ordinance related to the rate in excess of 1 percent.

29531. The board of supervisors shall continuously appropriate the money in such fund for expenditure for the purposes specified in this article and in Chapter 4 (commencing with Section 99200) of Part 11 of Division 10 of the Public Utilities Code.

29532. Out of the funds appropriated pursuant to Section 29531, the county auditor shall pay to public transportation entities such amounts as are allocated by the following designated transportation planning agencies:

(a) For a county included within the jurisdiction of a

statutorily created regional transportation planning agency, such agency.

(b) For a county which is not included within the jurisdiction of a statutorily created regional transportation agency but for which there is a council of governments, such council. For a county for which an election has been made under the provisions of Section 29526 to form a local transportation commission, such local transportation commission authorized in Section 29535.

(c) For a county not within the jurisdiction of a statutorily created regional transportation planning agency or a council of governments, the local transportation commission authorized in Section 29535.

29533. In the event that any application, if approved in accordance with Section 29532, would cause the county to incur any indebtedness or liability in any year in excess of the money in the local transportation fund for such year, the board of supervisors shall, upon notification from the local transportation commission designated in Section 29535, or the regional body designated in Section 99215 of the Public Utilities Code, call an election pursuant to Article 7 (commencing with Section 99320) of Chapter 4 of Part 11 of Division 10 of the Public Utilities Code. Such election may be consolidated with a general election or a direct primary election. The cost of such election shall, upon approval of the local transportation commission designated in Section 29535, or the regional body designated in Section 99215 of the Public Utilities Code, be paid from the transportation fund.

29534. The county auditor shall keep such records and make such reports concerning the local transportation fund as the Secretary of the Business and Transportation Agency shall prescribe.

29535. Within each county which is not within the jurisdiction of a statutorily created regional transportation planning agency or a council of governments, a local transportation commission shall be established and composed of three members appointed by the board of supervisors, three members appointed by the mayor's select committee of the county and, where applicable, three members appointed by a transit district and one member representing, collectively, the other transit operators in the county.

29536. (a) In a county with a population over six million according to the last federal decennial census, the claims of an applicant shall, pursuant to the provisions of subdivision (b) of Section 29532, be presented to the council of governments. The county may elect, with the concurrence of a majority of the cities which include at least 50 percent of the incorporated population within the county, to form a local transportation commission pursuant to this subdivision. If a local

transportation commission is formed, the applications for funds shall be submitted to both the local transportation commission for review and approval and the council of governments for review and comment on conformity with an adopted regional plan, which shall have 60 days after the receipt of applications to notify the local transportation commission and the county auditor of an objection to an application on the basis of nonconformity to an adopted and published regional plan. If neither the local transportation commission nor the county auditor receive notice of such objection, the approval of the council of governments shall be conclusively presumed. If the local transportation commission approves, applications for funds to which the council of governments has so objected shall be paid by the county auditor, unless within 30 days after such approval the council of governments has filed an appeal with the Secretary of the Business and Transportation Agency and provided notice of such appeal to the local transportation commission and the county auditor. The secretary shall render his decision on the appeal within 30 days after he receives it, and the decision of the secretary regarding whether the application is in accord with the adopted regional plan shall be final. The secretary shall transmit copies of his decision to the council of governments, the local transportation commission, and the county auditor.

If a local transportation commission is formed, the board of supervisors shall be notified by the applicant at the time a claim is filed under Article 4 (commencing with Section 99260), Chapter 4, Part 11, Division 10 of the Public Utilities Code.

(b) Except in a county with a population over six million according to the last federal decennial census, a county may, pursuant to this subdivision, elect, with the concurrence of a majority of the cities which include at least 50 percent of the incorporated population within the county, to form a local transportation commission pursuant to Section 29535. Applications for funds may be allocated by the local transportation commission only if the council of governments has not objected to such application. For counties with a population of 500,000 or more, as determined under Section 28020 of the Government Code, as now or hereafter amended, but excluding counties with more than 4,500 miles of maintained county roads, the members appointed by the mayor's select committee of the county from a city for which a transit service is provided and the members appointed by a transit district and the member representing other transit operators shall have no vote in the approval of the claims filed under Article 8 (commencing with Section 99400), Chapter 4, Part 11, Division 10 of the Public Utilities Code. For counties

with a population of less than 500,000, as determined under Section 28020 of the Government Code, as now and hereafter amended, and for counties with a population of 500,000 or more, as determined under Section 28020 of the Government Code, as now or hereafter amended, and with more than 4,500 miles of maintained county roads, the members appointed by the mayor's select committee of the county from a city for which all of the proportion of the total revenues placed by the county in the local transportation fund that the city's population bears to the total of the county population is used to pay approved claims filed under Article 4 (commencing with Section 99260), Chapter 4, Part 11, Division 10 of the Public Utilities Code, and the members appointed by a transit district, and the member representing other transit operators shall have no vote in the approval of the claims filed under Article 8 (commencing with Section 99400), Chapter 4, Part 11, Division 10 of the Public Utilities Code.

Applications for funds shall be submitted to both the local transportation commission and the council of governments, which shall have 60 days after the receipt of applications to notify the local transportation commission and the county auditor of any objection. If neither the local transportation commission nor the county auditor receive notice of objection, the approval of the council of governments shall be presumed. Applications for funds to which the council of governments has objected shall not be paid by the county auditor until the objection has been removed.

29537. If, in a county with a population over six million according to the last federal decennial census, a local transportation commission whose authority is limited to reviewing and taking action on claims is established, it shall be composed of the same membership specified in Section 29535, except that the members appointed by the mayor's select committee representing a city for which a transit service is provided, the members appointed by a transit district, and the member representing other transit operators shall have no vote in the approval of the claims filed under Article 8 (commencing with Section 99400), Chapter 4, Part 11, Division 10 of the Public Utilities Code.

Within 30 days following the receipt of the notice specified in subdivision (a) of Section 29536, the board of supervisors shall convene the entire local transportation commission as described in Section 29535, unless the entire local transportation commission has been convened to review other claims remains in operation. The review of a claim filed under Article 4 (commencing with Section 99260), Chapter 4, Part 11, Division 10 of the Public Utilities Code shall be completed within 60 days after the entire commission is convened, and the members having no vote on the claims

filed under Article 8 (commencing with Section 99400), Chapter 4, Part 11, Division 10 of the Public Utilities Code shall be relieved of further responsibility after all claims filed under Article 4 have been reviewed.

SEC. 2. Section 37101 of the Government Code is amended to read:

37101. The legislative body may license, for revenue and regulation, and fix the license tax upon, every kind of lawful business transacted in the city, including shows, exhibitions, and games. It may provide for collection of the license tax by suit or otherwise. If the legislative body levies a sales tax under the authority of this section, it may impose a complementary tax at the same rate upon use or other consumption of tangible personal property.

If the legislative body imposes a sales or use tax, it shall do so in the same manner and use the same tax base as prescribed in Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code.

SEC. 3. Chapter 4 (commencing with Section 99200) is added to Part 11 of Division 10 of the Public Utilities Code, to read:

## CHAPTER 4. TRANSPORTATION DEVELOPMENT

### Article 1. General Provisions and Definitions

99200. This chapter shall be known and may be cited as the "Mills-Alquist-Deddeh Act."

99201. Unless the context otherwise requires, the definitions given in this article shall govern construction of this chapter.

99202. For the purposes of Article 4 (commencing with Section 99260) of this chapter, "applicant" means a regional applicant or a municipal applicant submitting an application for an allocation of funds from the local transprtation fund of a county. For the purposes of Article 8 (commencing with Section 99400) of this chapter, "applicant" means a county, city, or transit district.

99203. "Approved application" means an approved annual public transportation claim as determined under Section 99264 or an approved annual claim as determined under Section 99403.

99204. "City" means a city within the county having the fund from which the disbursement will be made.

99205. "County" includes a city and county.

99206. "Fund" means the local transportation fund established by a county under Article 11 (commencing with Section 29530) of Chapter 2 of Division 3 of Title 3 of the Government Code.

99207. "Included municipal applicant" means a city or county, including any nonprofit corporation or other legal entity wholly owned or controlled by the city or county, which operates a public transportation system and which is included, in whole or in part, within an existing transit district and which operated a public transportation system on January 1, 1971.

99208. "Included transit district" means a transit district which operates a public transportation system and which is included entirely within another existing transit district on January 1, 1971, or a district organized pursuant to Part 3 (commencing with Section 27000) of Division 16 of the Streets and Highways Code.

99209. "Municipal applicant" means:

(a) A city or county, including any nonprofit corporation or other legal entity wholly owned or controlled by the city or county, which operates a public transportation system and which is not included, in whole or in part, within an existing transit district.

(b) A city or county located within a transit district which contracts to receive public transportation service from an included transit district; provided, however, that the claim of such city or county shall be included in the claim of the included transit district.

(c) A city or county outside of a transit district which contracts to receive public transportation service from a municipal applicant, from an included transit district, or from a transit district; provided, however, that the claim of such city or county shall be included in the claim of the contracting party providing such service.

(d) An included municipal applicant.

(e) An included transit district.

(f) A transit district which contracts to receive public transportation service from another transit district or another municipal applicant.

99210. "Public transportation system" means any system for the transportation of public passengers being developed or operated by a public agency, including a city, county, or transit district, in which the mode of transporting passengers is by rail, bus, or other vehicles which are operated grade-separated from, or in conjunction with, other vehicular traffic on public streets, highways, freeways, and bridges or by a waterborne mode of transportation.

99211. "Regional applicant" means a transit district, but not an included transit district.

99212. "Secretary" means the Secretary of the Business and Transportation Agency or his duly authorized representative.

99213. "Transit district" means a public district organized

pursuant to state law and designated in the enabling legislation as a transit district or a rapid transit district.

99214. "Transportation planning agency" means the entity designated in Section 29532 of the Government Code.

## Article 2. Findings and Declarations

99220. The Legislature finds and declares as follows:

(a) Public transportation is an essential component of the balanced transportation system which must be maintained and developed so as to permit the efficient and orderly movement of people and goods in the urban areas of the state. Public transportation systems provide an essential public service which must be available at a charge to the user which will encourage maximum utilization of the efficiencies of the service for the benefit of the total transportation system of the state, and which will not deprive the elderly, the handicapped, the youth, and the citizens of limited means of the ability to freely utilize the service.

(b) The fostering, continuance, and development of public transportation systems are a matter of state concern. Excessive reliance on the private automobile for transportation has caused air pollution and traffic congestion in California's urban areas, and such pollution and congestion are not confined to single incorporated areas but affect entire regions. Thus, the Legislature has elected to deal with the multiple problems caused by a lack of adequate public transportation on a regional basis through the counties, with coordination of the programs being the responsibility of the state pursuant to contract with county governments.

(c) While providing county assistance to a particular transportation system may not be of primary interest and benefit to each and every taxpayer in a county, providing an integrated and coordinated system to meet the public transportation needs of an entire county will benefit the county as a whole. It is the purpose of this chapter to provide for such systems in those counties where they are needed.

(d) The local transportation funds authorized by Article 11 (commencing with Section 29530) of Chapter 2 of Division 3 of Title 3 of the Government Code are made possible by the imposition of the state's sales and use taxes on motor vehicle fuel, which allows for a reduction in state taxes without a corresponding loss in revenue. By authorizing counties to increase their sales and use taxes, an additional source of revenue has been made available for public transportation within such counties. Applicants for a disbursement from a local transportation fund shall only be eligible for an allocation from the fund of the county in which such transportation is provided.

99221. It is the intent of the Legislature to improve existing public transportation services and encourage regional public transportation coordination. The Legislature recognizes that in the Southern California Rapid Transit District a unique factual situation exists where several municipal bus systems are providing essential local transportation services within the operating territory of the district, which was created by the Legislature to provide areawide coordinated public transportation services. Within the Southern California Rapid Transit District, the regional applicant shall be the governmental vehicle to establish a unified or officially coordinated public transportation system as part of the comprehensively planned development of the urban area. Both the Southern California Rapid Transit District and the included municipalities that operate bus systems within the jurisdiction of the district are permitted to file claims pursuant to this chapter upon the local transportation fund of the County of Los Angeles; provided, however, an approved claim shall not be allowed for the purpose of the establishment by the municipality, after March 1, 1971, of a new service area outside the municipality which might further fragment public transportation services within the district. It is the intent of the Legislature that the Southern California Rapid Transit District should not be inhibited in its effort to improve transit services within the region by the expansion outside their city boundaries of the several municipal bus systems of the involved municipalities. The policy of the Legislature is that new services to meet public transportation needs outside of the municipalities presently operating bus systems which do not compete with, or divert patronage from, an existing operating bus system of an included municipal applicant under Section 99280, shall be provided and controlled by the Southern California Rapid Transit District in its role as the responsible public agency for providing public transportation systems and facilities within the region.

## Article 3. Local Transportation Funds

99240. The local transportation fund shall be apportioned by the designated transportation planning agency in accordance with the following priorities:

(a) First, there shall be apportioned to the county such sums as are necessary for the county to administer this chapter.

(b) Thereafter there shall be apportioned to the transportation planning agency such sums as are necessary to administer this chapter.

(c) Thereafter there shall be apportioned to statutorily

created regional transportation planning agencies and entities created by interstate compact, for the conduct of the continuing comprehensive transportation planning process within the region, up to 3 percent of such revenues, unless a greater amount is approved by the secretary.

(d) Thereafter there shall be apportioned to qualified applicants such monies as are approved by the transportation planning agency for claims presented by applicants pursuant to Article 4 (commencing with Section 99260) of this chapter.

(e) Thereafter there shall be apportioned to qualified applicants such monies as are approved by the transportation planning agency for claims presented by applicants pursuant to Article 8 (commencing with Section 99400) of this chapter.

99241. Except for apportionments made for purposes of subdivision (c) of Section 99400, which shall be subject to the rules and regulations adopted by the transportation planning agency, the apportionments shall be subject to rules and regulations, consistent with statute, promulgated by the secretary with the advice and consent of the State Transportation Board and those rules and regulations may be revised from time to time.

Such rules and regulations shall require evaluation and review by the transportation planning agency of public transportation claims and corresponding budgets or financial plans and other information required in connection therewith. The rules and regulations shall provide for the orderly and periodic distribution of funds in the local transportation fund to the applicant so that the areas served by the applicant will be provided public transportation services on a continuing basis and so that there will be an orderly improvement and maintenance of the system of the applicant by the use of money disbursed from the local transportation fund. The rules and regulations shall provide for the approval of sufficient moneys from the local transportation fund to accomplish the intent of the Legislature as expressed in the findings and declarations in Section 99220. Such rules and regulations may require that the transportation planning agency, in reviewing claims, give due consideration to the level of the applicant's passenger fares and charges, the efficiency of the applicant's operations and operating policies and practices, the extent to which the applicant is meeting the transportation needs of the area served, and the extent to which the applicant is making full use of other available revenues and funds, including federal transportation grants.

99242. In the event that an applicant is not satisfied with his approved claim or other action taken by the transportation planning agency, a notification with supporting documentation may be filed with the secretary, who shall

conduct an investigation and evaluation of the disagreement between the applicant and the transportation planning agency. The secretary shall notify the involved parties of his findings, which shall be a final settlement of the issue.

Article 4. Claims for Funds

99260. An applicant may, after the operative date of this section, and at least 90 days prior to the beginning of the following fiscal year and any fiscal year thereafter, file with the transportation planning agency a claim supported by a budget or financial plan setting forth a statement of estimated financial needs, accompanied by such other documents as may be requested by the transportation planning agency including, but not limited to, annual financial statements accompanied by a report of a certified public accountant, except that this need not be done for the then current year.

99262. In the claim, the applicant may request the disbursement of money from the local transportation fund of the county in which the public transportation is, or will be, in an amount sufficient to satisfy its estimated financial needs:

(a) In order to meet its capital and operating requirements for the planning, construction, maintenance, and operation of a public transportation system, including current acquisition or replacement of transportation vehicles or conveyances, acquisition of real property, construction of facilities, expenses for repairs, operation, maintenance, and depreciation and the payment of principal and interest on its bonded indebtedness, equipment trust certificates, or other indebtedness, including any amounts in the accomplishment of a defeasance under any outstanding revenue bond indenture.

(b) For public transportation research and demonstration grants.

The claim shall evidence, but not be limited to, the actual need for financial assistance for any deficit resulting from expenditures exceeding its available revenues from all sources, based on estimates filed with the transportation planning agency for the applicable fiscal year. The claim shall be for a fiscal year period corresponding to the accounting period of the state, unless a different period is authorized by the transportation planning agency.

99263. An approved claim may include an amount to pay the principal and interest on bonds of the applicant for a public transportation system.

This section shall not be construed as an authorization to any applicant to pledge revenues received from the county's local transportation fund, unless approved by the voters of the county under Article 7 (commencing with Section 99320) of

this chapter.

99264. The transportation planning agency shall review the budget or financial plan filed by each applicant and shall, from an analysis and evaluation thereof, determine the estimated financial assistance required for the applicable fiscal year by each such applicant, which amount, when determined, shall constitute and be called the "approved annual public transportation claim" for each applicant.

The claim, other than the claim of an included municipal applicant subject to subdivision (a) of Section 99300, may include a proportional amount for regularly scheduled transit services provided outside of the applicant's boundaries even though a contract specified in Section 99301 has not been executed. Such claim may not be apportioned by the transportation planning agency without the prior express authorization of the secretary. In the event a contract between the applicant and the city or county receiving such service is executed, the approval of the secretary is not needed in order for the claim to be paid.

99266. In the evaluation of the budget or financial plan, the transportation planning agency shall require from the applicant statements or reports substantiating any increase in operating budget in excess of 15 percent above the preceding year or substantial increase or decrease in scope of operations or capital budget provisions for major new fixed facilities, and such other supporting data as may be reasonably required.

99267. (a) (1) At least 75 percent of the funds received under this article shall be used for capital expenditures, except that the amount of federal or other state funds granted or approved for capital expenditure on a matching basis may be applied to satisfy this requirement. Such capital expenditures shall consist of acquisition of land and other real property, current acquisition or replacement of transportation vehicles, or conveyances, and acquisition, construction, enlargement, or repair of property and facilities incidental to or necessary or convenient in connection with the foregoing, depreciation, and payment of principal and interest on its bonded indebtedness, equipment trust certificates, or other indebtedness, including any amounts in the accomplishment of a defeasance under any outstanding revenue bond indenture.

When unique and unusual circumstances arise whereby funds are available for capital expenditures but not for other more urgent costs, an application may be filed with the secretary for a temporary waiver which, if granted, shall authorize funds restricted for capital expenditures to be used for other more urgent costs. To approve such a request, the secretary shall determine that financing the noncapital expenditures by other means, such as fare increases or

curtailment of services, will adversely affect public transportation service for the area.

(2) The expenditure of the funds received under this article by the applicant may in no year exceed 50 percent of the amount required to meet operating, maintenance, and capital and debt service requirements after deduction therefrom of federal grants estimated to be received. With respect to the budgeted capital requirements of the applicant for grade-separated mass transit system facilities, notwithstanding the 50-percent limitation specified in the foregoing sentence, the applicant may expend the amount budgeted for capital requirements in any year or other applicable period less the amount of federal and other state funds granted or approved therefor, if a construction of such facilities has been found to be consistent with the applicable regional plans for the area within which the applicant provides service by the recognized comprehensive and transportation planning agency. Such other applicable period may consist of a five-year period on a cumulative basis for the acquisition, construction, and financing of grade-separated mass transit system facilities and, within such applicable period, the amount of the grant in any year may be ordered by the transportation planning agency to be set aside and cumulated for accomplishment of the particular project.

(b) The transportation planning agency may disallow, in whole or in part, any portion of the operating requirements of the applicant's claim caused by unreasonable or arbitrary increases in executive-level salaries. In making such a disallowance, the transportation planning agency may consider executive salary levels in public agencies and in the public transportation industry, both nationally and within the state, as well as pertinent indices pertaining to salary levels in the public transportation industry.

(c) The approval of the claim by the transportation planning agency shall constitute the approval specified in Section 29704 of the Government Code.

(d) The limitations of subdivision (a) shall not apply to a transit district during its first five fiscal years, if the district was formed after the effective date of this section.

99268. It is the intent of the Legislature that to the extent moneys are available, the financial assistance in the amount determined in Section 99264 shall be disbursed to the applicants by the transportation planning agency subject to the limitations in Sections 99270, 99271, and 99272 regarding moneys available for the applicant.

99269. The approved claim shall be transmitted by the transportation planning agency to the applicant, and the county auditor shall make disbursements in the manner and at the times requested by applicant, or as determined by the

2395275 56

transportation planning agency.

The approved claim of the applicant shall be reviewed by the transportation planning agency upon its own motion or upon request of the applicant, either during the fiscal year covered by the claim or thereafter. The review shall include an adjustment to reconcile the estimates on which the approved claim was based with the actual figures when these are available. The review may also include a redetermination of an approved claim if the financial needs of the applicant due to changed circumstances differ from that of the approved claim. The transportation planning agency in determining or redetermining the approved claim, shall have full access to the books, records, and accounts of the applicant.

99270. The amount of an approved claim of any municipal applicant, except an included municipal applicant under Section 99300, for any fiscal year shall not exceed the proportion of the total revenue placed by the county in the local transportation fund that the population of the municipal applicant bears to the total county population as determined by the transportation planning agency, except that a proportional amount may also be provided for transit services provided outside of the boundaries of the municipal applicant by the applicant.

99271. The approved claim of a regional applicant for any fiscal year shall, regardless of whether the applicant has boundaries that are coterminous with the boundaries of a city or county, not exceed the proportion of the total revenues placed by the county in the local transportation fund that the population of the area of the county served by the regional applicant bears to the total of the county population as determined by the transportation planning agency, except that a proportional amount may also be provided for transit services provided outside the boundaries of the applicant.

99272. The total amount of funds allocated by the transportation planning agency pursuant to this article to the various applicants within a county, including the proportionate share allocated to any multicounty applicant which includes any portion of the county, shall not exceed the proportion of the total revenue placed by the county in the local transportation fund that the population of the county receiving such transit services as determined by the transportation planning agency bears to the total of the county population.

99273. In order to utilize the money in a local transportation fund to the fullest extent, the transportation planning agency may adopt rules and regulations requiring all applicants to file an estimate of the maximum claim for a given fiscal year on a date not more than six months prior to the commencement of the fiscal year. In the case of a transit

district subject to the provisions of subdivision (b) of Section 99300, an amended claim may be filed at any time during or following a given fiscal year to permit an increase in the claim when a maximum claim permitted under Section 99271 is increased for any reason.

99274. The priorities established in Section 99240 shall be regulated as follows:

(a) For counties with a population of 500,000 or more, as determined under Section 28020 of the Government Code, as now or hereafter amended, but excluding counties with more than 4,500 miles of maintained county roads, the proportion of the total revenue placed by the county in the local transportation fund that the population within the boundaries of all applicants for claims filed under this article bears to the total county population shall be available only to satisfy claims for public transportation systems, and any revenue that is not necessary to satisfy the approved claims under this article in any year shall be available for such claims in subsequent years. The proportion of the total revenue placed by the county in the local transportation fund that the population outside of the boundaries of all applicants under this article bears to the total county population shall be available for the claims filed under Article 8 (commencing with Section 99400) of this chapter for expenditure in the area for which transit service is not provided.

(b) For counties with a population of less than 500,000 as determined under Section 28020 of the Government Code, as now or hereafter amended, and for counties with a population of 500,000 or more, as determined under Section 28020 of the Government Code, as now or hereafter amended, and with more than 4,500 miles of maintained county roads, the proportion of the total revenue placed by the county in the local transportation fund that the population within the boundaries of all applicants bears to the total county population that is not necessary to satisfy the approved claims under this article in any year may be available either for the other priorities designated in Section 99240 or for claims under this article in subsequent years upon the motion of the transportation planning agency.

99275. No funds received under this article shall be used in substitution for, or to reduce, other funds committed for services provided within the applicant's boundaries, commencing July 1, 1972.

### Article 5. Limitations on Included Municipal Applicants

99280. An included municipal applicant shall not establish a public transportation system either by adding new routes or extending existing routes, by acquisition or otherwise, outside

of its boundaries and outside of the reserved service area consisting of the area that would be formed by joining all points that are distant three-quarters of one mile from any point of any of its regularly scheduled routes in existence and in operation on March 1, 1971. No point within such reserved service area shall be more than three-quarters of a mile from a point on one of such regularly scheduled routes, without first providing the governing board of the transit district with a 60-day advance written notice of its intention to add new routes or extend existing routes outside of the reserved service area. Within 30 days of receiving such written notice, the governing body of the transit district shall either (a) notify the included municipal applicant that the transit district does not intend to add or extend the routes in question itself, in which case the included municipal applicant may proceed with implementation of its plans; or (b) serve immediate notice upon the included municipal applicant that the transit district desires to establish the proposed new service itself and is otherwise not precluded from doing so. In the event that the governing body of the transit district elects to provide the service in question, it shall institute such service within 60 days of the time proposed by the included municipal applicant for initiation of such service.

The operation by included municipal applicants of new or extended routes established pursuant to this section are subject to the condition whereby the transit district may assume operation of such new or extended routes, if it is not otherwise precluded from doing so, after a 60-day notification by the transit district to the included municipal applicant. No route so assumed by the transit district may be abandoned by the transit district without first serving a 60-day written notice of intent to abandon on the included municipal applicant which previously provided the service. Subsequent to the abandonment by the transit district, the included municipal applicant may, at its option, resume service if it is not otherwise precluded from doing so.

Any included municipal applicant, as a condition precedent to filing a claim under Article 4 (commencing with Section 99260) of this chapter, shall file with the transportation planning agency a certified route map showing those regularly scheduled routes in existence and in operation on March 1, 1971, outside of its boundaries. Such certified map shall also indicate by an appropriate legend the service area where the consent of the transit district is not required under the terms of this section.

The establishment of new routes, or the extension of existing routes, outside the boundaries of an included municipal applicant, but within the reserved service area, as defined in this section, shall not be permitted where the

operation or establishment of such routes will compete with or divert patronage from a route of the transit district as of the date the transit district is given the notice hereinafter required. Before any such new routes are established or existing routes are extended, the included municipal applicant shall give the transit district an appropriate 60-day notice.

99281. The transit district shall have authority to operate or establish new routes or extend existing routes in all or part of the area outside a municipal applicant, except where the operation or establishment of such service will compete with or divert patronage from an existing service of any included municipal applicant or service in a reserved service area under Section 99280; provided, however, that such limitation upon the district shall not apply with respect to services established outside a reserved service area by an included municipal applicant under Section 99280.

Except if both the secretary and the statutorily created regional transportation planning agency designate otherwise, the regional applicant shall have the sole prerogative of using funds available under this chapter for the purpose of constructing and operating a grade-separated mass transit system, regardless of whether the operation of such a system competes with or diverts patronage from any services of an included municipal applicant.

99282. All transit districts and all municipal applicants shall be encouraged to establish maximum coordination of public transportation services, fares, transfer privileges, and all other related matters for the overall improvement of public transportation service to the general public requiring such services within the affected areas.

99283. The consent of a transit district to the operation of a public transportation system by an included municipal applicant pursuant to Section 99280 may include a requirement for interchange of transfers on an appropriate basis between the public transportation system of the included municipal applicant and the public transportation system of the transit district, or any nominee of such transit district, in connection with the furnishing of services by such public transportation systems.

99284. The violation by a transit district or an included municipal applicant of any provisions of this article, or of any agreement between them with regard to providing public transportation services, shall disqualify the transit district or the included municipal applicant, as the case may be, from filing a public transportation claim pursuant to Article 4 (commencing with Section 99260) of this chapter, and the transportation planning agency shall take no further action in connection with the approval of any pending public

2385360 72

transportation claim of the transit district or of the municipal applicant, as the case may be, until it determines that such violation has ceased.

99285. The provisions of this article shall control over the provisions of any other act or law applicable to a transit district to the extent of any conflict with such provisions.

## Article 6. Miscellaneous

99300. The maximum amount of the approved claim of each of the included municipal applicants within the Southern California Rapid Transit District and of the district itself shall be determined as follows:

(a) In the case of an included municipal applicant, the amount shall equal the amount the district as a regional applicant would be eligible for pursuant to Section 99271, if there were no included municipal applicants in the district, times the ratio of the total miles traveled within the district by the conveyances of the public transportation system of the included municipal applicant to the total miles traveled within the district by the conveyances of such systems of all such applicants in the district and of the district itself as determined by the secretary for the last calendar year.

(b) In the case of the district itself, the amount shall equal the amount it would be eligible for as a regional applicant pursuant to Section 99271, if there were no included municipal applicants in the district, less the approved claims of all of the included municipal applicants within the district.

99301. (a) Any city, county, or transit district may enter into a contract with any municipal or regional applicant, except with an included municipal applicant unless specifically approved by the governing body of the transit district in whose area the included municipal applicant is located, for such applicant to provide public transportation service in such city, county, or transit district.

(b) In such a case, the applicant providing such service may include the claim of the city, county, or transit district, as the case may be, with its claim.

(c) Subdivision (b) shall not apply to any included municipal applicants whose maximum claim is determined pursuant to subdivision (a) of Section 99300.

99302. Notwithstanding the fact that the Metropolitan Transportation Commission is not required to adopt a regional transportation plan until June 30, 1973, for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, it may approve the claim of any applicant within the region.

The commission shall approve those claims which will not

result in the undesirable duplication of public transportation services, and which will provide for a coordinated public transportation system, in the region.

The commission may, on its own motion, arbitrate differences (1) between the various applicants, (2) between an applicant and a city or county regarding the costs of the extension of services, and (3) between the various entities within the region regarding priorities and the order that various improvements are to be made.

99303. (a) No provision of Article 5 (commencing with Section 99280) of this chapter shall preclude the San Francisco Bay Area Rapid Transit District from planning, acquiring, constructing, and operating its system within or without the territory of the district as provided for by Article 5 (commencing with Section 29030), Chapter 6, Part 2 of Division 10. Notwithstanding the provisions of subdivision (d) of Section 99220, in the event an extension is to be made into a county for which services have not been provided, the moneys within the fund of that county may be used to pay the costs of securing such services; provided, however, in a county containing a countywide transit district authorized by statute and established by a vote of the people, the governing board of the district shall also approve the payment of such costs.

(b) Notwithstanding subdivision (a) or the limitations of Section 99271 and 99272, during a period of up to five years that the San Francisco Bay Area Rapid Transit District is planning any extension of its system into a county outside of the district but with a conterminous boundary with the district and which contains a major transportation facility belonging to another county or city and county, the Metropolitan Transportation Commission may order that any funds in the local transportation fund of such county that are not necessary to pay approved claims under Article 4 (commencing with Section 99260) of this chapter be retained.

99304. Any interest or other income earned by investment or otherwise of the local transportation fund shall accrue to and be a part of the fund.

99305. Up to 50 percent of the amount transferred monthly pursuant to subdivision (a) of Section 7102 of the Revenue and Taxation Code from the Retail Sales Tax Fund to the State Transportation Fund, which is hereby created, shall be available, when appropriated by the Legislature, for expenditure by the secretary to equally match other funds to perform the continuing comprehensive transportation planning process by councils of governments or to obtain federal funds to this end, and the balance shall be available, when appropriated by the Legislature, for the following purposes:

(a) State transportation planning.

(b) Comprehensive transportation planning by statutorily created regional transportation agencies or by entities created by interstate compacts.

(c) Public transportation research or demonstration projects.

(d) Securing federal funds on a matching basis, if funds allocated pursuant to Article 4 (commencing with Section 99260) of Chapter 4 of Part 11 of Division 10 are insufficient to secure the federal funds.

(e) Training and research by the Institute of Transportation and Traffic Engineering of the University of California in public transportation systems engineering and management and coordination with other transportation modes.

## Article 7. Limited Obligation Bonds

99320. This article is not applicable in a county where the transit district has been provided bonding authority by statute.

99320.5. If the transportation planning agency determines that the cost of an approved claim for capital expenditures for public transportation purposes, excluding highways, within a county is, together with all other approved claims to be paid from the local transportation fund of such county, in excess of the money in such fund for the fiscal year, the board of supervisors of such county shall be notified to call an election in conformity with the provisions of this article.

99321. For purposes of this article, "limited obligation bonds" are bonds payable solely from the local transportation fund of the county. The money, or portion thereof, designated by the transportation planning agency in such fund to pay interest and redemption charges shall hereafter be referred to as "revenues."

99322. In determining the amount of bonds to be issued, the transportation planning agency may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the improvements.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of such limited obligation bonds, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(c) All costs for equipment.

99323. The bonds and the resolution providing for their issuance shall state that they are limited obligation bonds payable solely from the revenues.

99324. The term of bonds issued shall not exceed 31 years.

99325. The bonds shall be sold as the transportation planning agency shall determine but for not less than a price which will produce a net interest cost that will not exceed an average of 7 percent a year as determined by standard tables of bond values.

99326. The bonds are special obligations of the county and shall be a charge against and are secured by a lien upon and shall be payable, as to the principal thereof and interest thereon, and any premiums upon the redemption thereof, solely from the revenues and such funds as are described in the resolution authorizing the issuance of the bonds.

99327. By resolution, the board of supervisors shall pledge, place a charge upon, and assign all or any part of the revenues for the security of the bonds.

99328. The payment of interest on and principal of the bonds and any premiums upon the redemption of any thereof are secured by an exclusive pledge, charge, and lien upon all or the designated portion of the revenues.

99329. The revenues and any interest earned on the revenues constitute a trust fund for the security and payment of the interest on and principal of the bonds.

99330. So long as any bonds or interest thereon are unpaid following their maturity, the revenues or the designated portion and interest thereon shall not be used for any other purpose.

99331. If the interest and principal of the bonds and all charges to protect or secure them are paid when due, an amount or amounts for other purposes may be apportioned from the revenues or the designated portion thereof.

99332. Bonds of the same issue shall be equally secured by a pledge, charge, and lien upon the revenues specified in the resolution authorizing the issuance of the bonds, without priority for number, or date of bonds, of sale, of execution, or of delivery pursuant to this chapter and the resolution authorizing the issuance of the bonds; except that any county, with the consent of the transportation planning agency, may authorize the issuance of bonds of different series and may provide that the bonds in any series shall, to the extent and in the manner prescribed in the resolution, be subordinated and be junior in standing, with respect to the payment of principal and interest and the security thereof, to such other bonds as may be specified in the resolution.

99333. The general fund or any other fund of the county shall not be liable for the payment of the bonds or their interest.

99334. The general credit or taxing power of the county, other than the sales and use tax as herein provided, shall not be liable for the payment of the bonds or their interest.

2325435 84

99335. The holder of the bonds or coupons shall not compel the exercise of the taxing power by the county, other than the sales and use tax as herein provided, or the forfeiture of its property.

99336. The principal of and interest on the bonds and any premiums upon the redemption of any thereof are not a debt of the county, nor a legal or equitable pledge, charge, lien, or encumbrance upon any of its property, or upon any of its income, receipts, or revenues, except the revenues that may be legally applied, pledged, or otherwise made available to their payment.

99337. Every bond shall recite in substance that the principal of and interest on the bond are payable solely from the revenues pledged to its payment and that the county is not obligated to pay it, except from the revenues.

99338. The bonds and interest or income from the bonds are exempt from taxation in this state, except from gift, inheritance, and estate taxes.

99339. In the resolution authorizing the bonds, the board of supervisors may, with the consent of the transportation planning agency, insert any of the provisions authorized by this article, which shall become a part of the contract with the bondholders.

99340. The transportation planning agency may provide for limitations on:

(a) The purpose to which the proceeds of sale of any issue of bonds may be applied.

(b) The issuance of additional bonds for the same purpose and the lien of additional bonds.

99341. The transportation planning agency may provide for events of default and terms upon which the bonds may be declared due before maturity and the terms upon which the declaration and its consequences may be waived.

99342. The transportation planning agency may provide for the rights, liabilities, powers, and duties arising upon the county's breach of any covenants, conditions, or obligations.

99343. The transportation planning agency may provide for the vesting in a trustee of the right to enforce covenants to secure payment of or in relation to the bonds, and the trustee's powers and duties and the limitation of his liabilities.

99344. The transportation planning agency may provide for the terms upon which the bondholders or any percentage of them may enforce covenants or duties imposed by this article.

99345. The transportation planning agency may require the board of supervisors to provide in the resolution for a procedure for amending or abrogating the terms of the resolution with the consent of the holders of a specified number of the bonds.

93354SS 88

99346. Any resolution containing such a procedure may also provide for meetings of bondholders or for their written assent without a meeting and the manner of consenting, with or without a meeting.

99347. The resolution shall specifically state the effect of amendment upon the rights of the holders of all of the bonds and attached or detached interest coupons and shall be binding upon the holders of all of the bonds and coupons issued pursuant to the resolution.

99348. The transportation planning agency may provide for any other acts and things necessary, convenient or desirable to secure the bonds or tending to make them more marketable.

99349. The county shall pay or cause to be paid the principal and interest of the bonds on the date, at the place, and in the manner mentioned in the bonds and coupons and in accordance with the resolution authorizing their issuance.

99350. During the period that any of the bonds and the interest thereon are unpaid, the county shall prescribe, revise and collect taxes in the manner provided by Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code.

99351. After making allowances for contingencies and error in the estimates, the taxes, for the respective purposes hereinafter set forth, shall be at least sufficient to pay the following amounts in the order set forth:

(a) The interest on and principal of the bonds as they become due and payable.

(b) All payments required for compliance with the resolution authorizing the issuance of the bonds or any other contract with the bondholders, including the creation of sinking and reserve funds.

(c) All payments to meet any other obligations of the county which are charges, liens, or encumbrances upon the revenues.

99352. A separate, distinct and special account shall be created at or before the issuance of the bonds, which shall be maintained continuously in the local transportation fund during the time that any of the bonds or the interest thereon are outstanding and unpaid.

99353. All designated revenues shall be deposited in the special account and payments shall be made therefrom as provided in Section 99351.

99354. The county shall preserve and protect the security of the bonds and the rights of the bondholders and warrant and defend their rights against all claims and demands of all persons.

99355. In order to fully preserve and protect the priority and security of the bonds, the county shall pay from the

93385475 91

special account in the local transportation fund and discharge all lawful claims for labor, materials and supplies, which if unpaid may become a lien or charge upon the designated revenues prior or superior to the lien of the bonds or impair the security of the bonds.

99356. The county shall hold in trust the revenues pledged to the payment of the principal of and interest on the bonds for the benefit of the bondholders and shall apply the same pursuant to the resolution authorizing the issuance of the bonds or to the resolution as modified.

99357. The county may invest funds held in reserve, or in any sinking fund, or funds not required for immediate disbursement, in property or securities in which counties may legally invest funds subject to their control. No such investment shall be made in contravention of any covenant or agreement in any resolution authorizing the issuance of any outstanding bonds.

99358. The county shall keep proper books of record and accounts of the revenues, separate from all other records and accounts, in which complete and correct entries shall be made of all transactions relating to the revenues.

99359. At all times the books shall be subject to the inspection of the holders of not less than 10 percent of the outstanding bonds or their representatives authorized in writing.

99360. The county shall cause to be published a summary statement showing the amount of revenues deposited which are required as security for payment of the principal of and interest on the bonds, the disbursements from such revenues in reasonable detail, and a general financial statement.

99361. The statement shall be published annually, not more than 120 days after the close of each fiscal year. The county shall furnish a copy of the statement to any bondholder upon request.

99362. In the resolution authorizing the bonds, the county may agree that the statement shall be prepared or audited by an independent certified public accountant and shall be in the form and contain the detail specified in the resolution.

99363. The duties set forth in this article do not require the county to expend any funds other than revenues pledged to secure payment of the principal of or interest on bonds as provided in this article.

99364. A fiscal or paying agent may be appointed as now or as may hereafter be provided in Article 7 (commencing with Section 54550), Chapter 6, Part 1, Division 2, Title 5 of the Government Code.

99365. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

99366. Bondholders shall have the remedies as now or as may hereafter be provided in Article 10 (commencing with Section 54640), Chapter 6, Part 1, Division 2, Title 5 of the Government Code.

99367. The bonds may be refunded in the manner now or as may hereafter be provided in Article 11 (commencing with Section 54660), Chapter 6, Part 1, Division 2, Title 5 of the Government Code.

99368. Without the issuance of bonds hereunder, a pledge or allocation from revenues for the payment of bonds and interest issued or to be issued under any other law, may be made upon the approval thereof in the manner provided for the issuance of bonds hereunder.

99369. All bonds issued in pursuance of the provisions of this article shall by their issuance be conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations in any wise pertaining thereto, had or made hereunder; and, after the same have been issued, no sales tax levied or collected for the purpose of paying the principal or interest on the bonds shall be held to be invalid or illegal, or set aside by reason of any error, informality, irregularity, omission or defect in any of the proceedings, acts or determinations in any wise pertaining to the issuance or payment of the bonds, and not amounting to a want of due process of law under the Constitution.

99370. All bonds by their issuance in pursuance of the provisions of this article shall by their issuance be conclusive evidence of the regularity, validity and sufficiency of all proceedings, acts and determinations in any wise pertaining thereto, had or made hereunder.

99371. Any action, suit or proceeding of any kind or nature in which the validity of any of the proceedings taken under the provisions of this article is questioned or attacked, shall be filed within 30 days after the day of the adoption of the resolution providing for the issuance of the bonds and in case such action is not brought raising such issue within such period, then thereafter all persons whatsoever shall be barred in any action, suit or proceeding from pleading, asserting or claiming that any of the proceedings or other actions herein specified, were defective, faulty or invalid in any respect.

99372. This article and all of its provisions shall be liberally construed to the end that the purposes hereof may be effective. If any section, subsection, sentence, clause or phrase of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this article. It is hereby declared that this article would have been passed irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

99373. Proceedings are initiated to issue bonds within the meaning of this article when the board of supervisors, by majority vote, adopts a resolution in conformity with the notification from the secretary.

99374. At its next subsequent meeting, the board of supervisors shall pass an ordinance ordering the submission of the proposition of incurring a bonded debt for the purposes set forth in the resolution to the qualified voters of the county at an election held for that purpose.

99375. Propositions for more than one object or purpose may be submitted at the same election.

99376. 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. Such interest shall be payable semiannually, except that interest for the first year after the date of the bonds may be made payable at the end of such year.

(e) The date of the election.

(f) The manner of holding the election and the procedure for voting for or against the proposition.

99377. The ordinance may provide that the estimated cost stated therein of the public improvements includes any or all of the following:

(a) Legal or other fees incidental to or connected with the authorization, issuance and sale of the bonds.

(b) The costs of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of the bonds.

(c) If the public improvements are revenue-producing public works, bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

If such statement is made, the proceeds of the sale of the bonds may be used to pay such of the foregoing as are stated in the ordinance.

This section shall not be construed to authorize a city to use the proceeds of the sale of bonds for a purpose for which it could not use its general fund.

99378. The ordinance shall be published once a day for at least seven days in a newspaper published at least six days a week in the county, or once a week for two weeks in a newspaper published less than six days a week in the county.

If there are no such newspapers, it shall be posted in three public places in the county for two succeeding weeks.

No other notice need be given.

99379. If an election called pursuant to this article is consolidated with any other election, the ordinance calling the bond election need not set forth the election precincts, polling places and officers of election, but may provide that the precincts, polling places and officers of election shall be the same as those set forth in the ordinance, order, resolution or notice calling or providing for or listing or designating the precincts, polling places and election officers for the election with which the election called pursuant to this article is consolidated, and shall refer to such ordinance, order, resolution or notice by number and title or date of adoption, or by date or proposed date of publication and the name of the newspaper in which publication has been or will be made, or by any other definite description.

99380. Except as otherwise provided in the ordinance, the election shall be conducted as other county elections.

99381. If two-thirds of the electors voting on the proposition vote for it, the bonds shall be issued.

99382. When two or more propositions for incurring indebtedness are submitted at the same election, the votes cast for and against each proposition shall be counted separately.

99383. If any proposition is defeated, the transportation planning agency shall reconsider the application pertaining thereto. Another election on a substantially similar proposition shall not be called within the county pursuant to this article within six months after the prior election.

## Article 8. Other Claims for Funds

99400. Claims may be filed with the transportation planning agency by applicants under this article for the following purposes:

(a) Balanced transportation planning, including the activities of statutorily created regional transportation agencies or of entities created by interstate compacts to perform regional transportation planning.

(b) Public transportation research and demonstration projects.

(c) Right-of-way acquisition and construction of local streets and roads, including facilities provided for the exclusive use by pedestrians and bicycles.

(d) Payments to the National Railroad Passenger Corporation for passenger rail service under Section 403(b) of the Federal Rail Passenger Service Act.

The transportation planning agency shall promulgate rules and regulations for the evaluation and review of plans, claims and corresponding budgets. The rules and regulations may be revised by the transportation planning agency from time to

time and shall provide for the orderly and periodic distribution of funds, but the payment of claims under this article shall not reduce the amounts available for payment of claims under Article 4 (commencing with Section 99260) of this chapter.

99401. A city, county or transit district may, after the operative date of this section, and at least 90 days prior to the beginning of the following fiscal year and any fiscal year thereafter, file with the transportation planning agency a claim supported by a budget or financial plan setting forth a statement of estimated financial needs, accompanied by such other documents as may be required.

99402. In the claim, the applicant may request the disbursement of money from the local transportation fund to satisfy its estimated financial needs in order to meet its requirements for the purposes described in Section 99400.

99403. The transportation planning agency shall review the budget or financial plan filed by the city or county and shall, from the analysis and evaluation thereof and giving consideration to the probable amount of claims to be paid under Article 4 (commencing with Section 99260) of this chapter and other claims from within the same county filed under this article, determine the estimated financial assistance required for the applicable fiscal year by each applicant, which amount, when determined, shall constitute and be called the "approved annual claim" of the applicant.

99404. In the event of disagreement, an applicant may submit to the secretary a copy of the budget or financial plan submitted by each applicant. The findings of the secretary in determining the amount of the approved claims of the applicants shall be transmitted to the county auditor and used as the basis for payment.

99405. (a) The approved claim may in no year exceed 50 percent of the amount required to meet the applicant's total proposed expenditures.

(b) With respect to the budgeted capital requirements in the claim of an applicant for major new facilities, the transportation planning agency notwithstanding the 50-percent limitation specified in subdivision (a), may approve up to the amount so budgeted, if the construction of such facilities has been found to be not inconsistent with regional plans by the recognized transportation planning agency for the region.

99406. It is the intent of the Legislature that, to the extent moneys are available, the financial assistance in the amount determined in Section 99403, 99404, or 99405 shall be distributed to the applicant, subject to the limitation in Section 99270.

99407. The approved claim shall be transmitted by the

transportation planning agency to the applicant and the county auditor shall make disbursements in the manner and at the times required by the applicant, or as determined by the transportation planning agency. The approval of the claim by the transportation planning agency shall constitute the approval specified in Section 29704 of the Government Code.

The approved claim of the applicant shall be reviewed by the transportation planning agency upon its own motion either during the fiscal year or thereafter. The review shall include an adjustment to reconcile the estimates on which the approved claim was based with the actual costs when these are available. The transportation planning agency, in determining or redetermining the approved claim, shall have full access to the books, records, and accounts of the applicant.

SEC. 4. Section 6011 of the Revenue and Taxation Code is amended to read:

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

(1) The cost of the property sold.

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

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

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

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

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

(3) The amount of any tax imposed by the United States upon producers and importers of gasoline and the amount of any tax imposed pursuant to Part 2 (commencing with Section 7301) of this division.

(c) "Sales price" does not include any of the following:

(1) Cash discounts allowed and taken on sales.

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

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

(4) The amount of any tax (not including, however, any

manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

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

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

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

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

SEC. 5. Section 6012 of the Revenue and Taxation Code is amended to read:

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

(1) The cost of the property sold. However, in accordance with such rules and regulations as the board may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his vendor for tax which the vendor is required to pay to the state or has paid the use tax with respect to the property, and has resold the property prior to making any use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

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

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

(4) The amount of any tax imposed by the United States upon producers and importers of gasoline and the amount of any tax imposed pursuant to Part 2 (commencing with Section 7301) of this division.

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

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

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

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

(c) "Gross receipts" do not include any of the following:

(1) Cash discounts allowed and taken on sales.

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

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

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

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

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

(7) Separately stated charges for transportation from the retailer's place of business or other point from which shipment is made directly to the purchaser, but the exclusion shall not exceed a reasonable charge for transportation by facilities of the retailer or the cost to the retailer of

transportation by other than facilities of the retailer; provided, that if the transportation is by facilities of the retailer, or the property is sold for a delivered price, this exclusion shall be applicable solely with respect to transportation which occurs after the sale of the property is made to the purchaser.

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

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

SEC. 6. Section 6051 of the Revenue and Taxation Code is amended to read:

6051. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of 2½ percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this state on or after August 1, 1933, and to and including June 30, 1935, and at the rate of 3 percent thereafter, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent on and after August 1, 1967, and to and including June 30, 1972, and at the rate of 3¾ percent thereafter.

SEC. 7. 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 3¾-percent rate, at the 4-percent rate, at the 4¾-percent rate, at the 5-percent rate, at the 5¼-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:

| 3¾ percent | | 4 percent | |
|---|---|---|---|
| Price | Tax | Price | Tax |
| .01– .12 | .00 | .01– .12 | .00 |
| .13– .37 | .01 | .13– .34 | .01 |
| .38– .64 | .02 | .35– .59 | .02 |
| .65– .93 | .03 | .60– .87 | .03 |



3325630 120

| 4¼ percent | |
|---|---|
| Price | Tax |
| .01– .11 | .00 |
| .12– .32 | .01 |
| .33– .56 | .02 |
| .57– .82 | .03 |

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

| 5¼ percent | |
|---|---|
| Price | Tax |
| .01– .10 | .00 |
| .11– .26 | .01 |
| .27– .45 | .02 |
| .46– .65 | .03 |
| .66– .84 | .04 |
| .85–1.03 | .05 |
| 1.04–1.20 | .06 |

| 5½ percent | |
|---|---|
| Price | Tax |
| .01– .10 | .00 |
| .11– .25 | .01 |
| .26– .45 | .02 |
| .46– .62 | .03 |
| .63– .79 | .04 |
| .80– .97 | .05 |
| .98–1.15 | .06 |

The remainder of the schedules at the 3¾-percent rate, at the 4-percent rate, at the 4¾-percent rate, at the 5-percent rate, at the 5¼-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. 8. Section 6201 of the Revenue and Taxation Code is amended to read:

6201. An excise tax is hereby imposed on the storage, use,

or other consumption in this state of tangible personal property purchased from any retailer on or after July 1, 1935, for storage, use, or other consumption in this state at the rate of 3 percent of the sales price of the property, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent on and after August 1, 1967, and to and including June 30, 1972, and at the rate of 3¾ percent thereafter.

SEC. 9. Section 6357 of the Revenue and Taxation Code is amended to read:

6357. 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 motor vehicle fuel, except aircraft jet fuel, used in propelling aircraft, the distributions of which in this state are subject to the tax imposed by Part 2 (commencing at Section 7301) of this division and not subject to refund.

The Controller shall collect sales tax upon the sales of and the use tax when applicable to the storage, use, or other consumption of motor vehicle fuel when that fuel is used in propelling an aircraft and is subject to tax and refund under Part 2 of this division. The collection shall be made by way of deduction from the refunds otherwise allowable under that part. He shall transfer the amount of the deductions from the Motor Vehicle Fuel Fund to the Retail Sales Tax Fund.

SEC. 9.5. Section 7102 of the Revenue and Taxation Code is amended to read:

7102. The money in the fund shall, upon order of the Controller, be drawn therefrom for refunds under this part or be transferred in the following manner:

(a) All revenues, less refunds, derived under this part at the 3¾ percent rates, including the imposition of sales and use taxes with respect to the sale, storage, use, or other consumption of motor vehicle fuel, which would not have been received if the sales and use tax rate had remained at 4 percent and Section 6357 had not been amended at the 1971 Regular Session of the Legislature, as estimated by the State Board of Equalization, shall be transferred monthly to the State Transportation Fund.

(b) The balance shall be transferred to the General Fund.

SEC. 10. Section 7202 of the Revenue and Taxation Code is amended to read:

7202. The sales tax portion of any sales and use tax 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

county at the rate of 1¼ percent of the gross receipts of the retailer from the sale of all tangible personal property sold by him at retail in the county.

(b) Provisions identical to those contained in Part 1 (commencing with Section 6001) of this division, other than Section 6376, insofar as they relate to sales taxes, except that the name of the county as the taxing agency shall be substituted for that of the state and that an additional seller's permit shall not be required if one has been or is issued to the seller under Section 6067 of this code.

(c) A provision that all amendments subsequent to the effective date of the enactment of 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 sales tax ordinance of the county.

(d) A provision that the county shall contract prior to the effective date of the county sales and use tax ordinances with the State Board of Equalization to perform all functions incident to the administration or operation of the sales and use tax ordinance of the county. Any such contract shall contain a provision that the county agrees to comply with the provisions of Article 11 (commencing with Section 29530) of Chapter 2 of Division 3 of Title 3 of the Government Code.

(e) A provision that such ordinance may be made inoperative not less than 60 days, but not earlier than the first day of the calendar quarter, following the county's lack of compliance with Article 11 (commencing with Section 29530) of Chapter 2 of Division 3 of Title 3 of the Government Code or following an increase by any city within the county of the rate of its sales or use tax above the rate in effect at the time the county ordinance was enacted.

(f) A provision that 80 percent of the gross receipts from the sale 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 a city, city and county or county are exempt from the tax.

(g) 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 upon a retailer or consumer.

(h) A provision that any person subject to a sales and use tax under the county ordinance shall be entitled to credit against the payment of taxes due under that ordinance the amount of sales and use tax due to any city in the county; provided, that the city sales and use tax is levied under an ordinance including provisions in substance as follows:

(1) A provision imposing a tax for the privilege of selling tangible personal property at retail upon every retailer in the city at the rate of 1 percent or less of the gross receipts of the

retailer from the sale of all tangible personal property sold by him at retail in the city and a use tax of 1 percent or less of purchase price upon the storage, use or other consumption of tangible personal property purchased from a retailer for storage, use or consumption in the city.

(2) Provisions identical to those contained in Part 1 (commencing with Section 6001) of this division, other than Section 6376, insofar as they relate to sales and use taxes, except that the name of the city as the taxing agency shall be substituted for that of the state (but the name of the city shall not be substituted for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 nor in the definition of that phrase in Section 6203) and that an additional seller's permit shall not be required if one has been or is issued to the seller under Section 6067 of this code.

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

(4) A provision that the city shall contract prior to the effective date of the city sales and use tax ordinance with the State Board of Equalization to perform all functions incident to the administration or operation of the sales and use tax ordinance of the city which shall continue in effect so long as the county within which the city is located has an operative sales and use tax ordinance enacted pursuant to this part.

(5) A provision that the storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with this part by any city and county, county, or city in this state, shall be exempt from the tax due under this ordinance.

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

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

(8) 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 upon a retailer or consumer.

SEC. 11. Section 7203 of the Revenue and Taxation Code is amended to read:

7203. The use tax portion of any sales and use tax ordinance adopted under this part shall impose a complementary tax upon the storage, use or other consumption in the county of tangible personal property purchased from any retailer for storage, use or other consumption in the county. Such tax shall be at the rate of 1¼ percent of the sales price of the property whose storage, use or other consumption is subject to the tax and shall include:

(a) Provisions identical to the provisions contained in Part 1 (commencing with Section 6001) of this division, other than Sections 6201 and 6376, insofar as such provisions relate to the use tax except that the name of the county as the taxing agency enacting the ordinance shall be substituted for that of the state (but the name of the county shall not be substituted for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 nor in the definition of that phrase in Section 6203).

(b) A provision that all amendments subsequent to the date of such ordinance to the provisions of the Revenue and Taxation Code relating to the use tax and not inconsistent with this part shall automatically become a part of the ordinance.

(c) A provision that the storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with this part by any city and county, county, or city in this state, shall be exempt from the tax due under this ordinance.

(d) 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 80 percent of the use tax.

(e) 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 upon a retailer or consumer.

SEC. 12. Section 7203.5 of the Revenue and Taxation Code is amended to read:

7203.5. The State Board of Equalization shall not administer and shall terminate its contract to administer any sales or use tax ordinance of a city, county or city and county, if such city, county or city and county imposes a sales or use tax in addition to the sales and use taxes imposed under an ordinance conforming to the provisions of Sections 7202 and

7203.

The board shall give such city, county or city and county written notice of termination, stating the reasons therefor and the effective date of the termination, which shall be not earlier than the first day of the first calendar quarter commencing at least 30 days after the mailing of the notice to the city, county or city and county. If the cause for termination is not cured within the time specified in the notice, the board shall not administer the ordinance until the cause for termination is removed and a new contract for the administration of the ordinance executed. Such contract shall be operative not earlier than the first day of the first calendar quarter commencing after its execution. During the period of time that the board is not administering the sales and use tax ordinance of a city, county or city and county, no ordinance of such city, county or city and county shall be considered to be an ordinance enacted in accordance with this part.

Nothing in this section shall be construed as prohibiting the levy or collection by a city, county or city and county of any other substantially different tax authorized by the Constitution of California or by statute or by the charter of any chartered city.

SEC. 13. Section 7204 of the Revenue and Taxation Code is amended to read:

7204. All sales and use taxes collected by the State Board of Equalization pursuant to contract with any city, city and county, or county shall be transmitted by the board to such city, city and county or county periodically as promptly as feasible. The transmittals required under this section shall be made at least twice in each calendar quarter.

SEC. 14. Section 7204.3 is added to the Revenue and Taxation Code, to read:

7204.3. The board shall charge a city, city and county, or county, as the cost of the board's services in administering the sales and use tax ordinance of the local entity, 0.82 percent of all sales and use taxes available for distribution to the city, city and county, or county on and after July 1, 1972. Such amounts shall be deducted from the taxes collected by the board for the city, city and county, or county.

SEC. 15. Section 7204.5 of the Revenue and Taxation Code is amended to read:

7204.5. The Controller shall deduct local sales taxes on sales of motor vehicle fuel used in propelling an aircraft which are subject to tax and refund pursuant to Part 2 (commencing with Section 7301) of this division.

SEC. 16. Section 7264 of the Revenue and Taxation Code is amended to read:

7264. The Controller shall deduct local transactions taxes on sales of motor vehicle fuel used in propelling an aircraft

which are subject to tax and refund pursuant to Part 2 (commencing with Section 7301) of this division.

SEC. 17. 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 0.82 percent of all district taxes that would be available for distribution to the district on and after July 1, 1972, had the district taxes been imposed at the rate of 1 percent rather than at a lower rate. Such amounts shall be deducted from the taxes collected by the board for the district.

SEC. 18. 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 used in propelling an aircraft, upon which the fuel tax is refunded in part, shall be subject to the provisions of Section 6357 with respect to the collection of sales and use tax thereon to the same extent as if the entire amount of the fuel tax had been refunded.

SEC. 19. 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 any tax which is attributable to the distribution of motor vehicle fuel

2325755 142

for use or used in propelling a vessel operated by its owner on waters located on private property owned or controlled by him.

SEC. 20. 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 13006 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. In making such determinations, the Controller shall not consider any revenues derived from that portion of the taxes imposed by the county at a rate in excess of 1 percent pursuant to Part 1.5 (commencing with Section 7200) of this division. 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 1966–1967 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

2385785 148

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

SEC. 22. The provisions of this act shall become operative on July 1, 1972.

## CHAPTER 1401

*An act to amend Sections 9890.50, 9890.57 and 9890.121 of the Business and Professions Code, relating to nurses' registries and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 9890.50 of the Business and Professions Code is amended to read:

9890.50. No person shall engage in the function or business of a nurses' registry, advertise as a nurses' registry, or engage in the function of or act as a nurses' agent by agreement, contract, or other means without first obtaining a license from the division. Such license shall be posted in a conspicuous place in the office of the nurses' registry. Licenses issued for nurses' registries prior to the effective date of this chapter shall not be invalidated thereby, but renewals of such licenses shall be obtained in the manner prescribed by this chapter.

SEC. 1.5. Section 9890.57 of the Business and Professions Code is amended to read:

9890.57. Each license issued shall run to and including the 31st day of March next following the date of issuance, unless sooner revoked by the division, and may be renewed each year upon the filing of an application of renewal. Failure to renew a license on or before March 31st of each year shall constitute an automatic suspension of the license until the license is renewed. A person whose license is suspended

pursuant to this section, shall not carry on the business of a nurses' registry during the period of suspension.

SEC. 2. Section 9890.121 of the Business and Professions Code is amended to read:

9890.121. The division shall charge the following fees:

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

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

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

(d) A fee of not more than one hundred fifty dollars ($150) for the initial issuance, and for any renewal, of a nurses' registry license.

(e) A renewal fee of not more than seventy-five dollars ($75) for each license of each nurses' registry branch license.

(f) A reinstatement fee of two hundred dollars ($200) in addition to other fees to reinstate a nurses' registry license revoked or suspended.

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

A question has arisen concerning the fees provided by the Nurses' Registry Act, and it is necessary that this act go into immediate effect in order to insure that the necessary funds will be provided to carry out the provisions of the act.

## CHAPTER 1402

*An act to add Section 1267 to the Code of Civil Procedure, relating to eminent domain.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 1267 is added to the Code of Civil Procedure, to read:

1267. (a) Notwithstanding any other provision of law, only two experts shall be permitted to testify for any party as to each parcel in an eminent domain proceeding; but, for good cause shown, the court may permit one or more additional experts to testify for any party. If one or more experts are regularly employed and paid as such by the plaintiff, at least one of the experts who is called as a witness by the plaintiff may be such an employee.

(b) Nothing in this section shall be construed as limiting the number of witnesses, other than experts, which a party may call in such proceeding, including a person who is qualified to testify pursuant to paragraph (2) of subdivision (a) of Section 813 of the Evidence Code.

(c) As used in this section, "expert" means a person who is qualified to testify pursuant to paragraph (1) of subdivision (a) of Section 813 of the Evidence Code.

---

## CHAPTER 1403

*An act to amend Sections 24292, 24365.1, 24365.12, and 39471 of, and to add Section 39054.2 to, the Health and Safety Code, relating to air pollution.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 24292 of the Health and Safety Code is amended to read:

24292. (a) Except in the case of an emergency, as determined by the hearing board, the hearing board shall hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 3 (commencing with Section 24241) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or by rules, regulations, or orders of the air pollution control board is necessary and will be permitted.

(b) The hearing board shall allow interested members of the public a reasonable opportunity to testify with regards to the matter under consideration, and shall consider such testimony in making its determination.

SEC. 2. Section 24365.1 of the Health and Safety Code is amended to read:

24365.1. (a) Except in the case of an emergency, as determined by the hearing board, the hearing board shall hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 10 (commencing with Section 24360) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or by rules, regulations, or orders of the board is necessary and will be permitted.

(b) The hearing board shall allow interested members of the public a reasonable opportunity to testify with regards to the matter under consideration, and shall consider such testimony in making its determination.

SEC. 3. Section 24365.12 of the Health and Safety Code is amended to read:

24365.12. The board shall submit an annual report by September 30 to the State Air Resources Board on the variances granted by the hearing board, including variances granted in cases of emergencies, during the period from July 1 to June 30 where the durations of the variances, including any extensions granted, are for more than one year. The report shall include the names of the parties to whom the variances were granted, the reasons for and the durations of the variances, and whether the variances have been, or were previously, extended.

SEC. 4. Section 39054.2 is added to the Health and Safety Code, to read:

39054.2. Notwithstanding Section 39054, the board may revoke any variance granted by a county or regional district, including the Bay Area Air Pollution Control District, if, in its judgment, the increase in air contaminants in the district outweighs the economic loss that may result from the revocation of the variance.

SEC. 5. Section 39471 of the Health and Safety Code is amended to read:

39471. (a) Except in the case of an emergency, as determined by the hearing board, the hearing board shall hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 6 (commencing with Section 39430) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1, or by rules, regulations, or orders of the regional board is necessary and will be permitted.

(b) The hearing board shall allow interested members of the public a reasonable opportunity to testify with regards to the matter under consideration, and shall consider such testimony in making its determination.

## CHAPTER 1404

*An act to amend Section 4600 of the Labor Code, relating to workmen's compensation.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 4600 of the Labor Code is amended to read:

4600. Medical, surgical, and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches, and apparatus, including artificial members, which is reasonably required to cure or relieve from the effects of the injury shall be provided by the employer. In the case of his neglect or refusal seasonably to do so, the employer is liable for the reasonable expense incurred by or on behalf of the employee in providing treatment.

In accordance with the rules of practice and procedure of the appeals board, the employee, or the dependents of a deceased employee, shall be reimbursed for expenses reasonably, actually, and necessarily incurred for X-rays, laboratory fees, medical reports, and medical testimony to prove a contested claim. The reasonableness of and necessity for incurring such expenses to prove a contested claim shall be determined with respect to the time when such expenses were actually incurred. Expenses of medical testimony shall be presumed reasonable if in conformity with the fee schedule charges provided for impartial medical experts appointed by the administrative director.

Where at the request of the employer, the employer's insurance carrier, the administrative director, the appeals board or a referee, the employee submits to examination by a physician, he shall be entitled to receive in addition to all other benefits herein provided all reasonable expenses of transportation, meals and lodging incident to reporting for such examination, together with one day of temporary disability indemnity for each day of wages lost in submitting to such an examination. "Reasonable expenses of transportation" includes mileage fees from the employee's home to the place of the examination and back at the rate of twelve cents ($0.12) a mile, plus any bridge tolls. Such mileage and tolls shall be paid to the employee at the time he is given notification of the time and place of the examination.

---

## CHAPTER 1405

*An act to amend Section 1505 of the Fish and Game Code, and to add Section 6378 to the Public Resources Code, relating to state lands.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 1505 of the Fish and Game Code is amended to read:

1505. In addition to any other powers vested in the department, it may manage, control and protect such portions of the following spawning areas which occupy state-owned lands to the extent necessary to protect fishlife in these areas. In the event of any conflict under this section with the action of another department or agency of the state or any other public agency, the action of the Department of Fish and Game taken pursuant to this section shall prevail except for: (a) action of the State or Regional Water Pollution Control Boards in establishing waste discharge requirements, (b) action as required for commerce and navigation, (c) action by public agencies reasonably necessary for bridge crossings, water conservation or utilization, or flood protection projects, including the construction, maintenance, and operation thereof. The exceptions in subdivision (c) shall not extend to the depositing of materials, other than necessary structural materials, in, or the removing of materials from the streambeds in the areas designated in this section, other than as necessary for the installation of structures. These areas are:

The Sacramento River between Keswick and Squaw Hill Bridge, near Vina.

The Feather River between Oroville and the mouth of Honcut Creek.

The Yuba River between Englebright Dam and a point approximately four miles east of Marysville.

The American River between Nimbus Dam and a point one mile downstream from Arden Way.

The Mokelumne River between Pardee Dam and Lockeford.

The Stanislaus River between Goodwin Dam and Riverbank.

The Tuolumne River between La Grange Dam and the Waterford Bridge.

The Merced River between Crocker Huffman Dam and Cressey.

Until ownership of any land in these areas has been legally determined, the director shall disapprove any stream alterations of any prime salmon and steelhead spawning areas when in his opinion such alterations would prove deleterious to fishlife.

SEC. 2. Section 6378 is added to the Public Resources Code, to read:

6378. The commission shall determine the ownership of all salmon and steelhead spawning areas as designated by Section 1505 of the Fish and Game Code. All areas found to be state property shall be permanently protected by the state, and no sale, lease or disposal of material shall be made as to such areas, except that rights-of-way and easements may be granted to, and leases entered into with, public utilities for the instal-

lation, operation, and maintenance of public utility facilities unless the Director of Fish and Game shall determine that such facilities would prove deleterious to fishlife.

## CHAPTER 1406

*An act to amend Section 31263 of the Education Code, relating to financial assistance in higher education.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 31263 of the Education Code is amended to read:

31263. There shall be available up to 1,000 grants in each of the fiscal years 1969–70, 1970–71, 1971–72, and up to 2,000 grants in each of the fiscal years 1972–73, 1973–74, 1974–75, 1975–76, and 1976–77, and the recipients of such grants shall be eligible for renewal of their awards until they have completed an A.B. degree or its equivalent in conformance with the terms prescribed by the State Scholarship and Loan Commission, which terms shall not be in conflict with this chapter. Such grants may be awarded to eligible students who attend public community colleges for vocational purposes terminating with a two-year course of study.

## CHAPTER 1407

*An act to amend Section 13113 of, and to add Sections 13131, 13131.3, 13132, and 13143.6 to, and to repeal Section 13143.6 of, the Health and Safety Code, relating to buildings.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971.]

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

SECTION 1. It is the intent and purpose of the Legislature to provide for fire safety in the homes and institutions affected by this act, and not to attempt to force the closure of any such home or institution.

SEC. 2. Section 13113 of the Health and Safety Code is amended to read:

13113. No person, firm, or corporation shall establish, maintain, or operate any hospital, 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.

(a) 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:

(1) 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.

(2) 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.

(3) The buildings or portions thereof do not house mentally ill or mentally retarded children.

(b) Those facilities in existence and operating on the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature which are not in compliance with this section may operate or continue to operate without meeting such requirements until five years from such effective date. In no event shall the continued use of such facilities extend beyond that date, unless an automatic sprinkler system as required by this section has been installed.

(c) This section shall not apply to occupancies, or alterations thereto, of Type I construction, as defined by the State Fire Marshal, in existence on the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature.

SEC. 3. Section 13131 is added to the Health and Safety Code, to read:

13131. "Nonambulatory persons" means those persons unable to leave a building unassisted under emergency conditions. It includes, but is not limited to, those persons who depend upon mechanical aids such as canes, crutches, walkers, and wheelchairs, totally blind persons, profoundly or severely mentally retarded persons, and shall include totally deaf persons.

SEC. 4. Section 13131.3 is added to the Health and Safety Code, to read:

13131.3. "Profoundly or severely mentally retarded persons" means any retarded person who is unable, or likely to be unable, to physically or mentally respond to an oral instruction relating to fire danger and unassisted take appropriate action relating to such danger. The determination as to such incapacity shall be made by the Director of Public Health, or his designated representative.

SEC. 5. Section 13132 is added to the Health and Safety Code, to read:

13132. Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a nonambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

SEC. 6. Section 13143.6 of the Health and Safety Code is repealed.

SEC. 7. Section 13143.6 is added to the Health and Safety Code, to read:

13143.6. (a) The State Fire Marshal, with the advice of the State Fire Advisory Board, shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age when such person is referred to or placed within such home or institution for protective social care and supervision services by any governmental agency. Occupancies within the meaning of this section shall be those not otherwise specified in Sections 13113 and 13143 and shall include, but are not limited to those designated by the operator of such occupancies as "certified family care homes," "out-of-home placement facilities," and "halfway houses," and other facilities for the care of the mentally handicapped. Regulations adopted pursuant to this section shall establish minimum standards relating to the means of egress and the adequacy of exits, the installation and maintenance of fire extinguishing and fire alarm systems, the storage, handling, or use of combustible or flammable materials or substances, and the installation and maintenance of appliances, equipment, decorations, and furnishings that may present a fire, explosion, or panic hazard. Such minimum standards shall be predicated on the height, area, and fire-resistive qualities of the building or structure used or intended to be used, and shall give reasonable consideration to those buildings and structures used or intended to be used for housing nonambulatory persons. "Nonambulatory persons" as used in this section means those persons determined to be nonambulatory pursuant to Section 13131.

(b) No person, firm, or corporation shall establish, maintain or operate any facility within the scope of this section in which more than six nonambulatory persons are housed unless there is installed and maintained in proper operating condition an automatic sprinkler system approved by the State Fire Marshal. In no event shall a nonambulatory person be housed below grade level or above the first story above grade level unless there is installed in the facility an automatic sprinkler system approved by the State Fire Marshal.

(c) No person, firm, or corporation shall establish, maintain, or operate any facility within the scope of this section in which more than six ambulatory persons are housed unless there is installed and maintained in an operable condition an automatic fire alarm system approved and listed by the State Fire Marshal which will respond to invisible products of combustion other than heat.

(d) Every person, firm, or corporation maintaining or operating any facility within the scope of this section shall maintain on the premises written certification of the ambulatory or nonambulatory status of every mentally retarded person housed in the facility. The determination and certification of such person's status shall be made by the Director of Public Health or his designated representative.

(e) The fire authority having jurisdiction shall advise the owner or operator of each facility, in writing, of the maximum number of ambulatory persons and the maximum number of nonambulatory persons who may be housed within the facility.

(f) In preparing and adopting regulations pursuant to this section, the State Fire Marshal shall also secure the advice of the appropriate governmental agencies involved in the affected protective social care programs in order to provide compatibility and maintenance of operating programs in this state. It is the intent of the Legislature that the regulations adopted pursuant to this section for the protection of the mentally handicapped who are deemed nonambulatory shall conform as near as possible with existing regulations for other nonambulatory persons.

(g) No governmental agency shall refer any person to, or cause their placement in, any home or institution subject to this section without first obtaining verification of conformance to the fire safety standards adopted by the State Fire Marshal pursuant to this section from the fire authority having jurisdiction pursuant to Sections 13145 and 13146.

SEC. 8. Section 13143.6 is added to the Health and Safety Code, to read:

13143.6. (a) The State Fire Marshal, with the advice of the State Fire Advisory Board, shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age when such person is referred to or placed within such home or in-

stitution for protective social care and supervision services by any governmental agency. Occupancies within the meaning of this section shall be those not otherwise specified in Sections 13113 and 13143 and shall include, but are not limited to, those commonly referred to as "certified family care homes," "out-of-home placement facilities," and "halfway houses." Regulations adopted pursuant to this section shall establish minimum standards relating to the means of egress and the adequacy of exits, the installation and maintenance of fire extinguishing and fire alarm systems, the storage, handling, or use of combustible or flammable materials or substances, and the installation and maintenance of appliances, equipment, decorations, and furnishings that may present a fire, explosion, or panic hazard. Such minimum standards shall be predicated on the height, area, and fire-resistive qualities of the building or structure used or intended to be used, and shall give reasonable consideration to those buildings and structures used or intended to be used for housing nonambulatory persons.

(b) Any building or structure within the scope of this section used or intended to be used for the housing of more than six nonambulatory persons shall have installed and maintained in proper operating condition an automatic sprinkler system approved by the State Fire Marshal. In no event shall a nonambulatory person be housed below grade level or above the first story above grade level unless there is installed in the facility an automatic sprinkler system approved by the State Fire Marshal.

(c) Any building or structure within the scope of this section used or intended to be used for the housing of more than six ambulatory persons shall have installed or maintained in proper operating condition an automatic fire alarm system approved and listed by the State Fire Marshal which will respond to products of combustion other than heat.

(d) "Nonambulatory person," as used in this section, means those persons unable to leave a building unassisted under emergency conditions. It includes, but is not limited to, those persons who depend upon mechanical aids such as canes, crutches, walkers, and wheelchairs, totally blind persons, profoundly or severely mentally retarded persons, and shall include totally deaf persons.

The ambulatory or nonambulatory status of any mentally retarded person within the scope of this section shall be determined by the Director of Public Health.

(e) Every person, firm, or corporation maintaining or operating any facility within the scope of this section shall maintain on the premises written certification of the ambulatory or nonambulatory status of every mentally retarded person housed in the facility. The determination and certification of such person's status shall be made by the Director of Public Health or his designated representative.

(f) The fire authority having jurisdiction shall advise the owner or operator of each facility, in writing, of the maximum

number of ambulatory persons and the maximum number of nonambulatory persons who may be housed within the facility.

(g) In preparing and adopting regulations pursuant to this section, the State Fire Marshal shall also secure the advice of the appropriate governmental agencies involved in the affected protective social care programs in order to provide compatibility and maintenance of operating programs in this state and shall give reasonable consideration to the continued use of existing buildings' housing occupancies established prior to the effective date of this section. It is the intent of the Legislature that the regulations adopted pursuant to this section for the protection of the mentally handicapped who are deemed nonambulatory shall conform as near as possible with existing regulations for other nonambulatory persons.

(h) No governmental agency shall refer any person to, or cause their placement in, any home or institution subject to this section without first obtaining verification of conformance to the fire safety standards adopted by the State Fire Marshal pursuant to this section from the fire authority having jurisdiction pursuant to Sections 13145 and 13146.

SEC. 9. It is the intent of the Legislature, if this bill and Assembly Bill No. 2227 are both chaptered and repeal and add Section 13143.6 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 2227, that the addition of Section 13143.6 proposed by both bills be given effect and incorporated in Section 13143.6 in the form set forth in Section 8 of this act. Therefore, Section 8 of this act shall become operative only if this bill and Assembly Bill No. 2227 are both chaptered, both repeal and add Section 13143.6, and Assembly Bill No. 2227 is chaptered before this bill, in which case Section 7 of this act shall not become operative, and Section 13143.6 of the Health and Safety Code, as added by Assembly Bill No. 2227, is repealed.

---

## CHAPTER 1408

*An act to amend Sections 575.1, 576, 583, 584, and 585 of the Education Code as added by Assembly Bill No. 2800 of the 1971 Regular Session, to add Article 6 (commencing with Section 586) and Article 7 (commencing with Section 587) to Chapter 6, Division 2 of the Education Code as added by Assembly Bill No. 2800 of the 1971 Regular Session, to repeal Article 6 (commencing with Section 586), Article 7 (commencing with Section 587), and Article 8 (commencing with Section 588) of Chapter 6, Division 2 of the Education Code as added by Assembly Bill No. 2800 of the 1971 Regular Session, and to repeal Section 33 of Assembly Bill No. 2800 of the 1971 Regular Session, relating to education.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. The Department of Education shall use funds allocated for expenditure by subdivision (c) of Section 18104 of the Education Code and not otherwise required for the purposes therein expressed, and any federal funds that may be used for this purpose, to study and evaluate the structure of special education (program services) and all categories of its financing and to make recommendations to the Legislature on proposed changes.

The study and evaluation shall include but not be limited to (a) administration; (b) pupil case finding and evaluation; (c) curriculum development and instruction; (d) transportation; (e) enforcement; and (f) financial accountability.

The Department of Education shall submit a progress report of findings and recommendations to the Senate Select Committee for the Handicapped on or before April 1, 1972, and final report on or before January 1, 1973.

SEC. 2. Section 575.1 of the Education Code, as added by Assembly Bill No. 2800 of the 1971 Regular Session, is amended to read:

575.1. The following definitions shall apply to educational advisory bodies created by this chapter:

(a) An "educational policy advisory commission" is an advisory body to the State Board of Education composed of professional and lay members, as defined by this code. Such groups are established to advise the State Board of Education within the general policy areas to which they are charged. The Superintendent of Public Instruction or his representative shall serve as executive secretary to each educational policy advisory commission.

(b) An "educational advisory committee" is an advisory body to the Superintendent of Public Instruction composed of educational specialists, technical experts, or specially qualified members of the public, or any combination thereof. Such committees are established to advise the Superintendent of Public Instruction on the administration of programs with which he is charged, and such committees serve at his pleasure.

SEC. 3. Section 576 of the Education Code, as added by Assembly Bill No. 2800 of the 1971 Regular Session, is amended to read:

576. There is in the state government the Educational Innovation and Planning Commission consisting of a Member of the Assembly appointed by the Speaker of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and 15 public members appointed by the State Board of Education upon the recommendation of the Superintendent of Public Instruction or the members of the State Board of Education.

The 15 public members appointed by the State Board of Education shall be selected for their familiarity, standing, competence, and attainment in research methods applicable to the physical, behavioral, and management sciences. One member shall be an elementary school teacher, one member shall be a secondary school teacher, one member shall be a recognized specialist in the field of special education, one member shall be a representative of institutions of higher education, one member shall be a recognized specialist in urban educational problems, one member shall be a member of the governing board of a school district, one member shall be a representative of private schools, one member shall be a representative of disadvantaged low-income areas, three members shall be leaders from private industry with direct concern and involvement in the development of new techniques in the fields of education and communication, two members representative of guidance and counseling, and two members with a general interest in education.

SEC. 4. Section 583 of the Education Code, as added by Assembly Bill No. 2800 of the 1971 Regular Session, is amended to read:

583. There is in the state government the Curriculum Development and Supplemental Materials Commission consisting of a Member of the Assembly appointed by the Speaker of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and 13 public members appointed by the State Board of Education upon the recommendation of the Superintendent of Public Instruction or the members of the State Board of Education.

So far as is practical and consistent with the duties assigned to the commission by the State Board of Education, at least seven of the 13 public members appointed by the State Board of Education shall be persons, who because they have taught, written, or lectured on the subject matter fields specified in Section 583.3, in the course of public or private employment, have become recognized authorities or experienced practitioners in such fields. At least three of the 13 public members appointed by the State Board of Education shall be full-time classroom teachers assigned to teach any of grades 1 to 8, inclusive.

SEC. 5. Section 584 of the Education Code, as added by Assembly Bill No. 2800 of the 1971 Regular Session, is amended to read:

584. There is in the state government the Educational Management and Evaluation Commission consisting of a Member of the Assembly appointed by the Speaker of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate

Committee on Rules, one public member appointed by the Governor, and nine public members appointed by the State Board of Education upon the recommendation of the Superintendent of Public Instruction or the members of the State Board of Education.

With respect to the nine public members appointed by the State Board of Education, three members shall represent the field of economics, three members shall represent the learning sciences, and three members shall represent the managerial sciences.

Each public member shall serve at the pleasure of the appointing power.

SEC. 6. Section 585 of the Education Code, as added by Assembly Bill No. 2800 of the 1971 Regular Session, is amended to read:

585. There is in the state government the Equal Educational Opportunities Commission consisting of a Member of the Assembly appointed by the Speaker of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and 10 public members appointed by the State Board of Education upon the recommendation of the Superintendent of Public Instruction or the members of the State Board of Education.

The State Board of Education shall consider representation of the groups that are served.

Each public member shall serve at the pleasure of the appointing power.

SEC. 7. Article 6 (commencing with Section 586) of Chapter 6 of Division 2 of the Education Code, as added by Assembly Bill No. 2800 of the 1971 Regular Session, is repealed.

SEC. 8. Article 6 (commencing with Section 586) is added to Chapter 6 of Division 2 of the Education Code, to read:

Article 6. Advisory Commission on Special Education

586. There is in the state government the Advisory Commission on Special Education consisting of a Member of the Assembly appointed by the Speaker of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and nine public members appointed by the State Board of Education upon the recommendation of the Superintendent of Public Instruction or the members of the State Board of Education.

Each public member shall serve at the pleasure of the appointing power.

586.1. The Members of the Legislature appointed to the commission pursuant to Section 586 shall have the powers and duties of a joint legislative committee on the subject of special education and shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power.

586.2. The members of the commission shall serve without compensation, except they shall receive their actual and necessary expenses incurred in the performance of their duties and responsibilities, including traveling expenses.

586.3. The Superintendent of Public Instruction or his representative shall serve as executive secretary to the commission.

586.4. The commission shall select one of its members to be chairman of the commission.

586.5. The commission shall study and provide assistance and advice to the State Board of Education in new or continuing areas of research, program development, and evaluation in special education.

586.6. As used in this article, "commission" means the Advisory Commission on Special Education.

SEC. 9. Article 7 (commencing with Section 587) of Chapter 6 of Division 2 of the Education Code, as added by Assembly Bill No. 2800 of the 1971 Regular Session, is repealed.

SEC. 10. Article 7 (commencing with Section 587) is added to Chapter 6 of Division 2 of the Education Code, to read:

### Article 7. Advisory Committee on Educational Research in Basic Educational Programs

587. It is the intent of the Legislature to establish California innovative schools throughout the state to be administered by the Superintendent of Public Instruction, with the assistance of the Advisory Committee on Educational Research in Basic Educational Programs. The Legislature believes that the improvement of educational programs demands an organized and concerted effort in educational experimentation and research to:

(a) Identify both the exemplary school programs which lead to pupil success in school and the programs that fail to produce success.

(b) Examine the effectiveness of various instructional programs.

(c) Conduct research and experimentation on a clinical basis to seek improved methods of instruction.

(d) Measure the potential for self-sustained learning among pupils of varying aptitudes and characteristics.

(e) Discover ways to improve instruction in reading and mathematics.

587.1. There is in the Department of Education the Advisory Committee on Educational Research in Basic Educational Programs consisting of nine members appointed by the Superintendent of Public Instruction.

One of the nine members of the committee shall be an elementary school teacher and one shall be a secondary school teacher.

The nine members of the committee shall be selected for their familiarity, standing, competence, and attainment in research methods applicable to the physical, behavioral, and management sciences.

587.2. As used in this article, "committee" means the Advisory Committee on Educational Research in Basic Educational Programs.

587.3. The members of the committee shall serve without compensation, except that they shall receive their actual and necessary expenses incurred in the performance of their duties and responsibilities, including travel expenses.

587.4. The committee shall have the power and authority to advise the Superintendent of Public Instruction on:

(a) Employment of a staff for the committee and for the innovative schools.

(b) Establishment and operation of the innovative schools.

(c) Acquisition of property and equipment.

(d) Receipt and expenditure of funds to support the innovative schools.

(e) The location of the innovative schools.

(f) The program of instruction and the programs of research and experimentation to be undertaken by the innovative schools.

(g) Contracts with other governmental agencies and private persons or organizations to provide or receive services, supplies, facilities, and equipment.

(h) Rules and regulations for the government of the innovative schools.

587.5. The Superintendent of Public Instruction on the advice of the committee shall prescribe criteria for the development of staff in each innovative school. The Superintendent of Public Instruction shall advertise the employment opportunities with the innovative schools and the committee and establish appropriate employment selection procedures in which performance of the teacher in the classroom, subject matter proficiency, and theoretical knowledge is considered.

587.6. Appointment to a teaching position in the innovative schools shall be limited to two years and renewable for another two years. Appointments to administrative positions shall be limited to four years and renewable for another two years.

587.7. Persons employed to teach in and administer the innovative schools shall be deemed to be on leave of absence from the school district whose employment they leave to accept employment in the innovative school, and they shall retain permanent status, or credit for service toward permanent

status, in such school district during their employment with the innovative schools. Such persons shall continue to be members of, and contribute to, the retirement system of which they were members at the time immediately prior to their employment in the innovative schools.

587.8. Persons employed in the innovative schools in positions not requiring certification qualifications shall be deemed to be on leave of absence from the school district whose employment they leave to accept employment in the innovative schools, and they shall retain permanent status, or credit for service toward permanent status, in such school district during their employment with the innovative schools. Such persons shall continue to be members of, and contribute to, the retirement system of which they were members at the time immediately prior to their employment in the innovative schools.

587.9. The budget of each innovative school shall be developed and prepared by the administrative staff in consultation with the teachers in the school and with the advice of the Superintendent of Public Instruction and the committee. Approval of each school budget shall rest with the Superintendent of Public Instruction, with the advice of the committee. The budget shall be subject to such other approvals as are required by law.

587.10. The cost of transportation of pupils between the local school district and the innovative schools, to encourage attendance of pupils who are representative of the regional attendance area, may be included in budgets prepared under Section 587.9.

587.11. The pupils in each innovative school shall be limited to those in grades 1 through 3. They shall, as nearly as possible, be representative of the ethnic and socioeconomic characteristics of the regional attendance area served by the school. Efforts shall be made by the staff of the innovative school and the school districts in the regional area to inform parents and recruit pupils for attendance at the innovative school.

587.12. Pupils enrolled in the innovative schools shall attend the innovative schools only one-half of the regular schoolday and one-half in the schools of the participating school district. Participating school districts and innovative schools shall cooperate in the appropriate scheduling of subjects in the schools of such district to complement the program of the innovative schools.

587.13. For the purpose of computing apportionments from the State School Fund, the attendance of a pupil for any part of a schoolday in the regular day schools of the district shall be credited with one day of attendance where the pupil attended an innovative school for the remainder of such schoolday.

587.14. The innovative schools shall emphasize instruction in reading and mathematics.

587.15. The committee shall annually review the operation of the innovative schools as a total program, and for each

*school, and shall submit a comprehensive report to the State Board of Education. The State Board of Education shall report thereon to the Legislature on or before the fifth legislative day of each regular session.*

587.16. The Superintendent of Public Instruction shall report to the Legislature on or before the 13th legislative day of each regular session regarding the findings of the innovative schools program. Such report shall specifically include a review of specific positive and negative findings, including (a) those positive findings which require legislation and (b) the steps being taken to implement those positive findings which do not require legislation.

587.17. The State Board of Education shall reserve an amount not to exceed five hundred twelve thousand dollars ($512,000) for the purposes authorized by this article for the 1971–72 fiscal year.

The State Board of Education shall reserve an amount not to exceed two million two hundred eighty-four thousand dollars ($2,284,000) for the purposes authorized by this article for the 1972–73 fiscal year.

The State Board of Education shall reserve an amount not to exceed four million four hundred fifty-nine thousand dollars ($4,459,000) for the purposes of this article for the 1973–74 fiscal year.

The funds required to be reserved by this section are funds allowed to the state by the federal government pursuant to Title III of the Elementary and Secondary Education Act of 1965.

The funds reserved pursuant to this section may be used for the planning, administration, and operation of projects.

SEC. 11. Article 8 (commencing with Section 588) of Chapter 6 of Division 2 of the Education Code, as added by Assembly Bill No. 2800 of the 1971 Regular Session, is repealed.

SEC. 12. Section 33 of Assembly Bill No. 2800 of the 1971 Regular Session is repealed.

SEC. 13. Sections 2 to 12, inclusive, of this act shall become operative only if Assembly Bill No. 2800 of the 1971 Regular Session is enacted into law.

---

## CHAPTER 1409

*An act making an appropriation to the Resources Agency, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971.]

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

SECTION 1. There is hereby appropriated the sum of fifty thousand dollars ($50,000) from the General Fund to the

Resources Agency for the purpose of the completion of the Tahoe Regional Plan as provided in Article V of the Tahoe Regional Planning Compact as set forth in Section 66801 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 completion of the Tahoe Regional Plan at the earliest possible time is required in order to meet the urgent pollution and land use problems of the Lake Tahoe Basin. In order to ensure completion of the plan at the earliest possible time, it is necessary that this act go into immediate effect.

## CHAPTER 1410

*An act to add Article 5 (commencing with Section 830) to Chapter 4 of Division 1 of the Streets and Highways Code, relating to allowances to water districts for severance aid.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Article 5 (commencing with Section 830) is added to Chapter 4 of Division 1 of the Streets and Highways Code, to read:

### Article 5. Allowances to Water Districts for Severance Aid

830. For purposes of this article, the term "public water district" means any special district, as defined in subdivision (m) of Section 54775 of the Government Code, which has, among its powers, the power to store, control, or distribute water.

831. Whenever real property within a public water district is acquired for state highway purposes on or after the effective date of this section, the director shall calculate an amount of severance aid as provided in this section, in addition to any other allowances provided by law to be paid to the district.

For the five-year period following the acquisition of such property, based on the amount of tax revenues the district would have received from such property if there had been no such acquisition, the director shall calculate the district's severance aid as follows: for the year following such acquisition, the district shall be allowed the amount of tax revenues that would have been paid during the year of acquisition, if the taxes assessed on the property acquired were then paid in

full; for the second year, the district shall be allowed 80 percent of such amount; for the third year, the district shall be allowed 60 percent of such amount; for the fourth year, the district shall be allowed 40 percent of such amount; and for the fifth year, the district shall be allowed 20 percent of such amount.

832. On or before April 20th of each year, the director shall determine and certify to the State Controller the amount of severance aid computed and to be allowed to water districts under Section 831 for the fiscal year. On or before May 15th of each year, the State Controller shall allocate from the Motor Vehicle Transportation Tax Fund the amount of severance aid computed and to be allowed to water districts for the current fiscal year as so certified.

The department may charge or allocate the amounts so transferred to the appropriate particular projects on account of which the severance aid was computed.

833. (a) No money shall be allocated to any water district for any fiscal year pursuant to this article, unless the Legislature approves such allocation for that fiscal year pursuant to this section by appropriating the money from the Motor Vehicle Transportation Tax Fund for such purpose.

(b) In case the amount of money appropriated by the Legislature for purposes of this article during any fiscal year is insufficient to pay the amounts provided for in Section 831, the amounts provided for in that section shall be reduced proportionately.

834. No allowance of severance aid shall be made as provided in Section 831 unless the total assessed value of taxable real property within the water district is reduced by 2 percent or more during a fiscal year by reason of acquisitions giving rise to severance aid as provided in Section 831. In determining whether or not the value of such acquisitions is equal to 2 percent or more of the value of taxable real property, all such acquisitions made during each fiscal year shall be considered as one sum.

---

## CHAPTER 1411

*An act to amend Sections 891 and 1860 of the Welfare and Institutions Code, relating to minors.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 891 of the Welfare and Institutions Code is amended to read:

891. (a) From any state moneys made available to it for that purpose, the Youth Authority shall share in the cost pursuant to this article of the construction of juvenile homes, juve-

nile ranch camps, or forestry camps established after July 1, 1957, and for construction at existing juvenile homes, ranches, camps, or forestry camps, by counties which apply therefor.

(b) "Construction," as used in this section, includes construction of new buildings and acquisition of existing buildings and initial equipment of any such buildings; and, to the extent provided for in regulations adopted by the Department of the Youth Authority, remodeling of existing buildings owned by the county, to serve as a juvenile home or to serve the purposes of a juvenile ranch camp or forestry camp, and initial equipment thereof. "Construction" also includes payments made by a county under any lease-purchase agreement or similar arrangement authorized by law and payments for the necessary repair or improvements of property which is leased from the federal government or other public entity without cost to the county for a term of not less than 10 years. It does not include architects' fees or the cost of land acquisition.

(c) The amount of state assistance which shall be provided to any county shall not exceed 50 percent of the project cost approved by the Youth Authority, and, in no event shall it exceed three thousand dollars ($3,000) per bed unit of the new juvenile home, juvenile ranch, camp, or forestry camp or per bed unit added to an existing juvenile home, juvenile ranch camp, or forestry camp, as the case may be. The construction project shall be deemed to have as many bed units as the number of persons it is designed to accommodate, not exceeding 100-bed units for any one project.

(d) Application for state assistance for construction funds under this article shall be made to the Youth Authority in the manner and form prescribed by the Youth Authority. The Youth Authority shall prescribe the time and manner of payment of state assistance, if granted.

SEC. 2. Section 1860 of the Welfare and Institutions Code is amended to read:

1860. (a) From any state moneys made available to it for that purpose, the Youth Authority shall share in the cost pursuant to this article of the construction of youth correctional centers established by counties which apply therefor.

(b) "Construction" as used in this section includes construction of new buildings and acquisition of existing buildings and initial equipment of any such buildings, and, to the extent provided for in regulations adopted by the Department of the Youth Authority, remodeling of existing buildings owned by the county, to serve as a youth correctional center, and initial equipment thereof. "Construction" also includes payments made by a county under any lease-purchase agreement or similar arrangement authorized by law and payments for the necessary repair or improvements of property which is leased from the federal government or other public entity without cost to the county for a term of not less than 10 years. It does not include architects' fees or the cost of land acquisition.

(c) The amount of state assistance which shall be provided to any county shall not exceed 50 percent of the project cost approved by the Youth Authority and in no event shall it exceed three thousand dollars ($3,000) per offender the program is designed to accommodate.

(d) Application for state assistance for construction funds under this article shall be made to the Youth Authority in the manner and form prescribed by the Youth Authority, and the Youth Authority shall prescribe the time and manner of payment of state assistance, if granted.

---

## CHAPTER 1412

*An act to amend Section 17305.7 of the Education Code, relating to driver instruction and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 17305.7 of the Education Code is amended 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, mentally retarded minors who come within the provisions of Section 6902, 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 two hundred dollars ($200) 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. 2. This act shall become operative on September 1, 1971.

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:

Educable mentally retarded minors are receiving special education in secondary schools which make them economically useful, however ordinary driver instruction allowances are insufficient to afford them adequate driver training instruction. In order to provide adequate driver training instruction to educable mentally retarded minors, it is necessary that the additional funds made available by this act be available at the earliest possible time in the 1971–1972 school year. It is therefore necessary that this act take immediate effect.

---

## CHAPTER 1413

*An act to amend Section 20331 of the Government Code, relating to the Public Employees' Retirement System, and making an appropriation therefor.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971 ]

I am deleting the $240,000 appropriation contained in Assembly Bill No. 758

The funds needed to provide the increased retirement benefits for University police officers authorized by AB 758 should come from the fiscal resources currently available to the University

With the above deletion, I have approved AB 758.

Respectfully,

RONALD REAGAN, Governor

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

SECTION 1. Section 20331 of the Government Code is amended to read:

20331. Any person who on October 1, 1963, is employed by the university, and is a member of any retirement system maintained by the university, or who after that date enters university employment, shall be excluded from membership in this system.

Any member who is employed as a member of the police department of the university and who elects, in accordance

with regulations of the Board of Regents, to become a sworn officer member of a retirement system of the university in such employment shall be excluded from membership in this system in such employment after the date upon which he becomes a member of the university system. Such election shall not constitute a permanent separation from state service for purposes of a right to refund of accumulated contributions but shall constitute a discontinuance of employment as a member of this system and entry into employment as a member of the university system within the meaning of Section 20015.5.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury the sum of two hundred forty thousand dollars ($240,000) to the University of California for an increased retirement benefit program for university police officers within the university retirement system in augmentation of the university appropriations for support and other purposes for the 1971–1972 fiscal year.

## CHAPTER 1414

*An act relating to excessive police costs, and making an appropriation therefor.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

*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 thirty thousand five hundred ninety-six dollars ($30,596) to the Department of Finance, to be allocated in accordance with the provisions of Section 22509 of the Education Code for purposes of reimbursing police or sheriffs' departments, or both, for excessive costs incurred in rendering the assistance described in Section 22509 of the Education Code.

## CHAPTER 1415

*An act to add Section 625.1 to the Welfare and Institutions Code, relating to minors.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 625.1 is added to the Welfare and Institutions Code, to read:

625.1. A peace officer may, without a warrant, take a minor under the age of 18 into temporary custody as a person described in Section 602:

(a) Whenever the officer has reasonable cause to believe that the minor has committed a public offense in his presence.

(b) When the minor has committed a felony, although not in the officer's presence.

(c) Whenever the officer has reasonable cause to believe that the minor has committed a felony, whether or not a felony has in fact been committed.

(d) Whenever the minor has been involved in a traffic accident and the officer has reasonable cause to believe that the minor had been driving while under the influence of intoxicating liquor or under the combined influence of intoxicating liquor and any drug.

---

## CHAPTER 1416

*An act to amend Section 5710 of the Labor Code, relating to workmen's compensation.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 5710 of the Labor Code is amended to read:

5710. (a) The appeals board, a referee, or any party to the action or proceeding, may, in any investigation or hearing before the appeals board, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state. To that end the attendance of witnesses and the production of records may be required. Depositions may be taken outside the state before any officer authorized to administer oaths. The appeals board or a referee in any proceeding before the appeals board may cause evidence to be taken in other jurisdictions before the agency authorized to hear workmen's compensation matters in such other jurisdictions.

(b) Where the employer or insurance carrier requests a deposition to be taken of an injured employee, such employee is entitled to receive in addition to all other benefits:

(1) All reasonable expenses of transportation, meals and lodging incident to such deposition.

(2) Reimbursement for any loss of wages incurred during attendance at such deposition.

---

## CHAPTER 1417

*An act to amend Section 24072 of the Business and Professions Code, relating to alcoholic beverages.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 24072 of the Business and Professions Code is amended to read:

24072. The following transfer fees shall be charged by the department: (a) The fee for transfer of a license other than a retail license from a licensee to another person is a fee equal to 70 percent of the annual fee for the license, except as provided in Section 24071. Section 23322 shall not apply to this transfer fee. (b) The fee for transfer of a retail license from a licensee to another person is a fee equal to 50 percent of the original fee for the license, but not to exceed one thousand two hundred fifty dollars ($1,250), or if no original fee is provided for by law, one hundred dollars ($100). (c) Except as provided in Section 24082, the fee for transfer of a license from one premises to another premises is one hundred dollars ($100). (d) Notwithstanding the other fee provisions of this section, the fee for a transfer of an off-sale general license from one county to another county shall be three thousand dollars ($3,000). (e) The fee for transfer of an on-sale or off-sale retail license to include the mother, father, son, or daughter of a licensee, when no consideration is given for such transfer, shall be one-half of the regular fee for transfer of a license from a licensee to another person, as provided by this section.

All money collected from the fees provided for in this section shall be deposited directly in the General Fund in the State Treasury, rather than in the Alcohol Beverage Control Fund as provided in Section 25761.

---

## CHAPTER 1418

*An act to amend Sections 25556, 25557, 25653, 25802, 25803, 25905, 26403, 26404, 26451, and 26452 of the Education Code, relating to practice teaching.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 25556 of the Education Code is amended to read:

25556. The powers and duties of the superintendent are such as are assigned to him by the Superintendent of Public Instruction.

SEC. 2. Section 25557 of the Education Code is amended to read:

25557. The Superintendent of Public Instruction may authorize the California School for the Deaf to establish and maintain teacher training courses designed to prepare teachers of the public schools and such other persons holding a creden-

tial issued by the State Board of Education as are recommended by the president of a state college, to give instruction to the deaf and the hard of hearing. The Superintendent of Public Instruction shall prescribe standards for the admission of persons to the courses, and for the content of the courses.

The California School for the Deaf may enter into agreements with the Trustees of the California State Colleges, the University of California, or any other university or college accredited by the State Board of Education as a teacher training educational institution, to provide practice teaching required for issuance of the credential authorizing the holder to teach the deaf and severely hard of hearing. Such agreement may provide a reasonable payment, for services rendered, to teachers of the California School for the Deaf who have practice teachers under their direction.

SEC. 3. Section 25653 of the Education Code is amended to read:

25653. The Superintendent of Public Instruction may authorize the California School for the Deaf to establish and maintain a testing center for deaf and hard of hearing minors. It shall be the purpose of this center to test hearing acuity and to give such other tests as may be necessary for advising parents and school authorities concerning an appropriate educational program for the child.

SEC. 4. Section 25802 of the Education Code is amended to read:

25802. The powers and duties of the superintendent are such as are assigned to him by the Superintendent of Public Instruction.

SEC. 5. Section 25803 of the Education Code is amended to read:

25803. There is hereby created at the California School for the Blind the position of field worker to be appointed by the superintendent of the school with the approval of the Superintendent of Public Instruction. The field worker shall be a member of the teaching staff of the California School for the Blind and shall receive a salary fixed and payable in accordance with law.

The field worker shall visit graduates and former pupils of the school in their homes to advise them regarding the extension and continuance of their education, to assist them in securing remunerative employment, to improve their economic condition in all possible ways, and to provide them with preparatory instruction found necessary for a selected occupation. The field worker shall be a person who has had special training for such work. Blindness shall not be grounds to disqualify a person for this position.

SEC. 6. Section 25905 of the Education Code is amended to read:

25905. The Superintendent of Public Instruction may authorize the California School for the Blind to establish and maintain, either independently or in cooperation with the

University of California or the Trustees of the California State Colleges, teacher training courses for teachers of the blind. The Superintendent of Public Instruction shall establish standards for the admission of persons to the courses, and for the content thereof.

The California School for the Blind may enter into agreements with the Trustees of the California State Colleges, the University of California, or any other university or college accredited by the State Board of Education as a teacher training educational institution, to provide practice teaching required for issuance of the credentials authorizing the holder to teach the visually handicapped, the deaf-blind, or provide orientation and mobility instruction. Such agreement may provide a reasonable payment, for services rendered, to teachers of the California School for the Blind who have practice teachers under their direction.

SEC. 7. Section 26403 of the Education Code is amended to read:

26403. The schools are under the administration of the Superintendent of Public Instruction.

SEC. 8. Section 26404 of the Education Code is amended to read:

26404. The Superintendent of Public Instruction in relation to the diagnostic schools for neurologically handicapped children shall:

(a) Prescribe rules for the government of the schools.

(b) Appoint the superintendents and other officers and employees.

(c) Remove for cause any officer, teacher or employee.

(d) Fix the compensation of teachers.

(e) Determine the length of, and the time for, vacations of teachers.

(f) Contract with the University of California or with other public or private hospitals or schools of medicine for the establishment and maintenance of diagnostic service and treatment centers for neurologically handicapped children.

SEC. 9. Section 26451 of the Education Code is amended to read:

26451. The powers and duties of the superintendents of the schools are such as are assigned to them by the Superintendent of Public Instruction.

SEC. 10. Section 26452 of the Education Code is amended to read:

26452. The Superintendent of Public Instruction may, in cooperation with an accredited college or university, authorize the California schools for neurologically handicapped children to establish and maintain teacher training courses designed to prepare teachers to instruct neurologically handicapped children in special classes in the public school system. The Superintendent of Public Instruction, in cooperation with an accredited college or university, shall prescribe standards for the admission of persons to the courses, and for the contents

of the courses. Courses conducted in the schools shall be counted toward requirements of a credential in the area of the educationally handicapped upon the establishment of such a credential.

The Diagnostic Schools for Neurologically Handicapped Children may enter into agreements with the Trustees of the California State Colleges, the University of California, or any other university or college accredited by the State Board of Education as a teacher training educational institution, to provide practice teaching required for issuance of the credential authorizing the holder to teach the educationally handicapped. Such agreement may provide a reasonable payment, for services rendered, to teachers of the Diagnostic Schools for Neurologically Handicapped Children who have practice teachers under their direction.

---

## CHAPTER 1419

*An act to amend Section 3296.5 of the Education Code, relating to school district unification.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

*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 county superintendent of schools shall prepare a statement of official information and statistics relating to the proposed new unified area which shall include but is not limited to 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. Such statistics shall be based upon the school year last completed before the date of the election. Upon approval by the State Department of Education, the statement of official information shall be distributed to each registered elector in the proposed new unified area by the county superintendent of schools. The chief executive officer of the Board of Governors of the California Community Colleges shall prepare and submit such statement with respect to community college district organization proposals.

---

## CHAPTER 1420

*An act to amend Section 13724 of the Revenue and Taxation Code, relating to inheritance tax.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 13724 of the Revenue and Taxation Code is amended to read:

13724. In addition to the exemptions allowed by this part, the payment or right to receive payment of fifty thousand dollars ($50,000) of the proceeds of either of the insurance policies mentioned in Section 13723, and of any insurance policy payable to a trustee of either an inter vivos trust or a trust created under the last will of the insured, except to the extent that the proceeds are used for the benefit of the estate, is not subject to this part, with the following limitations:

(a) Where there is more than one policy, whether of the same or a different type, only fifty thousand dollars ($50,000) of the aggregate proceeds is not subject to this part.

(b) Where there is more than one beneficiary, the fifty thousand dollars ($50,000) shall be prorated among the beneficiaries in proportion to the amount of insurance payable to each.

---

## CHAPTER 1421

*An act to amend Section 2106 of the Streets and Highways Code, relating to highway funds.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 2106 of the Streets and Highways Code is amended to read:

2106. A sum equal to the net revenue derived from one and four one-hundredths cent ($0.0104) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned monthly from the Highway Users Tax Fund among counties and cities for use exclusively for county road and city street purposes, as provided in this section.

The amounts available under this section shall be apportioned, as follows:

(a) Four hundred dollars ($400) per month shall be apportioned to each city and city and county and eight hundred dollars ($800) per month shall be apportioned to each county and city and county.

(b) The balance shall be apportioned, as follows:

(1) A base sum shall be computed for each county by using the same proportions of fee-paid and exempt vehicles as are established for purposes of apportionment of funds under subdivision (d) of Section 2104.

(2) For each county the percentage of the total assessed valuation of tangible property subject to local tax levies within the county which is represented by the assessed valuation of

tangible property outside the incorporated cities of the county shall be applied to its base sum, and the resulting amount shall be apportioned to the county. The assessed valuation of taxable tangible property for purposes of this computation shall be that most recently used for countywide tax levies as reported to the State Controller by the State Board of Equalization. In the event an incorporation or annexation is legally completed following the base sum computation, the new city's assessed valuation shall be deducted from the county's assessed valuation, the estimate of which shall be provided by the State Board of Equalization.

(3) The difference between the base sum for each county and the amount apportioned to the county shall be apportioned to the cities of that county in the proportion that the population of each city bears to the total population of all cities in the county. Populations used for determining expenditure of moneys under Section 2107 are to be used for purposes of this section.

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

---

## CHAPTER 1422

*An act to add Section 20205.4 to the Government Code, relating to Public Employees' Retirement System.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 20205.4 is added to the Government Code, to read:

20205.4. In addition to such other investments as are authorized by this article, the board may invest in real estate and leases thereof and improvements thereon for business or residential purposes as an investment for the production of

income. The phrase, "business or residential purposes" shall not include real estate or leases primarily intended for use or valued as agricultural, horticultural, farm, ranch, or mineral property. Real estate and leases acquired and improvements made thereon under this section shall not exceed in the aggregate an amount equal to 10 percent of the assets of the system.

---

## CHAPTER 1423

*An act to amend Section 6873 of, and to add Section 19571.2 to, the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 6873 of the Education Code is amended to read:

6873. Upon verification of the attendance reported and the claim submitted, the Superintendent of Public Instruction shall apportion to the school district submitting the report and the claim of the parent or guardian of such minor for the tuition in question an amount sufficient to satisfy the claim but not in excess of the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question and the amount allowable per unit of average daily attendance for the particular category under Section 18102, 18102.2, 18102.4 or 18102.6, and the amount allowable per unit of average daily attendance for the particular category under Section 18060. In the case of a multiply handicapped minor the amount apportioned shall not exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the amount allowable per unit of average daily attendance under Section 18102, and the amount allowable per unit of average daily attendance for the particular category under Section 18060. The apportionments for physically handicapped, mentally retarded and multiply handicapped shall be made from the funds reserved under the provisions of subdivision (c) of Section 17303.5. The apportionment for educationally handicapped shall be made from funds reserved under the provisions of subdivision (g) of Section 17303.5. The apportionment shall be made for each fiscal year immediately following the fiscal year in which the attendance occurs.

SEC. 1.5. Section 19571.2 is added to the Education Code, to read:

19571.2. Notwithstanding any other provisions of this chapter, a school district otherwise eligible to receive a conditional apportionment under this chapter may apply for an

adjustment of annual repayment obligations in lieu of receiving such conditional apportionment.

The board may require such information as is necessary to determine the number of units of estimated average daily attendance for which the district would have been eligible to construct school facilities under this chapter, if such conditional apportionment had been made and had become final. Such units shall be known as "eligible attendance units."

The board shall then determine an "eligible facilities cost" by multiplying the number of such eligible attendance units by the average cost of housing elementary or high school pupils as set forth in the latest report to the Legislature required under Section 19627.

In any fiscal year in which the school district is in the judgment of the board operating sufficient year-around classes to provide housing for the eligible attendance units aforementioned, the Director of General Services shall add to the amount which he is required to certify to the Controller under Sections 19602, 19615 and 19615.5 an amount equal to one-twentieth of such eligible facilities costs.

The additional amount so certified shall be considered for all purposes of this chapter as eligible bonded debt service.

SEC. 2. For purposes of determining eligibility for apportionments of funds appropriated in Item 270 of the Budget Act of 1971 (Chapter 266 of the Statutes of 1971), and more particularly, in determining the average daily attendance in school districts for which equalization aid was computed, the Superintendent of Public Instruction shall compute the same by considering solely individual school district wealth, disregarding the effects of the areawide school support mechanism, and as though no areawide school support programs were in operation anywhere in the state.

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

In order to clarify the intent of the Legislature with respect to 1971–1972 fiscal year apportionments to school districts for cost increases due to inflation pursuant to Item 270 of the Budget Act of 1971, it is essential that this act take effect immediately.

---

## CHAPTER 1424

*An act to amend Section 19683 of the Education Code, relating to state school building aid.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 19683 of the Education Code is amended to read:

19683. Allocations under this article may be made in such amount as may be necessary, and in such manner as to distribute the available funds equitably among school districts, giving consideration to the needs of each district and the number of children within each district who are blind, partially seeing, aphasic, deaf, hard of hearing, mentally retarded, orthopedic or other health impaired, multihandicapped, speech handicapped, or educationally handicapped.

In computing the number of such children there shall be included:

(a) The number of them residing in the district.

(b) The number of handicapped minors who are actually living within the district five or more days a week, although their legal residence may be outside the district and who are educated pursuant to Section 6805.

(c) The number of them who reside outside of the district, except those described in subdivision (b), and who are to be educated by the district, excluding mentally retarded minors within the provisions of Section 6902 who reside within a district having an average daily attendance of 900 or more and which does not meet the requirements of Section 19590 concerning outstanding bonded indebtedness.

Allocations for housing and equipment for minors having speech defects or disorders shall be allowed in new schools constructed after July 1, 1968, and in existing schools constructed between July 1, 1933, and July 1, 1968. Such housing and equipment shall be designed and provided to permit their utilization for remedial and other special services including speech therapy, speech reading (lipreading) and auditory training for the speech and hearing handicapped, screening and testing for speech and hearing defects, or both, psychological testing of exceptional children, subject matter tutoring of exceptional children, and other specialized activities required by such children. In addition to the maximum building area allowances provided in Sections 19583, 19585, 19586, and 19587, not more than an additional 200 square feet of building area shall be allowed for each new school so planned and constructed.

Each existing school, constructed between July 1, 1933, and July 1, 1968, shall be allowed not more than an additional 200 square feet of building area only for construction thereon of a new speech facility. At the option of the applicant district, the board may allocate funds to convert existing facilities or to provide a combination of new construction and conversion of existing facilities to provide housing for such minors having speech defects or disorders, provided the cost of such conversion or combination of new construction and conversion does

not exceed the computed cost for 200 square feet of new classroom construction based upon cost standards adopted by the board. At the further option of the applicant district, and in lieu of new building construction or conversion, the board may allocate funds for the acquisition of mobile speech therapy facilities, provided the cost of such mobile facilities does not exceed the combined computed cost for 200 square feet of new classroom construction, based upon cost standards adopted by the board, at all such schools which will be served by the mobile facility.

---

## CHAPTER 1425

*An act to amend Section 21809 of the Education Code, relating to school bonds, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 21809 of the Education Code is amended to read:

21809. The board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, if any. Said bonds shall be signed by the chairman of the board of supervisors, or by such other member thereof as the board of supervisors shall, by resolution adopted by a four-fifths vote of all its members, authorize and designate for that purpose, and also signed by the treasurer or auditor of the county, and shall be countersigned by the county clerk or the clerk of the board of supervisors or by a deputy of either of such officers. The coupons of said bonds shall be signed by the treasurer or auditor. Unless the board of supervisors otherwise provides, all such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced except that one of said signatures or countersignatures to said bonds shall be manually affixed. Any such signature may be affixed in accordance with the provisions of the Uniform Facsimile Signatures of Public Officials Act, Chapter 6 (commencing with Section 5500) of Title 1 of the Government Code. All expense incurred for the preparation, sale, and delivery of the school bonds, including but not limited to, fees of an independent financial consultant, the publication of the official notice of sale of the bonds, the preparation, printing and distribution of the official statement, the obtaining of a rating, the purchase of insurance insuring the prompt payment of interest and principal, the preparation of the certified copy of the transcript for the successful bidder, the printing of the bonds, and legal fees of independent bond counsel retained by the school

district issuing the bonds are legal charges against the funds of the school district issuing the bonds and may be paid from the proceeds of sale of the bonds.

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

In order that school districts may secure advantageous rates of bond interest under this act with respect to bonds issued pursuant to bond elections to be held in the near future, and so save public funds, it is essential that this act take effect immediately.

---

## CHAPTER 1426

*An act to amend Section 1 of Chapter 1358 of the Statutes of 1968, relating to a loan to the City of Madera for planning and development of sewage facilities.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 1 of Chapter 1358 of the Statutes of 1968 is amended to read:

Section 1. There is hereby appropriated from the State Water Quality Control Fund the sum of one hundred forty thousand dollars ($140,000) to the State Water Resources Control Board for a loan by the board to the City of Madera of so much of such amount as the board determines is necessary to permit necessary planning and development of adequate sewage treatment facilities. Such loan shall be made by the board to the City of Madera subject to such conditions as the board determines are usual and necessary to insure proper and efficient use of such funds. The amount of the loan, with interest, shall be repaid by the City of Madera at such time as the actual construction of sewage treatment facilities is completed, but in no event later than five years from the effective date of this act. Interest on such loan shall be payable at an annual rate equal to the average, as determined by the board, of the net interest costs to the state on the sales of general obligation bonds of the state that occurred during the calendar year immediately preceding the calendar year in which the interest falls due, during each calendar year in which the loan remains outstanding; provided, that when the applicable average of the net interest costs to the state is not a multiple of one-tenth of 1 percent, the interest rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs.

## CHAPTER 1427

*An act to add Article 4 (commencing with Section 12095) to Chapter 1 of Part 4 of Division 2 of the Insurance Code, relating to bonding by insurers of contractors.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Article 4 (commencing with Section 12095) is added to Chapter 1 of Part 4 of Division 2 of the Insurance Code, to read:

### Article 4. Special Regulations

12095. No insurer admitted in this state to issue surety insurance shall fail or refuse to accept an application for a contractor's performance bond, or to issue such a bond to an applicant therefor, or refuse or cancel such a bond, under conditions less favorable to the obligor than in other comparable cases, except for reasons applicable alike to persons of every race, color, religion, national origin, ancestry, or geographical area; nor shall, race, color, religion, national origin, ancestry, or location within a county, of itself, constitute a condition or risk for which a greater rate, premium, charge, guaranty, or collateral may be required of the applicant for such a bond.

12096. (a) Any applicant for a contractor's performance bond who believes that the admitted surety insurer, regularly issuing such bonds, to whom he has applied did not comply with Section 12095, may file a complaint in writing with the commissioner. If the commissioner finds that there is reasonable ground to believe that the alleged discrimination has occurred, he may set the complaint for hearing, after notice, at which hearing each of the parties to the complaint shall have an opportunity to be heard in person or through their witnesses.

(b) Any determination of the commissioner upon such complaint and hearing shall be judicially reviewable.

12097. Whoever denies a contractor's performance bond solely on the grounds specified in this article is liable for each and every such offense for the actual damages, and two hundred fifty dollars ($250) in addition thereto, suffered by the licensee or applicant for a license.

---

## CHAPTER 1428

*An act to repeal and add Section 13143.6 to the Health and Safety Code, relating to the State Fire Marshal.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 13143.6 of the Health and Safety Code is repealed.

SEC. 2. Section 13143.6 is added to the Health and Safety Code, to read:

13143.6. The State Fire Marshal, with the advice of the State Fire Advisory Board, shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age when such person is referred to or placed within such home or institution for protective social care and supervision services by any governmental agency. Occupancies within the meaning of this section shall be those not otherwise specified in Sections 13113 and 13143 and shall include, but are not limited to those commonly referred to as "certified family care homes," "out-of-home placement facilities," and "halfway houses." Regulations adopted pursuant to this section shall establish minimum standards relating to the means of egress and the adequacy of exits, the installation and maintenance of fire extinguishing and fire alarm systems, the storage, handling, or use of combustible or flammable materials or substances, and the installation and maintenance of appliances, equipment, decorations, and furnishings that may present a fire, explosion, or panic hazard. Such minimum standards shall be predicated on the height, area, and fire-resistive qualities of the building or structure used or intended to be used.

Any building or structure within the scope of this section used or intended to be used for the housing of more than six nonambulatory persons shall have installed and maintained in proper operating condition an automatic sprinkler system approved by the State Fire Marshal. "Nonambulatory person," as used in this section shall include, but is not limited to, any profoundly or severely mentally retarded, totally deaf, or blind person.

The ambulatory or nonambulatory status of any mentally retarded person within the scope of this section shall be determined by the Director of Public Health.

Any building or structure within the scope of this section used or intended to be used for the housing of more than six ambulatory persons shall have installed or maintained in proper operating condition an automatic fire alarm system approved and listed by the State Fire Marshal which will respond to products of combustion other than heat.

In adopting regulations pursuant to this section, the State Fire Marshal shall give reasonable consideration to the continued use of existing buildings' housing occupancies established prior to the effective date of this section.

In preparing and adopting regulations pursuant to this section, the State Fire Marshal shall also secure the advice of the appropriate governmental agencies involved in the affected protective social care programs in order to provide compatibility and maintenance of operating programs in this state.

No governmental agency shall refer any person to, or cause their placement in, any home or institution subject to this section without first obtaining verification of conformance to the fire safety standards adopted by the State Fire Marshal pursuant to this section from the fire authority having jurisdiction pursuant to Sections 13145 and 13146.

---

## CHAPTER 1429

*An act to amend Section 13113 of the Health and Safety Code, relating to sprinkler systems.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

*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 hospital, 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.

Any hospital, children's home, children's nursery, or institution, or any home or institution for the care of aged or senile persons, or any sanitarium or institution for insane or mentally retarded persons, or any nursing or convalescent home under construction or in existence and operating on the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature which does not meet the requirements of this section, may operate or continue to operate without meeting such requirements until June 30, 1976. In no event shall the continued use of such facilities extend beyond that date, unless an approved automatic sprinkler system as required by this section has been installed.

"Under construction," as used in this section, means that actual work shall have been performed on the construction site and shall not be construed to mean that the hospital, home,

nursery, institution, sanitarium or any portion thereof, is in the planning stage.

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 occupancies, or any alterations thereto, of type I construction, as defined by the State Fire Marshal, under construction or in existence on the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature.

---

## CHAPTER 1430

*An act to add Section 402d to the Penal Code, relating to dangerous articles.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 402d is added to the Penal Code, to read:

402d. (a) Every person is guilty of a misdemeanor if he knowingly delivers or causes to be delivered to any residence in this state, unsolicited by any person residing therein, any razor blades.

(b) It is a defense to a violation of this section that the donee of the articles is personally known to the donor, or that the donee knowingly and personally accepts the articles.

(c) Nothing in this section shall be construed to impose any liability on any employee of the United State Postal Service for actions performed in the scope of his employment by the United States Postal Service.

## CHAPTER 1431

*An act to add Section 6422 to the Labor Code, relating to public works contracts.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 6422 is added to the Labor Code, to read:

6422. No contract for public works involving an estimated expenditure in excess of twenty-five thousand dollars ($25,000), for the excavation of any trench or trenches five feet or more in depth, shall be awarded unless it contains a clause requiring submission by the contractor and acceptance by the awarding body or by a registered civil or structural engineer, employed by the awarding body, to whom authority to accept has been delegated, in advance of excavation, of a detailed plan showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection from the hazard of caving ground during the excavation of such trench or trenches. If such plan varies from the shoring system standards established by the Construction Safety Orders, the plan shall be prepared by a registered civil or structural engineer.

Nothing in this section shall be deemed to allow the use of a shoring, sloping, or protective system less effective than that required by the Construction Safety Orders of the Division of Industrial Safety.

Nothing in this section shall be construed to impose tort liability on the awarding body or any of its employees.

The terms "public works" and "awarding body", as used in this section, shall have the same meaning as in Labor Code Sections 1720 and 1722 respectively.

---

## CHAPTER 1432

*An act to add Section 21684.6 to the Public Utilities Code, relating to airports, and making an appropriation therefor.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 21684.6 is added to the Public Utilities Code, to read:

21684.6. (a) Notwithstanding the provisions of this article, inasmuch as they require matching funds, the department may allocate funds to a county for the construction of recreational airports or reliever training airstrips in accordance with reg-

ulations of the department if the county supplies the land and maintains and operates all facilities of such airport or airstrip.

(b) Section 21682 shall not apply to the airports and airstrips mentioned in subdivision (a) unless the county reimburses the Aeronautics Fund for the amount of the funds allocated under subdivision (a) less 1/20 of such amount for each year of operation of the airport or airstrip, or until the total amount of the payments not made to the county under Section 21682 equals the amount of the funds allocated under subdivision (a).

## CHAPTER 1433

*An act to amend Sections 3301.5, 6302, 6403, 6403.1, 6403.3, 6403.5, 6406, 6407, and 6700 of the Corporations Code, relating to foreign corporations.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 3301.5 of the Corporations Code is amended to read:

3301.5. Any domestic corporation, before it may be designated as the agent for the purpose of service of process of any corporation pursuant to Section 3301 or 6403, shall file with the Secretary of State a certificate executed in its name by its president or a vice president and by its secretary or an assistant secretary setting forth all of the following:

(a) The complete address of its office in each city, town or village named in any statement filed pursuant to Section 3301, 6403, or 6403.3 wherein it is designated as such agent, and which shall be the office where the corporation designating it as such agent may be served with process.

(b) The name of each person employed by it at each such office to whom it authorizes the delivery of a copy of any such process.

(c) Its consent that delivery thereof to any such person at the office where he is employed shall constitute delivery of any such copy to it, as such agent.

SEC. 2. Section 6302 of the Corporations Code is amended to read:

6302. A foreign corporation which has filed with the Secretary of State a designation of an agent for the service of process, pursuant to the requirements of any law in force at the time of the filing, need not file with the Secretary of State the statement provided for in Section 6403, but shall file an amended statement and designation when required by Section 6403.3.

SEC. 3. Section 6403 of the Corporations Code is amended to read:

6403. A foreign corporation shall not transact intrastate business in this state without having first obtained from the Secretary of State a certificate of qualification. To obtain such certificate, the corporation shall file with the Secretary of State, on a form prescribed by him, a statement and designation in its corporate name, signed by its president, or a vice president, or its secretary or assistant secretary, or its treasurer, which shall set forth all of the following:

(a) Its name and the state or country of its incorporation.

(b) The location and address of its main office.

(c) The location and address of its principal office within this state.

(d) The specific business it proposes to transact in this state.

(e) The name of an agent upon whom process directed to the corporation may be served within this state. The agent may be a natural person residing within the state in which case his complete business or residence address shall be set forth, or it may be a domestic corporation which has filed the certificate provided for in Section 3301.5 or a foreign corporation which has filed the certificate provided for in Section 6403.5. 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 Section 3301.5, 3301.6, 6403.5 or 6403.6.

(f) Its irrevocable consent to service of process directed to it upon the agent designated, and to service of process on the Secretary of State if the agent so designated or the agent's successor is no longer authorized to act or cannot be found at the address given.

Annexed to such statement and designation shall be a certificate by the public officer of the state or country having custody of the original articles or certificate of incorporation or of the act creating such corporation, or by a public officer authorized by the laws of such state or country to make such certificate, to the effect that such corporation is an existing corporation in good standing in the state or country of its incorporation.

SEC. 4. Section 6403.1 of the Corporations Code is amended to read:

6403.1. Upon payment of the fees required by law the Secretary of State shall file the statement and designation prescribed in Section 6403 and shall issue to the corporation a certificate of qualification stating the date of filing of said statement and designation and that the corporation is qualified to transact intrastate business in this state, subject, however, to any licensing requirements otherwise imposed by this state.

SEC. 5. Section 6403.3 of the Corporations Code is amended to read:

6403.3. (a) If any foreign corporation qualified to transact intrastate business shall change its name, the location or address of its main office, the location or address of its principal office in this state, the specific business to be transacted in this state, its agent for the service of process, or if the stated address of any natural person designated as agent for the service of process shall be changed, or the city, town or village wherein any designated corporate agent may be served is changed, it shall file with the Secretary of State, on a form prescribed by him, an amended statement and designation setting forth the change or changes made. In the case of a change of name the amended statement and designation shall set forth the name relinquished as well as the new name assumed and there shall be annexed to the amended statement and designation a certificate of the public officer having custody of the original corporation documents in the state or place of incorporation to the effect that such change of name was made in accordance with the laws of the state or place of incorporation.

(b) If the change includes a change of name, or a change affecting a fictitious name pursuant to Section 6404, upon the filing of the amended statement and designation the Secretary of State shall issue a new certificate of qualification.

(c) If the corporation originally was qualified to transact intrastate business in California prior to September 18, 1959, and if a specific business has not been set forth in an amended statement and designation filed on or subsequent to that date, then such information shall be set forth in the amended statement and designation being filed.

SEC. 6. Section 6403.5 of the Corporations Code is amended to read:

6403.5. Before it may be designated by any corporation as its agent for service of process, any foreign corporation which, as shown by the records of the Secretary of State, is authorized to transact intrastate business in this state shall file with the Secretary of State a certificate executed in its name by its president or a vice president and by its secretary or an assistant secretary setting forth all of the following:

(a) The date of its incorporation and the state or place under the laws of which it was created and the date on which it last qualified for the transaction of intrastate business in this state.

(b) The location and address of its main office.

(c) The complete address of its office in each city, town or village named in any statement filed pursuant to Section 3301, 6403, or 6403.3 where in it is designated as such agent, and which shall be the office where the corporation designating it as such agent may be served with process.

(d) The name of each person employed by it at each such office to whom it authorizes the delivery of a copy of any such process.

(e) Its consent that delivery thereof to any such person at the office where he is employed shall constitute delivery of any such copy to it, as such agent.

SEC. 7. Section 6403 of the Corporations Code is amended to read:

6406. If a natural person who has been designated by a foreign corporation as its agent for the service of process dies or resigns or removes his residence from the state or if a corporate agent for such purpose resigns, dissolves, withdraws from the state, forfeits its right to transact intrastate business in the state, has its corporate rights, powers and privileges suspended, or ceases to exist, the principal shall forthwith file with the Secretary of State an amended statement and designation pursuant to Section 6403.3 designating a new agent and such filing shall be deemed to revoke any prior designation of agent.

SEC. 8. Section 6407 of the Corporations Code is amended to read:

6407. Any foreign corporation may designate a new agent for the service of process by filing with the Secretary of State an amended statement and designation, pursuant to Section 6403.3 and such filing shall be deemed to revoke any prior designation of agent.

SEC. 9. Section 6700 of the Corporations Code is amended to read:

6700. A foreign corporation which has qualified to transact intrastate business in this state may surrender its right to engage in such business within this state by filing in the office of the Secretary of State a certificate signed and acknowledged by its president or a vice president and its secretary or an assistant secretary or treasurer, setting forth all of the following:

(a) The name of the corporation as shown on the records of the Secretary of State, and the state or place of incorporation.

(b) That it revokes its designation of agent for the service of process.

(c) That it surrenders its authority to transact intrastate business in this state.

(d) That it consents that process against it in any action upon any liability or obligation incurred within this state prior to the filing of the certificate of withdrawal may be served upon the Secretary of State.

(e) A post office address to which the Secretary of State may mail a copy of any process against the corporation that is served upon him, which address may be changed from time to time by filing a certificate entitled "certificate of change of address of surrendered foreign corporation" signed and acknowledged by the president, a vice president, secretary, assistant secretary or treasurer. If the name of the corporation has been changed since the filing of its certificate of surrender of authority, the certificate of change of address shall set forth such new name as well as the name appearing on the certificate of surrender of authority.

## CHAPTER 1434

*An act to amend Section 33430 of, to add Section 33032.1 to, the Health and Safety Code, relating to redevelopment.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 33032.1 is added to the Health and Safety Code, to read:

33032.1. A seashore, and uninhabited areas adjacent thereto, within a community, are blighted areas when characterized by:

(a) The imminent danger of a substantial decline in the coastal environment, including its recreational and aesthetic values.

(b) The need for public beach areas and public access routes through such areas.

(c) A danger to the quantity and quality of marine life through uncontrolled private development.

SEC. 2. Section 33430 of the Health and Safety Code is amended to read:

33430. (a) Except as otherwise provided in subdivision (b), an agency may, within the survey area or for purposes of redevelopment, sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage, deed of trust, or otherwise, or otherwise dispose of any real or personal property or any interest in property.

(b) Any interest acquired by an agency in property described in Section 33032.1 shall be used only for public purposes.

---

## CHAPTER 1435

*An act to add Section 603 to the Revenue and Taxation Code, relating to tax assessors.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 603 is added to the Revenue and Taxation Code, to read:

603. In addition to the assessment roll, the assessor shall annually prepare a list of all real property, except dedicated streets and highways, in the county which is owned by any governmental entity. The list shall contain the assessor's parcel number and, if such information is available, a statement of the market value and existing use of each such property. The list shall be delivered by September 1 to the State Lands Commission and upon delivery shall become a public record.

## CHAPTER 1436

*An act to add Section 53069.7 to the Government Code, relating to rewards, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 53069.7 is added to the Government Code, to read:

53069.7. A city or county may offer and pay a reward not exceeding five thousand dollars ($5,000) for information leading to the arrest and conviction of any person or persons killing or assaulting with a deadly weapon or inflicting serious bodily harm upon a police officer of the city or county while he is acting in the line of duty, prior to or 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:

In order to protect the public peace and safety it is necessary that more stringent measures be undertaken to apprehend persons engaging in the serious crimes within the scope of this act. The act will aid governmental authorities in apprehending such persons and it is necessary that it take effect immediately.

---

## CHAPTER 1437

*An act to amend Section 10752 of, and to add Section 10704 to, the Revenue and Taxation Code, and to amend Section 5004 of, to add Section 9269 to, and to repeal Section 4018 of, the Vehicle Code, relating to motor vehicles.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 10704 is added to the Revenue and Taxation Code, to read:

10704. "Horseless carriage" means any vehicle within the provisions of Section 5004 of the Vehicle Code.

SEC. 2. Section 10752 of the Revenue and Taxation Code is amended to read:

10752. (a) Except as provided in subdivision (b), the annual amount of the license fee shall be a sum equal to two (2) percent of the market value of the vehicle as determined by the department.

(b) The annual amount of the license fee for a horseless carriage, not used in a trade, profession, or business, shall be five dollars ($5).

SEC. 3. Section 4018 of the Vehicle Code is repealed.

SEC. 4. Section 5004 of the Vehicle Code is amended to read:

5004. Notwithstanding any other provision of this code, any owner of a motor vehicle with an engine of 16 or more cylinders manufactured prior to 1965, or any motor vehicle manufactured in the year 1922 or prior thereto, operated or moved over the highway primarily for the purpose of historical exhibition or other similar purpose shall, upon application in the manner and at the time prescribed by the department, be issued special identification plates for the motor vehicle. The special identification plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1" and the plates shall be of a distinguishing color. A fee of twenty-five dollars ($25) shall be charged for the initial issuance of the special identification plates. Such plates shall be permanent and shall not be required to be replaced. If such special identification plates become damaged or unserviceable in any manner, replacement for the plates may be obtained from the department upon proper application and upon payment of such fee as is provided for in Section 9265.

These vehicles shall not be exempt from the equipment provisions of Sections 26709, 27150, and 27600.

SEC. 5. Section 9269 is added to the Vehicle Code, to read:

9269. The owner of any horseless carriage for which a license fee is paid pursuant to subdivision (b) of Section 10752 of the Revenue and Taxation Code shall be required to register the vehicle, but shall not be required to pay any registration fees for any year for which such license fee was paid.

SEC. 6. This act shall apply to the registration fees and the vehicle license fees for vehicles within the provisions of Section 5004 of the Vehicle Code registered for the 1972 calendar year and for each calendar year thereafter. The provisions of the Vehicle Code and the Revenue and Taxation Code as they existed immediately prior to the effective date of this act shall continue to govern the registration and licensing, and exemption from registration, of such vehicles for the 1971 calendar year.

---

## CHAPTER 1438

*An act to amend Section 3301 of the Corporations Code, relating to corporations.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971.]

*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 January 1, 1971 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). This section shall not be construed to place any person dealing with such corporation on notice of, or on duty or obligation to inquire about the existence or content of any such statement.

In the case of a nonprofit corporation, the statement shall be filed every time there is any change of officers and every fifth year in accordance with regulations of the Secretary of State rather than each year. However, a nonprofit corporation may file a statement more frequently than every fifth year. The statement of a nonprofit corporation shall be filed without fee.

For the purpose of this section, a "nonprofit corporation" is a domestic corporation organized or existing pursuant to Part 1 (commencing with Section 9000), Part 2 (commencing with Section 10000), Part 3 (commencing with Section 10200), or Part 4 (commencing with Section 10400) of Division 2 of Title 1 of the Corporations Code, or organized or existing without authority to issue shares of stock pursuant to Division 21 (commencing with Section 29001) of the Education Code.

---

## CHAPTER 1439

*An act to add Article 5 (commencing with Section 11120) to Chapter 1 of Title 1 of Part 4 of the Penal Code, relating to records.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Article 5 (commencing with Section 11120) is added to Chapter 1 of Title 1 of Part 4 of the Penal Code, to read:

## Article 5. Examination of Records

11120. As used in this article, "record" with respect to any person means the master record sheet maintained under such person's name by the Bureau of Criminal Identification and Investigation, and which is commonly known as "arrest record," "criminal record sheet," or "rap sheet." "Record" does not include any other records of the bureau.

11121. It is the function and intent of this article to afford persons concerning whom a record is maintained in the files of the bureau such reasonable opportunity to examine the record compiled from such files, and to refute any erroneous or inaccurate information contained therein as is consistent with the requirements and functions of the bureau.

11122. Any person desiring to examine a record relating to himself shall obtain from the chief of police of the city of his residence, or, if not a resident of a city, from the sheriff of his county of residence, or from the office of the bureau, an application form furnished by the bureau which shall require his fingerprints in addition to such other information as the bureau shall specify. The city or county, as applicable, may fix a reasonable fee for affixing the applicant's fingerprints to the form, and shall retain such fee for deposit in its treasury.

11123. The applicant shall submit the completed application directly to the bureau. The application shall be accompanied by a fee of five dollars ($5) or such higher amount, not to exceed ten dollars ($10) that the bureau determines equals the costs of processing the application and making a record available for examination. All fees received by the bureau under this section are hereby appropriated without regard to fiscal years for the support of the Department of Justice in addition to such other funds as may be appropriated therefor by the Legislature.

11124. When an application is received by the bureau, the bureau shall determine whether a record pertaining to the applicant is maintained. If such record is maintained, the bureau shall inform the applicant by mail of the existence of the record and shall specify a time when the record may be examined at a suitable facility of the bureau. Upon verification of his identity, the applicant shall be allowed to examine the record pertaining to him, or a true copy thereof, for a period not to exceed one hour. The applicant may not retain or reproduce the record, but he may make a written summary or notes in his own handwriting.

11125. If the applicant is imprisoned in the state prison or confined in the county jail, his application shall be through the office in charge of records of the prison or jail. Such offices shall follow the provisions of this article applicable to cities and counties with respect to applications and fees. When an application is transmitted to the bureau pursuant to this section, the bureau shall make arrangements for the applicant to examine the record at his place of confinement. In all other

respects, the provisions of Section 11124 shall govern the examination of the record.

11126. (a) If the applicant desires to question the accuracy or completeness of any matter contained in the record, he may submit a written request, to the bureau in a form established by it. The request shall include a statement of the alleged inaccuracy or incompleteness in the record, and specify any proof or corroboration available. Upon receipt of such request, the bureau shall forward it to the person or agency which furnished the questioned information. Such person or agency shall, within 30 days of receipt of such written request for clarification, review its information and forward to the bureau the results of such review.

(b) If such agency concurs in the allegations of inaccurateness or incompleteness in the record, it shall correct its record and shall so inform the bureau, which shall correct the record accordingly. The bureau shall inform the applicant of its correction of the record under this subdivision within 30 days.

(c) If such agency denies the allegations of inaccurateness or incompleteness in the record, the matter shall be referred for administrative adjudication in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code for a determination of whether inaccuracy or incompleteness exists in the record. The agency from which the questioned information originated shall be the respondent in the hearing. If an inaccuracy or incompleteness is found in any record, the agency in charge of that record shall be directed to correct it accordingly. Judicial review of the decision shall be governed by Section 11523 of the Government Code. The applicant shall be informed of the decision within 30 days of its issuance in accordance with Section 11518 of the Government Code.

11127. The bureau shall adopt all regulations necessary to carry out the provisions of this article.

---

## CHAPTER 1440

*An act to amend Section 8045.5 of the Fish and Game Code, relating to fish privilege taxes.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 8045.5 of the Fish and Game Code is amended to read:

8045.5. Every person operating under a license issued pursuant to this article shall, in addition to the license fee, pay

a privilege tax for each pound, or fraction thereof, of fish purchased, received, or taken by him in accordance with the following schedule:

| | Rate per pound |
|---|---|
| (a) All fish, irrespective of use, except as otherwise specified in this section | $0.0005 |
| (b) Mollusks and crustaceans irrespective of use, excluding squid and crab | 0.01 |
| (c) Crab, irrespective of use | 0.0015 |
| (d) Squid, irrespective of use | 0.001 |
| (e) Salmon, except imported salmon offal, based on the weight in the round, irrespective of use | 0.02 |
| (f) The following fish when used for bait or human consumption, except canning | 0.005 |
| (1) Albacore | |
| (2) Barracuda | |
| (3) Bluefin | |
| (4) Broadbill swordfish | |
| (5) Flying fish | |
| (6) Frogs | |
| (7) Giant seabass | |
| (8) Halibut | |
| (9) Saltwater worms | |
| (10) Sardine | |
| (11) White seabass | |
| (12) Yellowtail | |

All fish, except shrimp (Pandalus jordani) and crab (Cancer magister), imported into California from another state or country, and which are for human consumption and are not thereafter canned or cooked by a licensee, shall not be subject to such a privilege tax.

Shrimp (Pandalus jordani) and crab (Cancer magister) imported into California from another state or country, irrespective of use, shall not be subject to such privilege tax.

The department shall file an annual report with the Legislature not later than the fifth calendar day of each session of the Legislature on the use made of the revenue received after the operating date of the amendments to this section enacted at the 1971 Regular Session of the Legislature, attributable to the increases in fees established by the provisions of this section over the fees of Section 8045.

This section shall remain in effect only until July 1, 1976, and as of that date is repealed. Section 8045 shall be inoperative until July 1, 1976.

SEC. 2. Section 1 of this act shall become operative on the first calendar day of the month following the effective date of this act.

## CHAPTER 1441

*An act to amend Section 24370.1 of the Health and Safety Code, relating to the Bay Area Air Pollution Control District.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 24370.1 of the Health and Safety Code is amended to read:

24370.1. Before the first day of September of each year, the board shall estimate and determine the amount of money required by the district for purposes of the district during the ensuing fiscal year and shall apportion this amount to the counties included within the district, one-half according to the relative assessed value of property on the secured roll of each county within the district as determined by the board and one-half in the proportion that the population of each county bears to the total population of the district. For the purposes of this section, the board shall base its determination of the population of the several counties on the latest official information available to it. The total amount of money required by the district to be apportioned to the counties included within the district for district purposes shall not exceed two cents ($0.02) on each one hundred dollars ($100) of the assessed value of all the property included within the district.

---

## CHAPTER 1442

*An act to add Section 2805 to the Labor Code, relating to the employment of aliens.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 2805 is added to the Labor Code, to read:

2805. (a) No employer shall knowingly employ an alien who is not entitled to lawful residence in the United States if such employment would have an adverse effect on lawful resident workers.

(b) A person found guilty of a violation of subdivision (a) is punishable by a fine of not less than two hundred dollars ($200) nor more than five hundred dollars ($500) for each offense.

(c) The foregoing provisions shall not be a bar to civil action against the employer based upon violation of subdivision (a).

## CHAPTER 1443

*An act to amend Sections 5172, 5174, and 5176 of the Welfare and Institutions Code, relating to the Lanterman-Petris-Short Act.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 5172 of the Welfare and Institutions Code is amended to read:

5172. Each person admitted to a facility for 72-hour treatment and evaluation under the provisions of this article shall receive an evaluation as soon after he is admitted as possible and shall receive such treatment and care as his condition requires for the full period that he is held. Such person shall be released before 72 hours have elapsed if, in the opinion of the professional person in charge of the facility, the person no longer requires evaluation or treatment.

Persons who have been detained for evaluation and treatment shall be released, referred for further care and treatment on a voluntary basis, or, if the person, as a result of impairment by chronic alcoholism, is a danger to others or to himself, or gravely disabled, he may be certified for intensive treatment, or a conservator or temporary conservator shall be appointed for him pursuant to this part as required.

SEC. 2. Section 5174 of the Welfare and Institutions Code is amended to read:

5174. It is the intent of the Legislature (a) that facilities for 72-hour treatment and evaluation of inebriates be subject to state funding under Part 2 (commencing with Section 5600) of this division only if they primarily provide medical services and would normally be considered an integral part of a community health program; (b) that state reimbursement under Part 2 (commencing with Section 5600) for such 72-hour facilities and intensive treatment facilities under this article shall not be included as priority funding as are reimbursements for other county expenditures under this part for involuntary treatment services, but may be provided on the basis of new and expanded services if funds for new and expanded services are available; that while facilities receiving funds from other sources may, if eligible for funding under this division, be designated as 72-hour facilities or intensive treatment facilities for the purposes of this article, funding of such facilities under this division shall not be substituted for such previous funding.

No 72-hour facility or intensive treatment facility for the purposes of this article shall be eligible for funding under Part 2 (commencing with Section 5600) of this division until approved by the Director of Mental Hygiene in accordance with standards established by the Department of Mental Hygiene in regulations adopted pursuant to this part. To the

maximum extent possible, each county shall utilize services provided for inebriates and persons impaired by chronic alcoholism by federal and other funds presently used for such services, including federal and other funds made available to the State Department of Rehabilitation and the State Department of Social Welfare. McAteer funds shall not be utilized for the purposes of the 72-hour involuntary holding program as outlined in this chapter.

SEC. 3. Section 5176 of the Welfare and Institutions Code is amended to read:

5176. This article shall apply only to those counties wherein the board of supervisors has adopted a resolution stating that suitable facilities exist within the county for the care and treatment of inebriates and persons impaired by chronic alcoholism, designating the facilities to be used as facilities for 72-hour treatment and evaluation of inebriates and for the extensive treatment of persons impaired by chronic alcoholism, and otherwise adopting the provisions of this article.

Each county Short-Doyle plan for a county to which this article is made applicable shall designate the specific facility or facilities for 72-hour evaluation and detoxification treatment of inebriates and for intensive treatment of persons impaired by chronic alcoholism and for the treatment of such persons on a voluntary basis under this article, and shall specify the maximum number of patients that can be served at any one time by each such facility.

---

## CHAPTER 1444

*An act to amend Section 27160 of the Vehicle Code, relating to motor vehicle noise standards.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 27160 of the Vehicle Code is amended to read:

27160. (a) No person shall sell or offer for sale a new motor vehicle which produces a maximum noise exceeding the following noise limit at a distance of 50 feet from the centerline of travel under test procedures established by the department:

(1) Any motorcycle manufactured before 1970 ___ 92 dbA
(2) Any motorcycle, other than a motor-driven cycle, manufactured after 1969, and before 1973 ___ 88 dbA
(3) Any motorcycle, other than a motor-driven cycle, manufactured after 1972, and before 1975 ___ 86 dbA

(4) Any motorcycle, other than a motor-driven cycle, manufactured after 1974, and before 1978 ---------- 80 dbA
(5) Any motorcycle, other than a motor-driven cycle, manufactured after 1977, and before 1988 ---------- 75 dbA
(6) Any motorcycle, other than a motor-driven cycle, manufactured after 1987 ---------- 70 dbA
(7) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1967, and before 1973 ---------- 88 dbA
(8) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1972, and before 1975 ---------- 86 dbA
(9) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1974, and before 1978 ---------- 83 dbA
(10) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1977, and before 1988 ---------- 80 dbA
(11) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1987 ---------- 70 dbA
(12) Any other motor vehicle manufactured after 1967, and before 1973 ---------- 86 dbA
(13) Any other motor vehicle manufactured after 1972, and before 1975 ---------- 84 dbA
(14) Any other motor vehicle manufactured after 1974, and before 1978 ---------- 80 dbA
(15) Any other motor vehicle manufactured after 1977, and before 1988 ---------- 75 dbA
(16) Any other motor vehicle manufactured after 1987 ---------- 70 dbA

(b) Test procedures for compliance with this section shall be established by the department, taking into consideration the test procedures of the Society of Automotive Engineers.

SEC. 2. Section 27160 of the Vehicle Code is amended to read:

27160. (a) No person shall sell or offer for sale a new motor vehicle which produces a maximum noise exceeding the following noise limit at a distance of 50 feet from the centerline of travel under test procedures established by the department:

(1) Any motorcycle manufactured before 1970 ---- 92 dbA
(2) Any motorcycle, other than a motor-driven cycle, manufactured after 1969, and before 1973 88 dbA
(3) Any motorcycle, other than a motor-driven cycle, manufactured after 1972, and before 1975 86 dbA
(4) Any motorcycle, other than a motor-driven cycle, manufactured after 1974, and before 1978 80 dbA
(5) Any motorcycle, other than a motor-driven cycle, manufactured after 1977, and before 1988 75 dbA

(6) Any motorcycle, other than a motor-driven cycle, manufactured after 1987 ---------- 70 dbA
(7) Any snowmobile manufactured on or after January 1, 1973, and before January 1, 1975 ---- 82 dbA
(8) Any snowmobile manufactured on or after January 1, 1975 ---------- 73 dbA
(9) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1967, and before 1973 ---------- 88 dbA
(10) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1972, and before 1975 ---------- 86 dbA
(11) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1974, and before 1978 ---------- 83 dbA
(12) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1977, and before 1988 ---------- 80 dbA
(13) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1987 ---------- 70 dbA
(14) Any other motor vehicle manufactured after 1967, and before 1973 ---------- 86 dbA
(15) Any other motor vehicle manufactured after 1972, and before 1975 ---------- 84 dbA
(16) Any other motor vehicle manufactured after 1974, and before 1978 ---------- 80 dbA
(17) Any other motor vehicle manufactured after 1977, and before 1988 ---------- 75 dbA
(18) Any other motor vehicle manufactured after 1987 ---------- 70 dbA

(b) Test procedures for compliance with this section shall be established by the department, taking into consideration the test procedures of the Society of Automotive Engineers.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 578 are both chaptered and amend Section 27160 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 578, that the amendments to Section 27160 proposed by both bills be given effect and incorporated in Section 27160 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 578 are both chaptered, both amend Section 27160, and Assembly Bill No. 578 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

---

## CHAPTER 1445

*An act to amend Section 7540 of, and add Section 7538.3 to the Business and Professions Code, relating to private investigators and adjusters.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 7538.3 is added to the Business and Professions Code, to read:

7538.3. No person licensed as an insurance adjuster shall do any of the following:

(a) Fail to disclose his full financial interest in a contract or agreement executed by him for the adjustment of a claim prior to the execution thereof.

(b) Use any misrepresentation to solicit a contract or agreement to adjust a claim.

(c) Solicit or accept remuneration from, or have a financial interest exceeding 3 percent in, any salvage, repair, or other firm, which obtains business in connection with any claim which he has a contract or agreement to adjust.

SEC. 2. Section 7540 of the Business and Professions Code is amended to read:

7540. No licensee shall conduct a business under a fictitious or other business name unless and until he has obtained the written authorization of the bureau so to do.

The bureau shall not authorize the use of a fictitious or other business name which is so similar to that of a public officer or agency or of that used by another licensee that the public may be confused or misled thereby.

The authorization shall require, as a condition precedent to the use of any fictitious name, that the licensee comply with Chapter 5 (commencing with Section 17900) of Part 3 of Division 7.

A licensee desiring to conduct his business under more than one fictitious business name shall obtain the authorization of the bureau in the manner prescribed in this section for the use of each such name.

The licensee shall pay a fee of ten dollars ($10) for each authorization to use an additional fictitious business name and for each change in the use of a fictitious business name. If the original license is issued in a nonfictitious name and authorization is requested to have the license reissued in a fictitious business name the licensee shall pay a fee of ten dollars ($10) for such authorization.

---

## CHAPTER 1446

*An act to amend Sections 11510, 11511, 11526, 11535, and 11540.1 of, and to add Sections 11526.1, 11549.5, and 11549.6 to, the Business and Professions Code, and to amend Section 65860 of, to add Sections 65450.1, 65451, and 65452 to, and to repeal Section 65451 of, the Government Code, relating to land planning.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 11510 of the Business and Professions Code is amended to read:

11510. (a) "Design" refers to street alignment, grades and widths, alignment and widths of easements and rights-of-way for drainage and sanitary sewers and minimum lot area and width. "Design" also includes land to be dedicated for park or recreational purposes.

(b) "Design" also refers to such specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of applicable general or specific plans of a city or county.

SEC. 2. Section 11511 of the Business and Professions Code is amended to read:

11511. (a) "Improvement" refers to such street work and utilities to be installed, or agreed to be installed by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof.

(b) "Improvement" also refers to such specific improvements or types of improvements the installation of which, either by the subdivider, by public agencies, by private utilities, or by a combination thereof, is necessary or convenient to insure conformity to or implementation of applicable general or specific plans of a city or county.

SEC. 3. Section 11526 of the Business and Professions Code is amended to read:

11526. (a) The design, improvement and survey data of subdivisions and the form and content of tentative and final maps thereof, and the procedure to be followed in securing official approval are governed by the provisions of this chapter and by the additional provisions of local ordinances dealing with subdivisions, the enactment of which is required by this chapter.

(b) Local ordinances may provide a proper and reasonable fee to be collected from the subdivider for the examination of tentative and final maps.

(c) No city or county shall approve a tentative or final subdivision map unless the governing body shall find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with applicable general or specific plans of the city or county.

SEC. 4. Section 11526.1 is added to the Business and Professions Code, to read:

11526.1. No city or county shall approve a final subdivision map for any land project, as defined in Section 11000.5, unless:

(a) The city or county has adopted a specific plan covering the area proposed to be included within the land project.

(b) The city or county finds that the proposed land project, together with the provisions for its design and improvement, is consistent with the specific plan for the area.

SEC. 5. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements, or railroad rights-of-way.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest equalized county assessment roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger, or such other amount, up to 60 acres, as may be specified by local ordinances.

(d) In any case provided in subdivisions (b) or (c), a tentative map or parcel map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area, improvements and lot design, flood and water drainage control, and as to all requirements of this section. Within one year after

approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivision (c)(3), and in the case of subdivision (b) when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

SEC. 6. Section 11540.1 of the Business and Professions Code is amended to read:

11540.1. Nothing in this chapter prevents the governing body of any municipality or county from regulating the division of land which is not a subdivision, provided that such regulations are not more restrictive than the requirements for a subdivision. Whenever a local ordinance requires improvements for a division of land which is not a subdivision of five or more lots, such regulations shall be limited to the dedication of right-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created. The validity of any conveyance, as defined in Section 1215 of the Civil Code, made contrary to the provisions of any ordinance prescribing the area or dimensions of lots or parcels, or prohibiting the reduction in area or the separation in ownership of land, or requiring the filing of a map of any land to be divided, shall not be affected, except that any such ordinance may provide that any deed of conveyance, sale or contract to sell made contrary to the provisions of such ordinance is voidable to the extent and in the same manner provided in Section 11540.

SEC. 7. Section 11549.5 is added to the Business and Professions Code, to read:

11549.5. A governing body of a city or county shall deny approval of a final or tentative subdivision map if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a governing body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

SEC. 7.5. Section 11549.6 is added to the Business and Professions Code, to read:

11549.6. A governing body shall not deny approval of a final subdivision map pursuant to Section 11549.5 if it has previously approved a tentative map for the proposed subdivision and if it finds that the final map is in substantial compliance with the previously approved tentative map.

SEC. 8. Section 65450.1 is added to the Government Code, to read:

65450.1. A specific plan need not apply to the entire area covered by the general plan. The legislative body or the planning agency may designate areas within a city or a county for which the development of a specific plan will be necessary or convenient to the implementation of the general plan. The planning agency may, or if so directed by the legislative body shall, prepare specific plans for such areas and recommend such plans to the legislative body for adoption.

SEC. 9. Section 65451 of the Government Code is repealed.

SEC. 10. Section 65451 is added to the Government Code, to read:

65451. Such specific plans shall include all detailed regulations, conditions, programs and proposed legislation which shall be necessary or convenient for the systematic implementation of each element of the general plan listed in Section 65302, including, but not limited to, regulations, conditions, programs and proposed legislation in regard to the following:

(a) The location of housing, business, industry, open space, agriculture, recreation facilities, educational facilities, churches and related religious facilities, public buildings and grounds, solid and liquid waste disposal facilities, together with regulations establishing height, bulk and setback limits for such buildings and facilities, including the location of areas, such as flood plains or excessively steep or unstable terrain, where no building will be permitted in the absence of adequate precautionary measures being taken to reduce the level of risk to that comparable with adjoining and surrounding areas.

(b) The location and extent of existing or proposed streets and roads, their names or numbers, the tentative proposed widths with reference to prospective standards for their construction and maintenance, and the location and standards of construction, maintenance and use of all other transportation facilities, whether public or private.

(c) Standards for population density and building density, including lot size, permissible types of construction, and provisions for water supply, sewage disposal, storm water drainage and the disposal of solid waste.

(d) Standards for the conservation, development, and utilization of natural resources, including underground and surface waters, forests, vegetation and soils, rivers, creeks, and streams, and fish and wildlife resources. Such standards shall include, where applicable, procedures for flood control, for prevention and control of pollution of rivers, streams, creeks and other waters, regulation of land use in stream channels and other areas which may have a significant effect on fish, wildlife and other natural resources of the area, the prevention, control and correction of soil erosion caused by subdivision roads or any other sources, and the protection of watershed areas.

(e) The implementation of all applicable provisions of the open-space element as provided in Article 10.5 (commencing with Section 65560) of this chapter.

(f) Such other measures as may be necessary or convenient to insure the execution of the general plan.

SEC. 11. Section 65452 is added to the Government Code, to read:

65452. Such specific plans may also include all detailed regulations, conditions, programs, and proposed legislation which may be necessary or convenient for the systematic implementation of any general plan element as provided in Section 65303.

SEC. 12. Section 65860 of the Government Code is amended to read:

65860. (a) County or city zoning ordinances shall be consistent with the general plan of the county or city by January 1, 1973.

(b) Any resident or property owner within a city or a county, as the case may be, may bring an action in the superior court to enforce compliance with the provisions of subdivision (a). Any such action or proceedings shall be governed by Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure. Any action or proceedings taken pursuant to the provisions of this subsection must be taken within six months of January 1, 1973, or within 90 days of the enactment of any new zoning ordinance or the amendment of any existing zoning ordinance as to said amendment or amendments.

---

## CHAPTER 1447

*An act to amend Section 631 of, and to add Section 702.5 to, the Unemployment Insurance Code, relating to unemployment insurance.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 631 of the Unemployment Insurance Code is amended to read:

631. "Employment" does not include service performed by a child under the age of 21 years in the employ of his father or mother, or service performed by an individual in the employ of his son, daughter, or spouse, except to the extent that the employer and the employee have, pursuant to Section 702.5, elected to make contributions to the Unemployment Compensation Disability Fund.

SEC. 2. Section 702.5 is added to the Unemployment Insurance Code, to read:

702.5. Any employing unit for which services that do not constitute employment under Section 631 are performed, may file with the director a written election, agreed to by both the employing unit and the individuals in its employ specified in Section 631, that all such services performed by such individuals in one or more distinct establishments or places of business shall be deemed to constitute employment by an employer for all the purposes of Part 2 (commencing with Section 2601) of this division. Upon the written approval of the election by the director, such services shall be deemed to constitute employment subject to such part from and after the date stated in the approval. Sections 704 and 707 shall apply to elections under this section.

# CHAPTER 1448

*An act to amend Section 10758 of, and add Section 10753.5 to, the Revenue and Taxation Code, and to repeal Section 4018 of, and to amend Sections 5004 and 9250 of, the Vehicle Code, relating to the taxation of vehicles of historic value.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 10753.5 is added to the Revenue and Taxation Code, to read:

10753.5. Notwithstanding any other provisions of this part, the annual amount of the license fee for a vehicle described in Section 5004 of the Vehicle Code shall be two dollars ($2).

SEC. 2. Section 10758 of the Revenue and Taxation Code is amended to read:

10758. The license fee imposed under this part is in lieu of all taxes according to value levied for state or local purposes on vehicles of a type subject to registration under the Vehicle Code whether or not the vehicles are registered under the Vehicle Code.

"Vehicle of a type subject to registration under the Vehicle Code," as used in this section, includes, but is not limited to (a) any motor vehicle in the inventory of vehicles held for sale by a manufacturer, distributor or dealer in the course of his business, (b) any unoccupied trailer coach in the inventory of trailer coaches held for sale by a manufacturer, distributor or dealer in the course of his business, or (c) any vehicle described in Section 5004 of the Vehicle Code, not used in a trade, profession, or business, whether or not such vehicle has been issued special identification plates.

SEC. 3. Section 4018 of the Vehicle Code is repealed.

SEC. 4. Section 5004 of the Vehicle Code is amended to read:

5004. Notwithstanding any other provision of this code, any owner of a motor vehicle with an engine of 16 or more cylinders manufactured prior to 1965, or any motor vehicle manufactured in the year 1922 or prior thereto, operated or moved over the highway primarily for the purpose of historical exhibition or other similar purpose shall, upon application in the manner and at the time prescribed by the department, be issued special identification plates for the motor vehicle. The special identification plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1" and the plates shall be of a distinguishing color. A fee of twenty-five dollars ($25) shall be charged for the initial issuance of the special identification plates. Such plates shall be permanent and shall not be required to be replaced. If such special identification plates become damaged or unserviceable in any manner, replacement

for the plates may be obtained from the department upon proper application and upon payment of such fee as is provided for in Section 9265.

All funds received by the department in payment for such identification plates or the replacement thereof shall be deposited in the California Environmental Protection Program Fund.

These vehicles shall not be exempt from the equipment provisions of Sections 26709, 27150, and 27600.

SEC. 5. Section 9250 of the Vehicle Code is amended to read:

9250. A registration fee of eleven dollars ($11) shall be paid to the department for the registration of every vehicle of a type subject to registration, except as are expressly exempted under this code from the payment of registration fees, and except those referred to in Section 9253.

The registration fee imposed by this section shall apply to all vehicles described in Section 5004, whether or not special identification plates are issued to such vehicle.

SEC. 6. The provisions of Sections 1 to 3, inclusive, and Section 5 of this act shall apply to the payment of vehicle registration and license fees for the 1972 calendar year and calendar years thereafter. Section 4 of this act shall become operative on January 1, 1972.

---

## CHAPTER 1449

*An act to amend Section 18102.10 of the Education Code, relating to special education programs.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 18102.10 of the Education Code is amended to read:

18102.10. 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.

Beginning with the 1971–72 fiscal year, expenditures for equipment that the Superintendent of Public Instruction determines are necessary for instruction in a special class or program for physically handicapped minors shall be considered as current expense for purposes of this section. In any year the district's allowable expenditure for such equipment may not exceed 1 percent of the current expense of operating the district's physically handicapped program.

---

## CHAPTER 1450

*An act to amend Section 1039 of, and to add Section 1039.5 to, the Penal Code, relating to courts.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 1039 of the Penal Code is amended to read:

1039. When a criminal action is removed before trial, all costs incurred by the county for the transfer, preparation, and trial of the case, the guarding, keeping, and transportation of the prisoner, any appeal or other proceeding relating to the case, and the execution of the sentence shall be a charge against the county in which the case originated.

SEC. 2. Section 1039.5 is added to the Penal Code, to read:

1039.5. The Judicial Council shall adopt rules consistent with this chapter governing transfers under this chapter. It shall prescribe approved forms for the claiming of costs.

SEC. 3. It is the intent of the Legislature, if Senate Bill No. 787 is enacted and repeals and adds Chapter 6 (commencing with Section 1033) of Title 6 of Part 2 of the Penal Code, that neither Section 1 of this act, which amends Section 1039 of the Penal Code, nor Section 2 of this act, which adds Section 1039.5 to the Penal Code, shall become operative. Therefore, in the event Senate Bill No. 787 is enacted and repeals and adds Chapter 6 (commencing with Section 1033) of Title 6 of Part 2 of the Penal Code, Section 1 and Section 2 of this act shall not become operative.

## CHAPTER 1451

*An act to amend Section 906 of the Welfare and Institutions Code, relating to relative's responsibility.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 906 of the Welfare and Institutions Code is amended to read:

906. The county officer or officers designated by the board of supervisors of the county shall collect all costs and charges mentioned in Sections 903, 903.1 and 903.2 or established by order of the juvenile court and may take such action in the name of the county as is necessary to effect their collection within or without the state. The officer shall promptly notify any person liable for such costs and charges in writing that the law provides that if the person liable believes that he is unable to pay such costs and charges such person may claim such inability upon appropriate forms which shall be furnished by the officer.

---

## CHAPTER 1452

*An act to amend Section 21252.6 of the Government Code, relating to public employees retirement.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 21252.6 of the Government Code is amended to read:

21252.6. The combined prior and current service pension for a law enforcement member, other than such member defined in Section 20017.7, subdivision (a) of Section 20017.75 or Section 20017.8 of this code, and a local safety member with respect to service to a contracting agency subject to this section, upon retirement after attaining age 55, is a pension derived from contributions of an employer sufficient, when added to that portion of the service retirement annuity which is derived from the accumulated normal contributions of the member at the date of his retirement, to equal one-fiftieth of his final compensation multiplied by the number of years of law enforcement, police, fire, or county peace officer service which is credited to him as a law enforcement member or a local safety member subject to this section at retirement. Notwithstanding the preceding sentence, this section shall apply to the current and prior service pension for any other law enforcement member based on service to which it would have

applied had the member, on July 1, 1971, been in employment described in Section 20017.77 of this code.

In no event shall the total pension for all service under this section 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 a person whose effective date of retirement is prior to the operative date of this section or to a person who retires after such operative date and following reinstatement from a retirement having an effective date prior to such operative date and before rendering during such reinstatement at least one year of service in which he is subject to this section.

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 age of service retirement made possible by the benefits under this section.

The percentage of final compensation provided in this section 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.

This section shall not apply to a contracting agency nor its employees unless and until the agency elects to be subject to it by amendment to its contract made in the manner prescribed for approval of contracts or in the case of a new contract, by express provision of the contract. The operative date of this section with respect to a local safety member shall be the effective date of the amendment to his employer's contract electing to be subject to this section.

Upon such election by a contracting agency subject to Section 21252.1, this section shall not apply to a local safety member then employed who entered such employment after attaining age 30, and Section 21252.1 shall continue to apply to such member unless and until he terminates such employment and more than 30 days thereafter enters employment otherwise subject to this section. Upon such later entry into employment, the member will be subject to this section with respect to all service as a local safety member rendered to any employer subject to this section.

This section shall not apply to a person who is a law enforcement member on its operative date and who entered

law enforcement service after attaining age 30 unless such person elects in writing to be subject to this section and the election is filed in the office of the board within 30 calendar days following the operative date of this section.

---

## CHAPTER 1453

*An act to amend Sections 753, 754, 755, 759, and 14286 of, to add Section 751 to, and to repeal Sections 751 and 752.5 of, the Elections Code, relating to new resident voting.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 751 of the Elections Code is repealed.

SEC. 2. Section 751 is added to the Elections Code, to read:

751. A person who meets all the requirements of Article II, Section 1 of the Constitution, except the residency requirements thereof, shall be entitled to vote for electors for President and Vice President, but for no other offices.

SEC. 3. Section 752.5 of the Elections Code is repealed.

SEC. 4. Section 753 of the Elections Code is amended to read:

753. The county clerk shall have blank affidavits of registration prepared for new residents containing the information required in Section 321, excepting the provisions relating to residence. The affidavit shall be printed with the caption "New Resident" immediately below the heading "Affidavit of Registration." No duplicate copy of the registration shall be required.

SEC. 5. Section 754 of the Elections Code is amended to read:

754. Registration for new residents shall be in progress beginning on the 90th and ending on the seventh day prior to the presidential election.

A new resident may register in the office of the county clerk or, if unable to appear in the office of the county clerk, he may, if he is within the county, apply in writing and obtain from the county clerk a blank affidavit of registration. He shall then appear before a notary public and make an affidavit of registration.

SEC. 6. Section 755 of the Elections Code is amended to read:

755. The county clerk shall cause to be printed and shall keep available in his office during the days for the registration of new residents a supply of blank application for ballot forms for the use of new residents in verifying their qualifications under this chapter. Any new resident desiring to vote in this

state shall complete the application for a new resident ballot supplied by the county clerk of the county in which he resides. The application for ballot shall be substantially in the following form:

New Resident Application for Ballot

State of California }
County of _____ } ss.

I, _____, do solemnly swear (or affirm) that:

I have been a resident of California since _____, 19___ now residing at_____, _____, _____, _____. I hereby make application for a new resident ballot. I have not voted and will not vote otherwise than by new resident ballot in _____, California, which ballot is to be mailed to me at the address shown on my affidavit of registration not earlier than 29 nor less than 7 days prior to the presidential election to be held November ___, 19___.

(Street or rural route) (City) (County) (State) (County)

Signed_____
(Applicant)

Subscribed and sworn to before me this ___ day of _____, 19___.

_____
(County Clerk or Registrar of Voters)

(SEAL) By_____
(Deputy)

SEC. 7. Section 759 of the Elections Code is amended to read:

759. The envelope into which a new resident is to place his ballot shall bear upon its face the name and official title of the county clerk and upon the other side a printed affidavit in substantially the following form:

State of California }
County of _____ } ss.

I, _____, do solemnly swear that I am a citizen of the United States, that on the day of the next election for presidential electors I shall be at least 18 years of age, a resident of this state prior to that election, and am a resident of the _____ Assembly District, in the City or Town of _____, County of _____, State of California; I have not applied, nor do I intend to apply, for an absent voter's ballot from the state from which I have removed.

_____ _____
(Date of signing) (Signature)

_____
(Residence address)

SEC. 8. Section 14286 of the Elections Code is amended to read:

14286. If a person removes to another state with the intention of making it his residence, he loses his residence in this state. However, if such a person moves 29 days or less prior to an election at which presidential electors are to be selected, he may apply for a "new resident" ballot under the provisions of Chapter 4 (commencing with Section 750) of Division 1.

---

## CHAPTER 1454

*An act to amend Section 11396 of the Health and Safety Code, and to amend Section 11222 of the Health and Safety Code, as proposed by Senate Bill No. 542, and to amend Section 11222 of the Health and Safety Code, as proposed by Assembly Bill No. 2814, relating to methadone treatment.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 11396 of the Health and Safety Code is amended to read:

11396. In any case in which a person is taken into custody by arrest or other process of law and is lodged in a jail or other place of confinement, and there is reasonable cause to believe that such person is a narcotic addict, it is the duty of the person in charge of the place of confinement to provide the person so confined with medical aid as necessary to ease any symptoms of withdrawal from the use of narcotics.

In any case in which a person, who is participating in a methadone maintenance program, is incarcerated in a jail or other place of confinement, he shall, in the discretion of the director of such program, be entitled to continue in such program until conviction.

SEC. 2. Section 11222 of the Health and Safety Code, as proposed by Senate Bill No. 542, is amended to read:

11222. In any case in which a person is taken into custody by arrest or other process of law and is lodged in a jail or other place of confinement, and there is reasonable cause to believe that such person is addicted to a controlled substance, it is the duty of the person in charge of the place of confinement to provide the person so confined with medical aid as necessary to ease any symptoms of withdrawal from the use of controlled substances.

In any case in which a person, who is participating in a methadone maintenance program, is incarcerated in a jail or other place of confinement, he shall, in the discretion of the director of such program, be entitled to continue in such program until conviction.

SEC. 3. Section 11222 of the Health and Safety Code, as proposed by Assembly Bill No. 2814, is amended to read:

11222. In any case in which a person is taken into custody by arrest or other process of law and is lodged in a jail or other place of confinement, and there is reasonable cause to believe that such person is addicted to a controlled substance, it is the duty of the person in charge of the place of confinement to provide the person so confined with medical aid as necessary to ease any symptoms of withdrawal from the use of controlled substances.

In any case in which a person, who is participating in a methadone maintenance program, is incarcerated in a jail or other place of confinement, he shall, in the discretion of the director of such program, be entitled to continue in such program until conviction.

SEC. 4. It is the intent of the Legislature, if this bill is chaptered and amends Section 11396 of the Health and Safety Code, and if either Senate Bill No. 542 or Assembly Bill No. 2814, or both of those bills, are chaptered and add Section 11222 to the Health and Safety Code, and this bill is chaptered last, that the changes in the law proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Senate Bill No. 542 are both chaptered, and Assembly Bill No. 2814 is not chaptered (or, if chaptered, does not add Section 11222 to the Health and Safety Code or has a lower chapter number than Senate Bill No. 542), and Senate Bill No. 542 adds Section 11222 to the Health and Safety Code, and this bill is chaptered after Senate Bill No. 542, then Section 11396 of the Health and Safety Code, as amended by Section 1 of this act, shall remain operative only until the operative date of Senate Bill No. 542, and on the operative date of Senate Bill No. 542, Section 11396 of the Health and Safety Code, as amended by Section 1 of this act, is repealed, and Section 11222 of the Health and Safety Code, as proposed by Senate Bill No. 542, is amended in the form set forth in Section 2 of this act to incorporate the changes in law proposed by this act. Therefore, Section 2 of this act shall become operative only if Senate Bill No. 542 is chaptered before this bill and adds Section 11222 to the Health and Safety Code, and Assembly Bill No. 2814 is not chaptered (or, if chaptered, does not add Section 11222 to the Health and Safety Code or has a lower chapter number than Senate Bill No. 542), and in such case Section 2 of this act shall become operative on the operative date of Senate Bill No. 542.

(b) If this bill and Assembly Bill No. 2814 are both chaptered, and Senate Bill No. 542 is not chaptered (or, if chaptered, does not add Section 11222 to the Health and Safety Code or has a lower chapter number than Assembly Bill No. 2814), and Assembly Bill No. 2814 adds Section 11222 to the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 2814, then Section 11396 of the Health and

Safety Code, as amended by Section 1 of this act, shall remain operative only until the operative date of Assembly Bill No. 2814, and on the operative date of Assembly Bill No. 2814, Section 11396 of the Health and Safety Code, as amended by Section 1 of this act, is repealed, and Section 11222 of the Health and Safety Code, as proposed by Assembly Bill No. 2814, is amended in the form set forth in Section 3 of this act to incorporate the changes in law proposed by this act. Therefore, Section 3 of this act shall become operative only if Assembly Bill No. 2814 is chaptered before this bill and adds Section 11222 to the Health and Safety Code, and Senate Bill No. 542 is not chaptered (or, if chaptered, does not add Section 11222 to the Health and Safety Code or has a lower chapter number than Assembly Bill No. 2814), and in such case Section 3 of this act shall become operative on the operative date of Assembly Bill No. 2814.

## CHAPTER 1455

*An act to add Section 2951 to the Health and Safety Code, relating to pesticide poisoning.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 2951 is added to the Health and Safety Code, to read:

2951. After consultation with the county agricultural commissioner or the Director of Agriculture, the local health officer may, upon his determination that pesticide poisoning is serious and that an outbreak in pesticide poisoning or any disease or condition caused by pesticide poisoning has occurred in his county, request assistance by the state department. Upon such request, the director shall provide the local health officer with the necessary staff and technical assistance to conduct an epidemiologic investigation of such outbreak, and where appropriate, shall make recommendation to control or prevent such poisoning outbreaks.

## CHAPTER 1456

*An act to amend Sections 25606, 25810, 25811, and 25812 of, to add Section 25856 to, to repeal and add Chapter 7.5 (commencing with Section 25700) to Division 20 of, and to repeal Section 28777 of, the Health and Safety Code, relating to radiation.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 25606 of the Health and Safety Code is amended to read:

25606. The department shall maintain surveillance over the storage, packaging, transporting, and loading of radioactive waste within this state regardless of such waste's ultimate destination. In carrying out its duties under this section, the department shall enter into agreement with the Division of Industrial Safety, and may enter into agreement with other state and local agencies, to conduct any appropriate inspection and enforcement activities. Any agreement with state and local agencies shall not duplicate work to be done pursuant to agreement with the Division of Industrial Safety, nor shall work done by the Division of Industrial Safety duplicate work agreed to be done by other state and local agencies.

SEC. 2. Chapter 7.5 (commencing with Section 25700) of Division 20 of the Health and Safety Code is repealed.

SEC. 3. Chapter 7.5 (commencing with Section 25700) is added to Division 20 of the Health and Safety Code, to read:

## CHAPTER 7.5. ATOMIC ENERGY DEVELOPMENT

### Article 1. Short Title

25700. This chapter may be cited and shall be known as the California Atomic Energy Development Law.

### Article 2. Declaration of Policy

25710. The Legislature finds and declares that the peacetime uses of atomic energy and radiation can be instrumental in improving the health, welfare and economic productivity of the people of the State of California if properly utilized, and may be hazardous to the health and safety of the public if carelessly or excessively employed. It is therefore declared to be the policy of the state to:

(a) Encourage the constructive development of industries producing or utilizing atomic energy and radiation and to eliminate unnecessary exposure of the public to ionizing radiation.

(b) Have state agencies retain their traditional jurisdictions wherever possible.

(c) Have various departments and agencies of the state which are concerned with atomic energy and radiation and its various applications develop programs designed to protect the people of the state from unnecessary exposure to radiation.

(d) Assure the coordination of the programs of the state agencies and the laws, rules and regulations incident thereto and to insure the coordination of these activities with the development and regulatory activities of local agencies, other states and the government of the United States, including the Atomic Energy Commission.

(e) Keep the public, labor, industry, and all other legitimate interests as completely informed as possible on all matters relating to peacetime atomic energy and radiation development and control in this state.

### Article 3. Definitions

25720. "Atomic energy" means all forms of energy released in the course of nuclear transformation.

25730. As used in this chapter, "secretary" means the Secretary of the Resources Agency.

### Article 4. Coordination of Atomic Energy Development

25731. The secretary 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.

25732. The secretary 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 development, and the cities and counties, shall keep the secretary currently informed as to their activities and programs relating to atomic energy development.

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 is 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 secretary for such comments, recommendations, or suggestions he may deem necessary or desirable with respect thereto, unless the secretary in writing waives all or a portion of the 30-day period.

25734.5. Whenever the secretary determines that an existing or proposed rule or regulation is inconsistent with any rule or regulation of another agency of the state, he may, after consultation with the agencies involved, find that the proposed rule or regulation is inconsistent with a rule or regulation of the other agency and shall issue an order to that effect, in which event the proposed rule or regulation shall not become effective. The secretary may, in the alternative, upon a similar determination, direct the appropriate agency to amend or repeal the existing rule or regulation to achieve consistency with the proposed rule or regulation.

25735. The secretary 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.

25736. The secretary 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.

25737. The secretary shall disseminate to the public factual data and information and interpretations thereof concerning atomic energy development and the uses of radiation in the state with the view to providing a reliable source of accurate information relating to the benefits and hazards of such development and uses. Data and information relating to hazards of radiation shall be developed and disseminated in cooperation with the State Department of Public Health, as provided for in paragraph (3) of subdivision (e) of Section 25811.

25739. The secretary 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 usage.

25771. The State 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, along with current information on the radiation sources licensed or registered under the provisions of Section 25815, shall transmit such information upon request to any state department or agency or member of the public.

25772. Nothing contained in this chapter shall impair the authority or jurisdiction of the State Water Resources Control Board or any of the regional water quality control boards in this state to regulate the discharge of waste for the protection of the quality of waters of this state.

SEC. 4. Section 25810 of the Health and Safety Code is amended to read:

25810. The department is designated as the agency responsible for the issuance of licenses. In carrying out its duties under this section, the department shall enter into agreement with the Division of Industrial Safety and may enter into agreement with other state and local agencies to conduct technical evaluations of license applications prior to issuance of licenses. Such agreements shall also include provisions for conducting inspections in accordance with Section 25820.

SEC. 5. Section 25811 of the Health and Safety Code is amended to read:

25811. The department shall, for the protection of public health and safety:

(a) Develop programs for evaluation of hazards associated with use of sources of ionizing radiation.

(b) Develop programs, with due regard for compatibility with federal programs, for licensing and regulation of byproduct, source, and special nuclear materials, and other radioactive materials.

(c) Formulate, adopt, and promulgate rules and regulations relating to control of other sources of ionizing radiation.

(d) Issue such rules and regulations as may be necessary in connection with proceedings under Article 4 (commencing with Section 25815).

(e) Collect and disseminate information relating to control of sources of ionizing radiation, including:

(1) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations.

(2) Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon.

(3) Disseminate information regarding the evaluation of hazards associated with the use of sources of ionizing radiation.

Nothing in this chapter shall be construed as precluding the Division of Industrial Safety from adopting and enforcing rules and regulations relating to matters within its jurisdiction consistent with, in furtherance of, and designed to implement the provisions of this chapter and the rules and regulations adopted thereunder.

SEC. 6. 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 Secretary of the Resources Agency that the establishment and operation of the site will be of economic benefit to atomic energy development in this state.

SEC. 7. Section 25856 is added to the Health and Safety Code, to read:

25856. It is unlawful for any person to manufacture, construct, produce, transfer, acquire, use, or possess any of the materials or facilities for which a permit or license is required under the provisions of the Atomic Energy Act of 1954 (Public Law 85-256) unless he shall have first obtained such permit or license. Violation of this section is a misdemeanor.

SEC. 8. Section 28777 of the Health and Safety Code is repealed.

---

## CHAPTER 1457

*An act to add Sections 23357.1 and 23357.2 to the Business and Professions Code, relating to alcoholic beverages.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 23357.1 is added to the Business and Professions Code, to read:

23357.1. An out-of-state beer manufacturer's certificate authorizes the shipment of beer manufactured without this state to licensed importers within this state. Beer manufactured without this state, but not beer manufactured without the United States, may only be obtained by a licensed importer within this state from the holder of an active out-of-state beer manufacturer's certificate. Only one out-of-state beer manufacturer's certificate may be issued to any one beer manufacturer.

A California beer manufacturer with a license in good standing in this state may ship into this state beer which was manufactured at plants out of this state without holding an out-of-state beer manufacturer's certificate.

SEC. 2. Section 23357.2 is added to the Business and Professions Code, to read:

23357.2. (a) An out-of-state beer manufacturer's certificate may be issued by the department upon the written undertaking and agreement by the applicant:

(1) That it and its agents and all agencies within this state controlled by it will comply with all laws of this state and all

rules of the department with respect to the sale of alcoholic beverages.

(2) That it will make available, both in California and outside the state, for inspection and copying by the department, all books, documents, and records, located both within and without this state, which are pertinent to the activities of the applicant, its agents and agencies within this state controlled by it, in connection with the sale and distribution of its products within this state.

(b) The department may suspend or revoke an out-of-state beer manufacturer's certificate for cause in the manner provided for the suspension or revocation of licenses, and after a hearing which shall be held in the city of Sacramento or in such other county seat in this state as the department determines to be convenient to the holder of an out-of-state certificate.

(c) The annual fees for an out-of-state beer manufacturer's certificate shall be determined by the department, and shall approximate the department's cost of investigation of the applicant and of issuance of such certificate.

(d) All money collected from the fees provided for in this section shall be deposited directly in the General Fund of the State Treasury, rather than in the Alcoholic Beverage Control Fund as provided by Section 25761.

---

## CHAPTER 1458

*An act to add Section 4456 to the Government Code, and to add Section 19959 to the Health and Safety Code, relating to building standards.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 4456 is added to the Government Code, to read:

4456. After the effective date of this section, any building or facility which would have been subject to this chapter but for the fact it was constructed prior to November 13, 1968, shall comply with the provisions of this chapter when alterations, structural repairs or additions are made to such building or facility. This requirement shall only apply to the area of specific alteration, structural repair or addition and shall not be construed to mean that the entire structure or facility is subject to this chapter.

SEC. 2. Section 19959 is added to the Health and Safety Code, to read:

19959. After the effective date of this section, every existing public accommodation constructed prior to July 1, 1970, which is not exempted by Section 19956, shall be subject to the requirements of this chapter when any alterations, structural repairs or additions are made to such public accommodation. This requirement shall only apply to the area of specific alteration, structural repair or addition and shall not be construed to mean that the entire building or facility is subject to this chapter.

## CHAPTER 1459

*An act to amend Section 5002 of, and to add Section 5366.1 to, the Welfare and Institutions Code, relating to mental health.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 5002 of the Welfare and Institutions Code is amended to read:

5002. Mentally disordered persons and persons impaired by chronic alcoholism may no longer be judicially committed.

Mentally disordered persons shall receive services pursuant to this part. Persons impaired by chronic alcoholism may receive services pursuant to this part if they elect to do so pursuant to Article 3 (commencing with Section 5225) of Chapter 2 of this part.

Epileptics may no longer be judicially committed.

This part shall not be construed to repeal or modify laws relating to the commitment of mentally disordered sex offenders, mentally retarded persons, and mentally disordered criminal offenders, except as specifically provided in Penal Code Section 4011.6, or as specifically provided in other statutes.

SEC. 2. Section 5366.1 is added to the Welfare and Institutions Code, to read:

5366.1. Any person detained as of June 30, 1969, under court commitment, in a private institution, a county psychiatric hospital, facility of the Veterans Administration, or other agency of the United States government, community mental health service, or detained in a state hospital or facility of the Veterans Administration upon application of a local health officer, pursuant to former Section 5567 or Section 6000 to 6019, inclusive, as they read immediately preceding July 1,

1969, may be detained, after January 1, 1972, for a period no longer than 180 days, except as provided in this section.

Any person detained pursuant to this section on the effective date of this section 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 institution in which the person is detained. 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 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 institution where he is detained, or other place 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 institution in which he is detained 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 institution in which he has been detained.

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.

If it is determined from the evaluation that the person is gravely disabled and a recommendation for conservatorship is made, and if the petition for conservatorship for such person is not filed by June 30, 1972, the court commitment or detention under a local health officer application for such person shall terminate and the patient shall be released unless he agrees to accept treatment on a voluntary basis.

---

## CHAPTER 1460

*An act to amend Sections 8207 and 8213 of, and to add Section 8213.5 to, the Government Code, relating to notaries public.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 8207 of the Government Code is amended to read:

8207. A notary public shall provide and keep an official seal, which shall clearly show, when embossed, stamped, impressed or affixed to a document, the name of the notary, the State Seal, the words "Notary Public" and the name of the county wherein his bond is filed. He shall authenticate with his official seal all official acts.

The seal of every notary public shall be affixed by a seal press or stamp that will print or emboss a seal which legibly reproduces under photographic methods the required elements of the seal. The seal may be circular not over two inches in diameter, or may be a rectangular form of not more than an inch in width by two inches and one-half in length, with a serrated or milled edged border, and shall contain the information required by this section.

The seal of every notary public whose commission is issued on or after January 1, 1968, shall also clearly show, and legibly reproduce, the date his commission expires.

SEC. 2. Section 8213 of the Government Code is amended to read:

8213. No later than 20 days after the beginning of the term prescribed in his commission, every person appointed a notary public shall file his official bond, and take, subscribe, and file his oath of office in the office of the county clerk of the county within which he maintains his principal place of business as shown in the application submitted to the Secretary of State, and the commission shall not take effect unless this is done within the 20-day period. Upon filing the oath and bond, the county clerk shall forthwith transmit to the Secretary of State his certificate setting forth the fact of such filing and containing a copy of the official oath, signed by the notary with his own proper signature, and shall forthwith deliver the bond to the county recorder for recording.

If he transfers his principal place of business from one county to another, he may file a new oath of office and bond, or a duplicate of the original bond with the county clerk to which he transfers. In such a case, the same filing and recording fees are applicable as in the case of the original filing and recording of the bond. Promptly after the filing with the county clerk of the county to which he transfers, the notary public shall cause his old seal to be altered, or shall obtain a new seal, and such altered or new seal shall include the name of the county to which he transfers.

A recording fee of two dollars ($2) shall be paid by the person appointed a notary public. Said fee may be paid to the county clerk who shall transmit it to the county recorder.

The county recorder shall record the bond and return it to the county clerk who shall keep the bond for one year following the expiration of the term of the commission for which the bond was issued after which said bond may be disposed of. Such disposition shall not affect the time for commencement of actions on the bond. A certified copy of the record of the official bond with al affidavits, acknowledgments, endorsements and attachments, may be read in evidence with like effect as the original thereof, without further proof.

SEC. 3. Section 8213.5 is added to the Government Code, to read:

8213.5. A notary public shall notify the Secretary of State promptly in writing as to any change in the location or address of his principal place of business.

---

## CHAPTER 1461

*An act to amend Sections 28204, 28282.5, 28581, 28626, and 28838 of the Health and Safety Code, relating to buildings.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 28204 of the Health and Safety Code is amended to read:

28204. No live animal, bird, or fowl shall be kept or allowed in any bakery. This section does not apply to dogs being used by the blind, or to dogs used by uniformed employees of 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 such employees are acting within the course and scope of their employment as private patrolmen.

The state department may adopt rules and regulations as it determines are reasonably necessary under this section for the protection of the public health and safety.

SEC. 2. Section 28282.5 of the Health and Safety Code is amended to read:

28282.5. No live animal or fowl shall be kept or allowed in any establishment where food is prepared, manufactured, kept, stored, offered for sale or sold unless such establishment is exclusively devoted to the slaughter, processing and/or sale of such animal or fowl. This section does not apply to dogs used by uniformed employees of 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 such employees are acting within the course and scope of their employment as private patrolmen.

The state department may adopt rules and regulations as it determines are reasonably necessary under this section for the protection of the public health and safety.

SEC. 3. Section 28581 of the Health and Safety Code is amended to read:

28581. No live animal, bird, or fowl shall be kept or allowed in any room where food or beverage is prepared, stored, kept, or served. This section shall not apply to dogs being used by the blind, or to dogs used by uniformed employees of 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 such employees are acting within the course and scope of their employment as private patrolmen.

The state department may adopt rules and regulations as it determines are reasonably necessary under this section for the protection of the public health and safety.

SEC. 4. Section 28626 of the Health and Safety Code is amended to read:

28626. No live animal, bird, or fowl shall be kept or allowed in any room where food or beverage is prepared, stored, or served. This section shall not apply to dogs being used by the blind, or to dogs used by uniformed employees of 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 such employees are acting within the course and scope of their employment as private patrolmen.

The state department may adopt rules and regulations as it determines are reasonably necessary under this section for the protection of the public health and safety.

SEC. 5. Section 28838 of the Health and Safety Code is amended to read:

28838. No live animal, bird, or fowl shall be kept or allowed in any food establishment. This section does not apply to dogs being used by the blind, or to dogs used by uniformed employees of 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 such employees are acting within the course and scope of their employment as private patrolmen.

The state department may adopt rules and regulations as it determines are reasonably necessary under this section for the protection of the public health and safety.

# CHAPTER 1462

*An act to add Part 7.5 (commencing with Section 36100) to Division 24 of the Health and Safety Code, relating to model cities.*

[Approved by Governor November 8, 1971 Filed with Secretary of State November 8, 1971]

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

SECTION 1. Part 7.5 (commencing with Section 36100) is added to Division 24 of the Health and Safety Code, to read:

## PART 7.5. MODEL CITIES

### CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

#### Article 1. Legislative Findings and Declarations

36100. The Legislature finds that developing an urban problem-solving capability requires that:

(a) Federal assistance be offered in a flexible manner which allows state and local governments to define their needs, set their priorities, and design programs which respond directly to local conditions.

(b) Local governments have the skills and resources needed to lead urban problem-solving efforts.

(c) Local, state, and federal governments coordinate their independent programs so that their resources will be concentrated on the most pressing urban problems.

(d) Government develop programs which integrate specialized services of different agencies to meet the multifaceted nature of urban problems, and specifically coordinate and integrate physical and social planning and delivery of services.

36101. The Legislature further finds that the Comprehensive City Demonstration Programs, authorized under the provisions of Title I of Public Law 89-754 (42 U.S.C. 3301 et seq.) and commonly known as the "Model Cities" program, provide demonstration efforts in 150 cities throughout the United States, 11 of which are in California. The Model Cities program is a major federal effort to meet the overall requirements for developing an urban problem-solving capability. The purpose of this program is to:

(a) Provide flexible bloc grants to local governments and

waive restrictions in existing categorical grant-in-aid programs to permit state and local governments to respond to local conditions and design creative and innovative programs.

(b) Seek to develop in local governments the skills, resources, and community support needed for effective leadership in urban problem-solving efforts.

(c) Seek to coordinate and concentrate the resources of all levels of government on locally defined urban problems.

(d) Provide opportunities for government to develop programs which integrate the specialized services of various professional agencies.

36102. The Legislature further finds that, because of the state's extensive involvement in the programs which directly affect Model Cities areas, the Model Cities program will not succeed in California without significant state interest and cooperation.

36103. The Legislature hereby declares that it is the policy of the State of California to cooperate with and assist the Model Cities program in California, to coordinate state services in Model Cities areas, and to use the Model Cities program as an opportunity for developing innovative programs, especially those programs which would integrate or combine the specialized services of various departments and agencies of state government.

### Article 2. Definitions

36105. As used in this part:

(a) "Coordinator" means the Model Cities Coordinator.

(b) "Board" means a local Model Cities resources board.

### Article 3. Termination

36107. The provisions of this part shall have force and effect until such time as the provisions of Title I of Public Law 89-754 (42 U.S.C. 3301 et seq.), commonly known as the "Model Cities" program, shall expire, or until such time as the Governor shall designate upon a finding that the provisions of this part are no longer needed in seeking solutions to end our problems.

## CHAPTER 2. MODEL CITIES COORDINATOR

36110. The Governor shall appoint a Model Cities Coordinator.

36111. The coordinator shall, pursuant to the provisions of Chapters 3 (commencing with Section 36120) and 4 (commencing with Section 36130) of this part, require those state departments specified in Section 36130 to solicit requests for assistance from local Model Cities programs and shall

insure that state agencies provide assistance whenever possible.

36112. The coordinator shall coordinate all state activities in Model Cities areas in the state and may constitute such interdepartmental task forces as are necessary to effectuate the purposes of this part.

36113. The coordinator shall serve as the principal liaison officer between state government and local communities for Model Cities programs.

36114. Each department or agency of the state shall provide such information and assistance in carrying out the purposes of this part as the coordinator may request.

36115. The coordinator shall prepare and update as necessary a State Guide for Model Cities. This guide shall include, but shall not be limited to, information on:

(a) The administration and funding of federal and state programs of potential benefit to Model Cities programs.

(b) State department personnel assigned to assist Model Cities programs.

36116. The coordinator shall report to the Governor and to the Legislature no later than March 1, 1972, and annually thereafter, on the state role in the Model Cities program. Such annual report shall include, but shall not be limited to the following items:

(a) A review of state activities to assist communities in the design, development, and implementation of community projects in the Model Cities programs.

(b) A review of the Model Cities component in state plans prepared for federal grant-in-aid programs.

(c) Recommendations for statutory changes which would improve the effectiveness of Model Cities objectives.

(d) An analysis of the total concentration of effort by the state for Model Cities purposes.

(e) A description of projected activities of various state departments and agencies in the Model Cities program

## CHAPTER 3. STATE PARTICIPATION

36120. The coordinator, in cooperation with the Secretary of the Human Relations Agency, the Superintendent of Public Instruction, the Executive Officer of the California Council on Criminal Justice, the Director of the Office of Planning, and any other executive officers the Governor may designate, shall develop goals for state participation in the Model Cities program.

In order to take advantage of the opportunities for program innovation offered by the Model Cities program, one set of the goals for state participation shall be directed toward interdisciplinary program development, such as programs for

early childhood development, community treatment as an alternative to criminal incarceration, and community services.

36121. In carrying out the provisions of this chapter, the coordinator, in cooperation with the appropriate state officials, shall review the federal grant-in-aid programs and the available experimental and demonstration project funds to determine the most effective use which can be made of such funds in achieving the goals of state participation in the Model Cities program.

## CHAPTER 4. LOCAL MODEL CITIES RESOURCES BOARD

36130. The directors of the following departments of state government shall designate or arrange for the designation of local liaison personnel to assist each of the Model Cities programs in the state:

Department of Corrections
Department of Education
Department of Health Care Services
Department of Housing and Community Development
Department of Human Resources Development
Department of Industrial Relations
Department of Mental Hygiene
State Department of Public Health
Department of Public Works
Department of Rehabilitation
Department of Social Welfare
Department of the Youth Authority

36131. The coordinator may constitute local Model Cities resources boards in each county with one or more Model Cities programs consisting of local liaison personnel designated pursuant to Section 36130 and of any other representatives.

36132. The boards shall meet as often as the coordinator determines is necessary with mayors of cities with Model Cities programs and their citizens group, with members of the city demonstration agencies, and with the appropriate federal officials in order to do all of the following:

(a) Assist Model Cities programs with the design, development, and operation of community projects.

(b) Provide information to local Model Cities programs regarding the availability of state and federal assistance.

(c) Assist in coordinating the functions of local, state, and federal agencies in Model Cities programs to achieve locally defined objectives.

(d) Report annually to the coordinator on the county's participation in the Model Cities program.

## CHAPTER 1463

*An act to add Chapter 10.5 (commencing with Section 25920) to Division 20 of the Health and Safety Code, relating to charcoal.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Chapter 10.5 (commencing with Section 25920) is added to Division 20 of the Health and Safety Code, to read:

### CHAPTER 10.5. CHARCOAL

25920. No person shall, on or after August 1, 1972, sell or offer for sale charcoal intended for use in the cooking or preparation of food, unless the package containing such charcoal has affixed a warning label on the outside visible surface pursuant to Section 25922.

25921. The warning label required pursuant to Section 25920 shall be the same as the following:

> WARNING: Do Not Use for Indoor Heating or Cooking Unless Ventilation Is Provided for Exhausting Fumes to Outside. Toxic Fumes May Accumulate and Cause Death.

25922. For bags of charcoal, the warning label specified in Section 25921 shall appear within a heavy borderline in a color sharply contrasting to that of the background, on both front and back panels in the upper 25 percent of the panels of the bag at least two inches below the seam, and at least one inch above any reading material or design elements in type size as follows: The signal word "WARNING" shall appear in capital letters at least three-eighths inch in height; the remaining text of such warning shall be printed in letters at least three-sixteenths inch in height.

25923. Any violation of any provision of this chapter shall be a misdemeanor.

---

## CHAPTER 1464

*An act making an appropriation for preparation for floods and mudslides in Santa Barbara County, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. There is hereby appropriated from the General Fund to the Department of Finance the sum of sixty thousand dollars ($60,000) for allocation, pursuant to Section 128 of the Water Code, to the Department of Water Resources to prepare for possible devastation to the City of Carpinteria, and the surrounding area, which may be caused by flooding or mudslides precipitated by destruction by fire of foliage in the adjacent watershed and surrounding areas.

SEC. 2. This act is an urgency statute necessary for the preservation of the public peace, 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 area in and around the City of Carpinteria in the County of Santa Barbara is in grave danger of devastation by flooding and by mudslides due to the recent fire that destroyed the foliage in the adjacent watershed and surrounding areas. Unless money is immediately appropriated to prepare for, and attempt to avert, this impending disaster, great loss of life and property may result.

---

## CHAPTER 1465

*An act to amend Sections 6757, 6812.5, 13103, 13120, 13136, 13138, 13141, 13150, and 13220.13 of, to amend Sections 13104, 13126, 13158, 13171, and 13171.1, as added by Chapter 557 of the Statutes of 1970, of, to amend and renumber Section 13220.24, as added by Chapter 1343 of the Statutes of 1970, of, to add Sections 13102.5, 13128, 13150.5, 13158.5, 13220.25, and 13293.5 to, and to repeal Section 13128, as amended by Chapter 1391 of, and Section 13128, as added by Chapter 557 of, the Statutes of 1970, of, the Education Code, and to amend Section 93 of Chapter 557 of the Statutes of 1970, relating to teacher preparation and licensing.*

[Approved by Governor November 9, 1971. Filed with Secretary of State November 9, 1971.]

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

SECTION 1. Section 6757 of the Education Code is amended to read:

6757. The State Board of Education shall adopt rules and regulations which shall prescribe standards for special educational programs for educationally handicapped minors which shall include, but need not be limited to, individual evaluation of pupils and curriculum content for each type of program authorized pursuant to this chapter, and provisions for periodic examination, reevaluation, or transfer of educationally handicapped minors participating in special educational pro-

grams maintained for each type of program authorized under the provisions of this chapter.

The Commission for Teacher Preparation and Licensing shall adopt rules and regulations which prescribe standards for teacher qualifications for each type of program authorized pursuant to this chapter.

SEC. 2. Section 6812.5 of the Education Code is amended to read:

6812.5. Minors who are deaf, severely hard of hearing, blind, deaf-blind, or other multihandicapped minors as determined by the State Board of Education, and who are between the ages of 18 months and 3 years, may be enrolled in experimental programs conducted by a school district or county superintendent of schools. Experimental programs for such minors shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him. Instruction in such experimental programs shall be afforded by a teacher possessing full qualifications to teach deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped pupils as prescribed by rules and regulations of the Commission for Teacher Preparation and Licensing.

Notwithstanding any provision of this code to the contrary, attendance of deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped 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, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped 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 895.8 shall include deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped minors enrolled in experimental programs authorized by this section.

SEC. 4. Section 13102.5 is added to the Education Code, to read:

13102.5. It is the intent of the Legislature that the Commission for Teacher Preparation and Licensing shall exercise authority over all services provided to pupils in grade 12 or below. It is not the intent of the Legislature to authorize the

commission to issue credentials authorizing service in grades 13 and 14, or in any institution of higher education.

SEC. 5. Section 13103 of the Education Code is amended to read:

13103. As used in this chapter:

(a) "Commission" means the Commission for Teacher Preparation and Licensing.

(b) "Approved institution" means any institution approved by the commission.

(c) "Subject matter examination" means any objective examination approved by the commission as an instrument to measure subject matter knowledge. Successful passage of a subject matter examination or its waiver shall be mandatory for any intern or any applicant for a teaching credential.

(d) "Professional preparation" means either (1) at least any nine semester units of professional education courses and one semester of approved full-time student teaching or its equivalent under the supervision of an approved college or university, or (2) an approved internship program of at least one year.

(e) "Fifth year" means a full academic year, or its equivalent, at the postgraduate level taken at an approved college or university. Institutions of higher education and public schools may be authorized to attest to a teacher's completion of this requirement. Not more than one-half of the fifth year may be in professional education or in "in-service training" as defined in subdivision (f), except that such requirement may be waived by the commission if the credential applicant has taken for credit no more than nine units of professional educational courses and student teaching prior to receipt of his baccalaureate degree.

(f) "In-service training" means any program of teacher education or preparation offered jointly by a school district and an approved college or university for the purposes of improving or upgrading a teacher's skills, knowledge, or instructional methods which is offered for credit and is approved by the commission.

(g) "Authorization" means the designation appearing on the teaching or service credential identifying the areas of instruction or service which the credential holder is permitted to perform.

(h) "Any grades" and "all grades" means grade 12 or below.

SEC. 6. Section 13104, as added to the Education Code by Chapter 557 of the Statutes of 1970, is amended to read:

13104. There is hereby established in the state government the Commission for Teacher Preparation and Licensing, to consist of members appointed by the Governor with the advice and consent of the Senate. The commission shall consist of six persons employed as certified personnel in public elementary and secondary schools in California, at least four of whom shall

be full-time classroom teachers, one of whom shall hold a services credential with a specialization in administrative services, and one of whom shall hold a services credential with a specialization in pupil personnel services; four faculty members of accredited public or private colleges or universities in California, at least three of whom shall be engaged in full-time teaching, and no more than one of whom shall represent any one discipline; two school board members; and three private citizens.

With the exception of the three private citizens, the appointment of a member shall terminate if he is no longer a certified employee in a public elementary or secondary school, or a faculty member of an accredited public or private college or university, or a school district governing board member, as may be the case, in California.

Not more than one member of the commission is to be appointed from the same school district or college or university campus.

SEC. 6.5. Section 13120 of the Education Code is amended to read:

13120. The commission shall appoint a Committee of Credentials, consisting of seven persons for terms of two years. The committee shall include:

(a) Two members who shall be full-time certified classroom teachers in the public elementary schools, one with not less than five years' classroom experience, and one with not less than 10 years' classroom experience.

(b) Two members who shall be full-time certified classroom teachers in the public secondary schools, one with not less than five years' classroom experience, and one with not less than 10 years' classroom experience.

(c) One member who shall be a certified administrative employee in the public schools.

(d) One member who shall be a past or present member of the governing board of any school district.

(e) One member who shall be a representative of the public, to be a person with no previous experience as a certified employee in the public schools or as a member of any governing board of a school district or county board of education.

SEC. 7. Section 13126, as added to the Education Code by Chapter 557 of the Statutes of 1970, is amended to read:

13126. Emergency credentials may be issued in accordance with regulations adopted by the commission.

The terms, reasons, and justification for the issuance of such credentials shall be regularly reported to the Legislature, as well as their number, kind, and other pertinent information. Emergency credentials shall only be authorized when insufficient certified teachers are available.

An emergency credential may not be issued unless the holder has completed at least 90 semester units of college work.

Emergency credentials for pupil personnel services shall not be valid for the purpose of determining pupil eligibility for placement in special education classes or programs.

With the exception of this chapter, any reference in any law or regulation to a "provisional credential" shall be deemed to mean an "emergency credential."

SEC. 7.3. Section 13128 of the Education Code, as amended by Chapter 1391 of the Statutes of 1970, is repealed.

SEC. 7.5. Section 13128 of the Education Code, as added by Chapter 557 of the Statutes of 1970, is repealed.

SEC. 7.7. Section 13128 is added to the Education Code, to read:

13128. Authorization for teaching credentials shall be of four basic kinds, as defined below:

(a) "Single subject instruction" means the practice of assignment of teachers and students to specified subject matter courses, as is commonly practiced in California high schools and most California junior high schools.

(b) "Multiple subject instruction" means the practice of assignment of teachers and students for multiple subject matter instruction, as is commonly practiced in California elementary schools and as is commonly practiced in early childhood education.

(c) "Specialist instruction" means any specialty requiring advanced preparation or special competence including but not limited to, reading specialist, mathematics specialist, specialist in special education, or early childhood education, and such other specialities as the commission may determine.

(d) "Designated subjects" means the practice of assignment of teachers and students to designated technical, trade, or vocational courses which courses may be part of a program of trade, technical, or vocational education.

SEC. 8. Section 13136 of the Education Code is amended to read:

13136. The minimum requirements for the services credential with a specialization in pupil personnel services are either both (a) and (b), or (c) and (d):

(a) A baccalaureate degree or higher degree, except in professional education, from an approved institution; a fifth year of study to be completed within seven years of the first employment of the certified employee; and such specialized and professional preparation as the commission may require, including completion of a commission-approved program of supervised field experience which includes direct classroom contact, jointly sponsored by a school district and a college or university.

(b) Passage of an examination selected and interpreted by the commission, or its approved waiver, as set forth in Sections 13150.5 and 13158.5.

(c) Possession of a valid license, certificate, or registration, appropriate to the service to be rendered issued by the Cali-

fornia agency authorized by law to license, certificate, or register persons to practice that service in California.

(d) One year's experience in a commission-approved program of supervised fieldwork. This requirement may be waived if the commission finds that previous fieldwork is of such a nature as to adequately prepare the applicant for service in the schools.

Preparation programs that result in concurrent issuance of a services credential with a specialization in pupil personnel services and a teaching credential may be approved by the commission.

The services credential with a specialization in pupil personnel services shall authorize the holder to perform, at all grade levels, the pupil personnel service approved by the commission as designated on the credential, which may include, but need not be limited to, counseling, psychological, child welfare and attendance services, and school social work.

SEC. 9. Section 13138 of the Education Code is amended to read:

13138. The minimum requirements for a services credential with a specialization in health are:

(a) Five years, or its equivalent, of college or university education, or five years of professional preparation approved by the commission

(b) Possession of a valid license, certificate, or registration, appropriate to the health service to be designated, issued by the California agency authorized by law to license, certificate, or register persons to practice that health service in California.

(c) Such additional requirements as may be prescribed by the commission.

The services credential with a specialization in health shall authorize the holder to perform, at all grade levels, the health service approved by the commission as designated on the credential. Services as an audiometrist, occupational therapist, or physical therapist are not deemed health services within the meaning of this section.

SEC. 10. Section 13141 of the Education Code is amended to read:

13141. The minimum requirements for the services credential with a specialization in administrative services are all of the following:

(a) The possession of a valid teaching credential as specified in Section 13130 or a services credential with a specialization in pupil personnel services.

(b) A minimum of three years of successful, full-time classroom teaching experience in the public schools, or in private schools of equivalent status or three years of further experience in the field of pupil personnel services.

(c) The passage of an examination selected and interpreted by the commission or its approved waiver as set forth in Sections 13150 and 13158.

The services credential with a specialization in administrative services shall authorize the holder to serve as a superintendent, associate superintendent, deputy superintendent, principal, assistant principal, supervisor, consultant, coordinator, or in an equivalent or intermediate level administration position.

Any person who administers a pupil personnel program shall hold a services credential with both a pupil personnel and an administrative specialization.

SEC. 11. Section 13150 of the Education Code is amended to read:

13150. The general subject matter examination defined in Section 13147 is the required examination for the services credential with a specialization in administrative services as set forth in Section 13141, except that the examination requirement may be waived for holders of diversified degrees as set forth in Sections 13157.4 and 13158.

SEC. 11.5. Section 13150.5 is added to the Education Code, to read:

13150.5. An examination appropriate for pupil personnel activities is the required examination for the services credential with a specialization in pupil personnel services as set forth in Section 13136, except that the examination requirement may be waived for those applicants who have completed a commission-approved program in pupil personnel services.

SEC. 12. Section 13158, as added to the Education Code by Chapter 557 of the Statutes of 1970, is amended to read:

13158. The general subject matter knowledge examination defined in Section 13147 as required for the services credential with a specialization in administrative services may be waived by applicants who meet the "diversified" degree requirements as provided in Section 13157.4.

SEC. 12.2. Section 13158.5 is added to the Education Code, to read:

13158.5. The examination required for the services credential with a specialization in pupil personnel services may be waived for applicants who have completed a commission-approved program in pupil personnel services.

SEC. 12.4. Section 13171, as added to the Education Code by Chapter 557 of the Statutes of 1970, is amended to read:

13171. A credential which was issued prior to July 1, 1973, shall remain in force as long as it is valid and continues to be valid under the law and regulations of the commission. The commission 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 chapter which is no less restrictive than the credential for which it was substituted with respect to the kind of service which it authorizes, and the grades or classes of types of schools in which it authorizes services.

SEC. 12.6. Section 13171.1, as added to the Education Code by Chapter 557 of the Statutes of 1970, is amended to read:

13171.1. The commission shall issue the appropriate credentials authorized by the law operative, and the rules and regulations of the commission in effect on December 31, 1971, to any person who, on July 1, 1972, has completed two years of college and on July 1, 1972, was either enrolled in a teacher education curriculum at any institution of higher learning approved by the commission, or was engaged in teaching in a foreign country, after such person has completed the requirements for such credential and if the person is otherwise qualified for such credential under the law and rules and regulations. No credential shall be issued under this section after September 15, 1974. However, no person shall be denied the issuance of a prior credential if he holds a provisional credential on July 1, 1972, and is working toward meeting the requirements of that prior credential in accordance with commission regulations; nor shall any person who, on July 1, 1972, is working toward meeting the requirements of a prior 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, 1970, he was prevented from meeting the educational requirements of a prior credential.

SEC. 13. Section 13220.13 of the Education Code is amended to read:

13220.13. Any credential issued pursuant to this article shall remain valid, for employment by the original employing community college district or any other community 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 Commission for Teacher Preparation and Licensing, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

SEC. 14. Section 13220.24 of the Education Code, as added by Chapter 1343 of the Statutes of 1970, is amended and renumbered to read:

13220.245. The Board of Governors of the California Community Colleges may issue a community college instructor credential, supervisor credential, librarian credential, counselor credential, health services credential, and student personnel worker credential to any person who has partially fulfilled the minimum requirements for the particular credential on the condition that such person completely fulfill such requirements within a reasonable period of time. The Board of Governors of the California Community Colleges may by rule establish the requirements for granting a credential under this section and establish the period of time within which the requirements for the credential must be completely fulfilled.

SEC. 15. Section 13220.25 is added to the Education Code, to read:

13220.25. The Board of Governors of the California Community Colleges shall issue a community college health services credential. The minimum requirements for this credential are all of the following:

(a) Possession of a valid license, certificate, or registration, appropriate to the health service to be designated, issued by the California agency authorized by law to license, certificate, or register persons to practice that health service in California.

(b) Five years, or its equivalent, of college or university education, or five years of professional preparation approved by the Board of Governors of the California Community Colleges.

(c) Compliance with the provisions of Sections 13165, 13167, 13169, 13169.1, and 13169.2.

A community college health services credential shall authorize the holder to perform those health services for which the holder is licensed by the State of California as a part of the operation of a community college.

SEC. 17. Section 13293.5 is added to the Education Code, to read:

13293.5. For the purposes of Sections 13294 through 13298, inclusive, "standard designated services credential with a specialization in health" and "services credential with a specialization in health" includes a community college health services credential when the service is provided in grades 13 and 14.

SEC. 18. The amendment made to Section 13104 of the Education Code by Section 6 of this act shall become operative, and shall govern the appointment of the members of the Commission for Teacher Preparation and Licensing, only at the expiration of the term of the person who holds the affected office on the effective date of this section.

SEC. 19. This act supplements the Teacher Preparation and Licensing Law of 1970 and shall become operative on July 1, 1973, or at such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970.

Upon adequate public notice, the commission may declare all or selected provisions of this act to be in effect prior to July 1, 1973.

The commission is specifically charged with responsibility to take the necessary administrative steps to provide for an orderly, efficient and expeditious transition of powers, duties, and regulations.

SEC. 20. Section 93 of Chapter 557 of the Statutes of 1970 is amended to read:

Sec. 93 Except for the provisions specified in Section 92, this act shall become operative on July 1, 1973, or at such earlier date as the Commission for Teacher Preparation and Licensing may determine.

Upon adequate public notice, the commission may declare all or selected provisions of the Teacher Preparation and Licensing Law of 1970 to be in effect prior to July 1, 1973. Particularly, the commission may adopt the subject matter examinations required by Section 13147 (as added to the Education Code by this act) at different times and so examinations in some subjects may be selected and required before the examinations in all subjects have been selected.

The commission is specifically charged with the responsibility to take the necessary administrative steps to provide for an orderly, efficient and expeditious transition of powers, duties, and regulations.

SEC. 21. Any section of any act enacted at the 1971 Regular Session of the Legislature which relates to, or supplements, the Teacher Preparation and Licensing Law of 1970, or any law related thereto, and which specifies an operative date of January 1, 1973, or earlier, in accordance with Section 93 of Chapter 557 of the Statutes of 1970 shall be deemed to specify an operative date of July 1, 1973, or earlier.

---

## CHAPTER 1466

*An act to amend Sections 73341, 73351.1, 73355, 73356, 73357, 73358, and 73360.1 of the Government Code, relating to courts.*

[Approved by Governor November 9, 1971. Filed with Secretary of State November 9, 1971.]

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

SECTION 1. Section 73341 of the Government Code is amended to read:

73341. Except as otherwise provided in this article, each municipal court district established in Contra Costa County shall have the number of judges set forth opposite the name of the judicial district over which such court has jurisdiction.

| | |
|---|---|
| Mt. Diablo Judicial District | 2 |
| Richmond Judicial District | 3 |
| River Judicial District | 1 |
| San Pablo Judicial District | 1 |
| Walnut Creek-Danville Judicial District | 2 |
| Any other court established or declared to exist | 1 |

Upon the consolidation or annexation of all or part of any other judicial district with the San Pablo Judicial District, the number of judges in such consolidated or annexed district shall be two.

If any territory of another judicial district is annexed to the Mt. Diablo Judicial District, pursuant to Section 71083, the

number of judges authorized in the Mt. Diablo Judicial District shall be three.

SEC. 1.5. Section 73351.1 of the Government Code is amended to read:

73351.1. Classes of positions provided in Section 73351 are allocated to the salary schedule as follows:

(a) Deputy clerk I.....Range 25
(b) Deputy clerk II.....Range 29
(c) Deputy clerk III.....Range 37
(d) Deputy clerk IV.....Range 47
(e) Clerk of court I.....Range 56
(f) Clerk of court II.....Range 61
(g) Deputy marshal I.....Range 51
(h) Deputy marshal II.....Range 55
(i) Marshal I.....Range 65
(j) Marshal II.....Range 69

SEC. 2. Section 73355 of the Government Code is amended to read:

73355. In a municipal court district having three judges, the following positions are authorized:

(a) One (1) clerk of the court II.
(b) Five (5) deputy clerks IV.
(c) Six (6) deputy clerks III.
(d) Twelve (12) deputy clerks II or deputy clerks I, not to exceed a combined total of 12 positions at any one time.

SEC. 3. Section 73356 of the Government Code is amended to read:

73356. In a municipal court district having three judges, the following positions are authorized:

(a) One (1) marshal II.
(b) One (1) deputy marshal II.
(c) Eight (8) deputy marshals I.
(d) One (1) deputy clerk III.
(e) Four (4) deputy clerks II or deputy clerks I, not to exceed a combined total of four positions at any one time.
(f) Ten (10) deputies, who shall be custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered. Deputies serving under the provisions of this subdivision are not salaried employees of the judicial district for purposes of obtaining civil service status or any other benefits of this article.

SEC. 4. Section 73357 of the Government Code is amended to read:

73357. In a municipal court district having two judges, the following positions are authorized:

(a) One (1) clerk of the court II.
(b) Five (5) deputy clerks IV.
(c) Five (5) deputy clerks III.

(d) Eleven (11) deputy clerks II or deputy clerks I, not to exceed a combined total of 11 positions at any one time.

SEC. 5. Section 73358 of the Government Code is amended to read:

73358. In a municipal court district having two judges, the following positions are authorized:

(a) One (1) marshal II.

(b) Five (5) deputy marshals I.

(c) One (1) deputy clerk III.

(d) Three (3) deputy clerks II or deputy clerks I, not to exceed a combined total of three positions at any one time.

(e) Ten (10) deputies, who serve as custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered. Deputies serving under the provisions of this subdivision are not salaried employees of the judicial district for purposes of obtaining civil service status or any other benefits of this article.

SEC. 6. Section 73360.1 of the Government Code is amended to read:

73360.1. Approval of the board of supervisors shall be obtained prior to filling any said positions in Sections 73355, 73356, 73357, or 73358 which have never been filled.

---

## CHAPTER 1467

*An act to amend Section 2507 of the Business and Professions Code, relating to the healing arts, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 9, 1971. Filed with Secretary of State November 9, 1971.]

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

SECTION 1. Section 2507 of the Business and Professions Code is amended to read:

2507. A medical corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes, rules and regulations to the same extent as a person holding a certificate under Section 2135 or 2491 of this code. The board shall have the same powers of suspension, revocation and discipline against a medical corporation as are now or hereafter authorized by Section 2360 of this code, or by any other similar statute against individual licensees, provided, however, that proceedings against a medical corporation shall be conducted

in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

The offering and operation by a medical corporation of a health care service plan, registered pursuant to the provisions of Section 12537 of the Government Code, shall be the practice of medicine by such corporation, and is hereby authorized.

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 secure maximum implementation of needed health care service plans, it is necessary that this act go into effect at the earliest possible time.

---

## CHAPTER 1468

*An act to add Sections 21207 and 21208 to the Agricultural Code, relating to cattle, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 9, 1971. Filed with Secretary of State November 9, 1971.]

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

SECTION 1. Section 21207 is added to the Agricultural Code, to read:

21207. No brand inspection provided for by Section 21206 is required for any cattle if a release agreement is approved by the director in advance and all of the following requirements are complied with:

(a) The cattle are brand inspected by a California inspector within two days, excluding holidays, prior to the slaughter.

(b) The cattle are accompanied to the slaughter plant by a California brand inspection certificate or a California salesyard bill of sale issued within two days, excluding holidays, prior to the slaughter.

(c) The cattle are kept separate and are not commingled with cattle requiring brand inspection prior to the slaughter.

(d) The slaughterer keeps a record in a book describing all cattle slaughtered pursuant to this section and retains with such record the California brand inspection certificate or California salesyard bill of sale that accompanies the cattle from the point of inspection to the slaughter plant.

(e) The records of such slaughter are available to a California brand inspector at all times.

The director may require the slaughterer to comply with the provisions of Section 21206 whenever he finds that the

slaughterer has violated any provision of this division or has not complied with the provisions of this section.

Notwithstanding any other provision of this chapter, a California brand inspector shall inspect all such cattle which are alive and on the premises at the time he performs his regular daily inspection or any spot-check inspection.

SEC. 2. Section 21208 is added to the Agricultural Code, to read:

21208. In addition to any other penalty, any person who slaughters cattle at a slaughter plant without the brand inspection required by Section 21051, and who is not exempt by the provisions of Section 21207, shall pay a penalty fee of twenty-five dollars ($25) for each head of cattle so slaughtered.

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 prevent great financial losses due to the second cattle inspection presently required, it is necessary that this act become effective immediately.

---

## CHAPTER 1469

*An act to amend Sections 8597 and 8598 of the Government Code and to amend Section 830.2 of the Penal Code, relating to the California State Police.*

[Approved by Governor November 9, 1971. Filed with Secretary of State November 9, 1971.]

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

SECTION 1. Section 8597 of the Government Code is amended to read:

8597. Whenever a state of emergency is proclaimed to exist within any region or area, or whenever a state of war emergency exists, the following classes of state employees who are within the region or area proclaimed or who may be assigned to duty therein shall be peace officers and shall have the full powers and duties of such officers for all purposes as provided by Section 830.2 of the Penal Code, and shall perform such duties and exercise such powers as are appropriate or as may be directed by their superior officers:

(a) All members of the California Highway Patrol.

(b) All deputies of the Department of Fish and Game who have been appointed to enforce the provisions of the Fish and Game Code pursuant to Section 851 of that code.

(c) The 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.

(d) All members of the California State Police Division.

SEC. 2. Section 8598 of the Government Code is amended to read:

8598. Whenever a local emergency exists within a region or area of the state and the California Highway Patrol or the California State Police Division is requested by properly constituted local authorities to assist local law enforcement, the patrol officers assigned to assist within the designated regions or areas shall have the full powers of peace officers within the meaning of Section 830.1 of the Penal Code and shall perform such duties and exercise such powers as are appropriate or as may be directed by their superior officers.

SEC. 3. Section 830.2 of the Penal Code is amended to read:

830.2. (a) Any member of the California Highway Patrol is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code. Provided further, that he shall not act as a peace officer in enforcing any other law except (i) when in pursuit of any offender or suspected offender or (ii) to make arrests for crimes committed in his presence or upon any highway or (iii) as provided in Sections 8597, 8598, and 8617 of the Government Code.

(b) Any member of the California State Police Division is a peace officer; provided, that the primary duty of any such peace officer shall be the protection of state properties and occupants thereof, and he shall not act as a peace officer in enforcing any law except (1) when in pursuit of any offender or suspected offender, (2) to make arrests for crimes committed in his presence or upon state properties, or (3) as provided in Sections 8597, 8598 and 8617 of the Government Code.

(c) Members of the California National Guard have the powers of peace officers when they are (1) called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and Veterans Code, (2) serving within the area wherein military assistance is required, and (3) directly assisting civil authorities in any of the situations specified in Section 143 or 146. The authority of any such peace officer extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under such circumstances.

SEC. 4. Section 830.2 of the Penal Code is amended to read:

830.2. (a) Any member of the California Highway Patrol is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such peace offi-

cer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code. Provided further, that he shall not act as a peace officer in enforcing any other law except (i) when in pursuit of any offender or suspected offender or (ii) to make arrests for crimes committed in his presence or upon any highway or (iii) as provided in Sections 8597, 8598, and 8617 of the Government Code.

(b) Any member of the California State Police Division is a peace officer; provided, that the primary duty of any such peace officer shall be the protection of state properties and occupants thereof, and he shall not act as a peace officer in enforcing any law except (1) when in pursuit of any offender or suspected offender (2) to make arrests for crimes committed in his presence or upon state properties or (3) as provided in Sections 8597, 8598 and 8617 of the Government Code.

(c) Members of the California National Guard have the powers of peace officers when they are (1) called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and Veterans Code, (2) serving within the area wherein military assistance is required, and (3) directly assisting civil authorities in any of the situations specified in Section 143 or 146. The authority of any such peace officer extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under such circumstances.

(d) A member of the University of California Police Department appointed pursuant to Section 23501 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 23501 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 23501 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of the University of California Police Department as a peace officer.

SEC. 5. Section 830.2 of the Penal Code is amended to read:

830.2. (a) Any member of the California Highway Patrol is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code. Provided further, that he shall not act as a peace officer in enforcing any other law except (i) when in pursuit of any offender or suspected offender or (ii) to make arrests for crimes committed in his presence or upon any highway or (iii) as provided in Sections 8597, 8598, and 8617 of the Government Code.

(b) Any member of the California State Police Division is a peace officer; provided, that the primary duty of any such peace officer shall be the protection of state properties and occupants thereof, and he shall not act as a peace officer in enforcing any law except (1) when in pursuit of any offender or suspected offender, (2) to make arrests for crimes committed in his presence or upon state properties, or (3) as provided in Sections 8597, 8598 and 8617 of the Government Code.

(c) Members of the California National Guard have the powers of peace officers when they are (1) called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and Veterans Code, (2) serving within the area wherein military assistance is required, and (3) directly assisting civil authorities in any of the situations specified in Section 143 or 146. The authority of any such peace officer extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under such circumstances.

(d) A member of a state college police department appointed pursuant to Section 24651 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 24651 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 24651 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of a state college police department as a peace officer.

SEC. 6. Section 830.2 of the Penal Code is amended to read:

830.2. (a) Any member of the California Highway Patrol is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code. Provided further, that he shall not act as a peace officer in enforcing any other law except (i) when in pursuit of any offender or suspected offender or (ii) to make arrests for crimes committed in his presence or upon any highway or (iii) as provided in Sections 8597, 8598, and 8617 of the Government Code.

(b) Any member of the California State Police Division is a peace officer; provided, that the primary duty of any such peace officer shall be the protection of state properties and occupants thereof, and he shall not act as a peace officer in enforcing any law except (1) when in pursuit of any offender or suspected offender, (2) to make arrests for crimes committed in his presence or upon state properties, or (3) as provided in Sections 8597, 8598 and 8617 of the Government Code.

(c) Members of the California National Guard have the powers of peace officers when they are (1) called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and Veterans Code, (2) serving within the area wherein military assistance is required, and (3) directly assisting civil authorities in any of the situations specified in Section 143 or 146. The authority of any such peace officer extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under such circumstances.

(d) A member of the University of California Police Department appointed pursuant to Section 23501 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 23501 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 23501 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assist-

ance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of the University of California Police Department as a peace officer.

(e) A member of a state college police department appointed pursuant to Section 24651 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 24651 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 24651 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of a state college police department as a peace officer.

SEC. 7. It is the intent of the Legislature that if this bill and Assembly Bill No. 243 or Senate Bill No. 123, or both, are chaptered and amend Section 830.2 of the Penal Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 243 are both chaptered and amend Section 830.2 of the Penal Code, but Senate Bill No. 123 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 243, the amendments proposed by both bills shall be given effect and incorporated in Section 830.2 in the form set forth in Section 4 of this act. Therefore, if Assembly Bill No. 243 is chaptered before this bill and both bills amend Section 830.2 and Senate Bill No. 123 is not chaptered or as chaptered does not amend that section, Section 4 of this act shall be operative and Sections 3, 5 and 6 of this act shall not become operative.

(b) If this bill and Senate Bill No. 123 are both chaptered and amend Section 830.2 of the Penal Code, but Assembly Bill No. 243 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 123, the amendments proposed by both bills shall be given effect and incorporated in Section 830 2 in the form set forth in Section 5 of this act. Therefore, if Senate Bill No. 123 is chaptered before this bill and both bills amend Section 830.2,

and Assembly Bill No. 243 is not chaptered or as chaptered does not amend that section, Section 5 shall be operative and Sections 3, 4 and 6 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 243 and Senate Bill No. 123 are all chaptered, and all three bills amend Section 830.2 of the Penal Code, and this bill is chaptered after Assembly Bill No. 243 and Senate Bill No. 123, the amendments proposed by all three bills shall be given effect and incorporated in Section 830.2 in the form set forth in Section 6 of this act. Therefore, if Assembly Bill No. 243 and Senate Bill No. 123 are both chaptered before this bill and all three bills amend Section 830.2 of the Penal Code, Section 6 of this act shall be operative and Sections 3, 4 and 5 of this act shall not become operative.

---

## CHAPTER 1470

*An act to amend Sections 3000, 3005, 3005.5, 3007, 3031, 3037, 3038, 3503, 4151, 4152, 4153, and 4154 of, to amend the heading of Chapter 3 (commencing with Section 3800) of Part 2 of Division 4 of, to amend the headings of Chapter 3 (commencing with Section 4150) and Article 1 (commencing with Section 4150) of Chapter 3 of Part 3 of Division 4 of, to add Sections 3800, 3801, 3801.5, 3801.6, and 4150 to, and to repeal Sections 3507, 3512, 3800, 3801, and 4150 of, the Fish and Game Code, relating to birds and mammals.*

[Approved by Governor November 9, 1971. Filed with Secretary of State November 9, 1971.]

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

SECTION 1. Section 3000 of the Fish and Game Code is amended to read:

3000. It is unlawful to take any bird or mammal, except a nongame mammal, between one-half hour after sunset and one-half hour before sunrise of the following day at the place of taking, except as otherwise provided in this code or under such regulations as the commission may adopt. The commission may adopt regulations prohibiting the taking of any nongame mammal between one-half hour after sunset and one-half hour before sunrise of the following day at the place of taking.

SEC. 2. Section 3005 of the Fish and Game Code is amended to read:

3005. It is unlawful to take birds or mammals with any net, pound, cage, trap, set line or wire, or poisonous substance, or to possess birds or mammals so taken, whether taken within or without this state.

Proof of possession of any bird or mammal which does not show evidence of having been taken by means other than a net, pound, cage, trap, set line or wire, or poisonous substance, is

prima facie evidence that the birds or mammals were taken in violation of the provisions of this section.

This section does not apply to the lawful taking of furbearing mammals, nongame birds, nongame mammals, or mammals found to be injuring crops or property, nor to the taking of birds or mammals under depredation permits, nor to taking by employees of the department acting in an official capacity or holders of a scientific or propagation permit acting in accordance with the conditions of the permit.

SEC. 3. Section 3005.5 of the Fish and Game Code is amended to read:

3005.5. It is unlawful to capture any game mammal, game bird, or nongame bird, or to possess or confine any live game mammal, game bird, or nongame bird taken from the wild, except as provided by this code or regulations made pursuant thereto. Any bird or mammal possessed or confined in violation of this section shall be seized by the department.

The commission may promulgate regulations permitting the temporary confinement of game mammals, game birds, or nongame birds for the purpose of treating such animals, if injured or diseased.

SEC. 4. Section 3007 of the Fish and Game Code is amended to read:

3007. Every person who takes any bird or mammal shall procure a license or permit therefor.

SEC. 5. Section 3031 of the Fish and Game Code is amended to read:

3031. A hunting license, granting the privilege to take birds and mammals, shall be issued:

(a) To any resident of this state, over the age of 16 years, upon the payment of four dollars ($4).

(b) To any resident of this state, under the age of 16 years, upon the payment of one dollar ($1).

(c) To any person not a resident of this state, upon the payment of twenty-five dollars ($25).

(d) To any person not a resident of this state, valid for one day and only for the taking of domesticated game birds and pheasants while on the premises of a licensed pheasant club, or for the taking of domesticated migratory game birds on areas licensed for shooting such birds, upon the payment of five dollars ($5).

(e) To any person not a resident of this state, valid only at an organizational field trial under the provisions of Section 3510, upon the payment of five dollars ($5).

(f) To the wife of any veteran, as defined in Section 980 of the Military and Veterans Code, upon payment of the fee specified in subdivision (a), even though she be an alien.

SEC. 6. Section 3037 of the Fish and Game Code is amended to read:

3037. A hunting license authorizes the person to whom it is issued to take birds and mammals, in accordance with law, for a term of one year from July 1st to June 30th, or, if issued

after the beginning of such term, for the remainder of the term.

SEC. 7. Section 3038 of the Fish and Game Code is amended to read:

3038. Any member of the armed forces of the United States who is in a military medical facility and who is at least 70 percent disabled shall be issued a hunting permit, on application therefor, by the department, in lieu of a hunting license and appropriate tags, authorizing the taking of birds and mammals. If the permit covers a period during which birds or mammals may only be taken or shipped with appropriate tags, the department may issue such tags with the permit or shall endorse the permit to authorize such taking and shipping without such tags.

Such a permit shall be valid only during the period of time such person is in the medical facility and so disabled. Certification by the commanding officer of the military medical facility shall be sufficient proof of this period of time and extent of disability.

SEC. 8. Section 3503 of the Fish and Game Code is amended to read:

3503. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.

SEC. 9. Section 3507 of the Fish and Game Code is repealed.

SEC. 10. Section 3512 of the Fish and Game Code is repealed.

SEC. 11. The heading of Chapter 3 (commencing with Section 3800) of Part 2 of Division 4 of the Fish and Game Code is amended to read:

CHAPTER 3. NONGAME BIRDS

SEC. 12. Section 3800 of the Fish and Game Code is repealed.

SEC. 13. Section 3800 is added to the Fish and Game Code, to read:

3800. All birds occuring naturally in California which are not resident game birds, migratory game birds, or fully protected birds, are nongame birds. It is unlawful to take any nongame bird except as provided in this code or in accordance with regulations of the commission.

SEC. 14. Section 3801 of the Fish and Game Code is repealed.

SEC. 15. Section 3801 is added to the Fish and Game Code, to read:

3801. Unless otherwise provided by the regulations of the commission the following nongame birds may be taken and possessed by any person at any time, except as provided in Section 3000:

(a) English sparrows (Passer domesticus); crows (Corvus brachyrhynchos); American or black-billed magpie (Pica pica

hudsonia); California or scrub jays (Aphelocoma californica); Steller's or crested jays (Cyanocitta stelleri); starlings (Sturnus vulgaris).

(b) Yellow-billed magpies (Pica nuttali) within a county whose board of supervisors, by resolution, has declared that, based only upon crop damage, such provisions are desirable for the county.

The provisions of subdivision (b) shall remain in effect only until the 61st day after the final adjournment of the 1971 Regular Session of the Legislature and as of that date are repealed.

SEC. 16. Section 3801.5 is added to the Fish and Game Code, to read:

3801.5. Nongame birds not covered by the Migratory Bird Treaty Act which are found to be injuring growing crops or property may be taken by the owner or tenant of the premises. They may also be so taken by officers or employees of the Department of Agriculture of this state or by federal or county officers or employees when acting in their official capacities pursuant to the provisions of the Agricultural Code pertaining to pests, or pursuant to the provisions of Article 6 (commencing with Section 6021) of Chapter 9, Part 1, Division 4 of the Agricultural Code.

Landowners and tenants taking birds in accordance with this section are exempt from the provisions of Section 3007.

SEC. 17. Section 3801.6 is added to the Fish and Game Code, to read:

3801.6. Except as otherwise provided in this code or regulations made pursuant thereto, it is unlawful to possess the carcass or skin of any nongame bird. The carcass or skin of any nongame bird possessed by any person in violation of any of the provisions of this code shall be seized by the department and delivered to a scientific or educational institution.

SEC. 18. The heading of Chapter 3 (commencing with Section 4150) of Part 3 of Division 4 of the Fish and Game Code is amended to read:

CHAPTER 3. NONGAME MAMMALS AND DEPREDATORS

SEC. 19. The heading of Article 1 (commencing with Section 4150) of Chapter 3 of Part 3 of Division 4 of the Fish and Game Code is amended to read:

Article 1. Nongame Mammals

SEC. 20. Section 4150 of the Fish and Game Code is repealed.

SEC. 21. Section 4150 is added to the Fish and Game Code, to read:

4150. All mammals occurring naturally in California which are not game mammals, fully protected mammals, or fur-

bearing mammals, are nongame mammals. Nongame mammals may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission.

SEC. 22. Section 4151 of the Fish and Game Code is amended to read:

4151. Any house cat (Felis domesticus) found within the limits of any fish and game refuge is a nongame mammal, unless it is in the residence of its owner or upon the grounds of the owner adjacent to such residence.

SEC. 23. Section 4152 of the Fish and Game Code is amended to read:

4152. Nongame mammals and blacktailed jackrabbits, muskrats, and red fox squirrels which are found to be injuring growing crops or other property may be taken at any time or in any manner by the owner or tenant of the premises. They may also be taken by officers or employees of the California Department of Agriculture or by federal, or county officers or employees when acting in their official capacities pursuant to the provisions of the Agricultural Code pertaining to pests, or pursuant to the provisions of Section 139.5 of that code. Persons taking mammals in accordance with this section are exempt from the requirements of Section 3007.

SEC. 24. Section 4153 of the Fish and Game Code is amended to read:

4153. The department may enter into cooperative agreements with any agency of the state or the United States for the purpose of controlling harmful nongame mammals.

The department may take any mammal which, in its opinion, is unduly preying upon any bird, mammal, or fish.

SEC. 25. Section 4154 of the Fish and Game Code is amended to read:

4154. The department may enter into cooperative contracts with the United States Fish and Wildlife Service in the Department of the Interior in relation to the control of nongame mammals and for that purpose may expend any money made available to the department for expenditure for control or eradication of nongame mammals.

---

## CHAPTER 1471

*An act to add Article 1.5 (commencing with Section 14785) to Chapter 6 of Part 5.5 of Division 3 of Title 1 of the Government Code, relating to paper products.*

[Approved by Governor November 10, 1971. Filed with Secretary of State November 10, 1971.]

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

SECTION 1. Article 1.5 (commencing with Section 14785) is added to Chapter 6 of Part 5.5 of Division 3 of Title 1 of the Government Code, to read:

## Article 1.5. Recycled Paper

14785. The Legislature finds and declares that it is the policy of the state to conserve and protect its resources. The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.

The Legislature further finds and declares that the volume of solid waste generated within the state coupled with an increased rate in the consumption of paper products and the absence of adequate programs and procedures for the reuse of these materials threaten the quality of the environment and well-being of the people of California.

In making these findings the Legislature declares that the policy and intent of this article is to improve environmental quality by the recycling of paper products.

14786. The department may adopt rules and regulations to carry out the provisions of this article. For the purposes of this article, "recycled paper" shall have a two-part definition.

Part I shall be defined as:

A. Paper, paperboard and fibrous wastes from factories, retail stores, office buildings, homes, after they have passed through their end-usage as a consumer item including, but not limited to:

1. Used corrugated boxes;
2. Old newspapers;
3. Old magazines;
4. Mixed wastepaper;
5. Tabulating cards; and
6. Used cordage.

B. All paper, paperboard and fibrous wastes that enter and are collected from municipal solid waste.

Part II shall be defined as:

A. Dry paper and paperboard waste generated after completion of the papermaking process, including:

1. Envelope cuttings, bindery trimmings and other paper and paperboard waste, resulting from printing, cutting, forming and other converting operations;
2. Bag, box and carton manufacturing wastes; and
3. Butt rolls, mill wrappers and rejected unused stock.

B. Finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters or others;

C. Fibrous byproducts of harvesting, manufacturing, extractive or woodcutting processes, flax straw, linters, bagasse, slash and other forest residues;

D. Wastes generated by the conversion of goods made from fibrous materials, such as, waste rope from cordage manufacture, textile mill waste and cuttings; and

E. Fibers recovered from waste water which otherwise would enter the waste stream.

14787. (a) The department shall establish procedures and specifications to require that, wherever feasible, all paper and woodpulp product purchases contain a minimum of 10 to 50 percent recycled paper, as defined in Part I. Recycled paper content specifications shall be established for as many paper and woodpulp products as feasible.

(b) The director shall review the recycled paper content specifications at least annually to consider increasing the percentage of recycled paper in paper and woodpulp product purchases.

(c) When contracting with the department for the sale of material subject to this article, the contractor shall certify in writing to the contracting officer or his representative that the material offered contains the minimum percentage of recycled fibers required by subdivision (a) of this section.

14788. The department shall establish a paper recycling plan for all paper refuse of all state agencies and all offices in state buildings in Sacramento, Los Angeles, and San Francisco Counties, and in any other area as the director deems feasible. The plan shall provide either for the collection and sale of wastepaper to private recycling plants or the operation of such plants by the state, or a combination thereof. The plan shall be put into operation, to the extent feasible, as soon as possible, but in any event no later than July 1, 1972. The department shall make a report on the development of the plan to the Legislature by the fifth calendar day of the 1972 Regular Session.

14789. The department is authorized to contract as necessary for the recycling of paper products which have been returned pursuant to Section 14788.

14789.5. This article shall not apply to any contract in existence on the effective date of this article.

---

## CHAPTER 1472

*An act to add Article 1.1 (commencing with Section 14784.1) to Chapter 6 of Part 5.5 of Division 3 of Title 2 of the Government Code, relating to preference for materials.*

[Approved by Governor November 10, 1971. Filed with Secretary of State November 10, 1971.]

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

SECTION 1. Article 1.1 (commencing with Section 14784.1) is added to Chapter 6 of Part 5.5 of Division 3 of Title 2 of the Government Code, to read:

### Article 1.1. Recycled Products

14784.1. Fitness and quality being equal, all state and local public agencies shall purchase recycled paper and paper prod-

ucts instead of unrecycled paper or paper products whenever available at no more than the total cost of unrecycled paper and paper products. Whenever different types of recycled paper or paper products are available at the same total cost which meet the above criteria, the type of paper or paper product which contains the greater percentage of recycled paper, as defined by Part I of Section 14784.2, shall be purchased.

All state and local public agencies shall require the bidder to specify the percentage of recycled paper content as defined by Part I of Section 14784.2 in the paper or paper products. All contract provisions impeding the consideration of products with reclaimed paper content shall be deleted in favor of performance standards.

All printing contracts made by any state or local agency shall provide that the paper used shall meet the requirements of these provisions.

14784.2. For the purposes of this article, "recycled paper" shall have a two-part definition.

Part I shall be defined as:

A. Paper, paperboard and fibrous wastes from factories, retail stores, office buildings, homes, after they have passed through their end-usage as a consumer item including, but not limited to:

1. Used corrugated boxes;
2. Old newspapers;
3. Old magazines;
4. Mixed waste paper;
5. Tabulating cards; and
6. Used cordage.

B. All paper, paperboard and fibrous wastes that enter and are collected from municipal solid waste.

Part II shall be defined as:

A. Dry paper and paperboard waste generated after completion of the papermaking process, including:

1. Envelope cuttings, bindery trimmings and other paper and paperboard waste, resulting from printing, cutting, forming and other converting operations;
2. Bag, box and carton manufacturing wastes; and
3. Butt rolls, mill wrappers and rejected unused stock.

B. Finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters or others;

C. Fibrous byproducts of harvesting, manufacturing, extractive or woodcutting processes, flax straw, linters, bagasse, slash and other forest residues;

D. Waste generated by the conversion of goods made from fibrous materials, such as, waste rope from cordage manufacture, textile mill waste and cuttings; and

E. Fibers recovered from waste water which otherwise would enter the waste stream.

## CHAPTER 1473

*An act to amend Section 224 of, and to add Section 5545 to, the Revenue and Taxation Code, relating to property taxation.*

[Approved by Governor November 10, 1971. Filed with Secretary of State November 10, 1971.]

*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, household furnishings, and pets 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, household furnishings, and pets" does not include boats, aircraft, vehicles, or personalty held or used in connection with a trade, profession or business or pets so held or used.

For purposes of this section, "pets" mean and include any animals held for noncommercial purposes and not as an investment.

SEC. 2. Section 5545 is added to the Revenue and Taxation Code, to read:

5545. Livestock owned and raised by a member of a nonprofit youth organization which is formed primarily for agricultural purposes shall be exempt from the taxes imposed by this part if such livestock are owned and raised by the member as part of the regular activities of such organizations. This exemption shall be available for no more than 3 bovine or 25 ovine animals per member.

SEC. 3. The provisions of this act shall not be construed to prohibit local governments from licensing pets.

SEC. 4. This act shall be operative for taxes for the 1972–1973 fiscal year and thereafter.

---

## CHAPTER 1474

*An act to add Section 17920.7 to the Health and Safety Code, relating to building standards.*

[Approved by Governor November 10, 1971. Filed with Secretary of State November 10, 1971.]

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

SECTION 1. Section 17920.7 is added to the Health and Safety Code, to read:

17920.7. (a) The commission shall adopt, amend, repeal, and except as otherwise provided in this part, enforce rules

and regulations for the provision of structural fire safety and fire-resistant exits in existing multiple-story structures let for human habitation including, and limited to, apartment houses, hotels, motels, and dwellings or other structures wherein rooms used for sleeping are let above the ground floor. The rules and regulations shall provide adequate safety to the occupants and the general public, and shall impose the same requirements as are contained in Chapter 13 of the appendix of the Uniform Building Code, 1970 edition, as adopted by the International Conference of Building Officials.

(b) Notwithstanding the provisions of subdivision (a), any city, county, or city and county may adopt standards for structural fire safety and fire-resistant exits in structures subject to the provisions of this section, provided that such standards are substantially equivalent in fire safety to the standards adopted by the commission pursuant to subdivision (a). Each city, county, or city and county adopting such alternative standards shall submit a detailed statement, with supporting data, to the Director of Housing and Community Development demonstrating the equivalency of the alternate standards to the state standards. The Director of Housing and Community Development shall make a finding as to the equivalency of alternate local standards to state standards. Alternate local standards which the Director of Housing and Community Development finds are not substantially equivalent to state standards adopted pursuant to this section are void.

---

## CHAPTER 1475

*An act to amend Sections 472a, 1089, 1090, 1091 and 1094 of, and to add Section 1069.1 to, the Code of Civil Procedure, relating to pleadings and procedure.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 472a of the Code of Civil Procedure is amended to read:

472a. A demurrer is not waived by an answer filed (or entered in the docket in the justice court) at the same time. Except as otherwise provided by rule adopted by the Judicial Council, when a demurrer to a complaint or to a cross-complaint is overruled and there is no answer filed (or entered), the court shall allow an answer to be filed (or entered) upon such terms as may be just. If a demurrer to the answer be overruled, the action must proceed as if no demurrer had been interposed, and the facts alleged in the answer must be con-

sidered as denied to the extent mentioned in Section 462 of this code.

When a demurrer is sustained, the court may grant leave to amend the pleading and shall fix the time within which such amendment or amended pleading shall be filed, or entered in the docket.

SEC. 2. Section 1069.1 is added to the Code of Civil Procedure, to read:

1069.1. The provisions of Section 1089 as to a return by demurrer or answer apply to a proceeding pursuant to this chapter.

SEC. 3. Section 1089 of the Code of Civil Procedure is amended to read:

1089. On the date for return of the alternative writ, or on which the application for the writ is noticed, or, if the Judicial Council shall adopt rules relating to the return and answer, then at the time provided by those rules, the party upon whom the writ or notice has been served may make a return by demurrer, verified answer or both. If the return is by demurrer alone, the court may allow an answer to be filed within such time as it may designate. Nothing in this section affects rules of the Judicial Council governing original writ proceedings in reviewing courts.

SEC. 4. Section 1090 of the Code of Civil Procedure is amended to read:

1090. If a return be made, which raises a question as to a matter of fact essential to the determination of the motion, and affecting the substantial rights of the parties, and upon the supposed truth of the allegation of which the application for the writ is based, the court may, in its discretion, order the question to be tried before a jury, and postpone the argument until such trial can be had, and the verdict certified to the court. The question to be tried must be distinctly stated in the order for trial, and the county must be designated in which the same shall be had. The order may also direct the jury to assess any damages which the applicant may have sustained, in case they find for him.

SEC. 5. Section 1091 of the Code of Civil Procedure is amended to read:

1091. On the trial, the applicant is not precluded by the return from any valid objection to its sufficiency, and may countervail it by proof either in direct denial or by way of avoidance.

SEC. 6. Section 1094 of the Code of Civil Procedure is amended to read:

1094. If no return be made, the case must be heard on the papers of the applicant. If the return raises only questions of law, or puts in issue immaterial statements, not affecting the substantial rights of the parties, the court must proceed to hear or fix a day for hearing the argument of the case.

# CHAPTER 1476

*An act to amend Section 15202 of the Government Code, and to amend Sections 1431 and 4700 of, to add Chapter 6 (commencing with Section 1033) to Title 6 of Part II of, and to repeal Chapter 6 (commencing with Section 1033) of Title 6 of Part II of, the Penal Code, relating to administration of justice, and making an appropriation therefor.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 15202 of the Government Code is amended to read:

15202. A county which is responsible for the cost of a trial or trials of a person for the offense of homicide may apply to the Director of Finance for reimbursement of the costs incurred by the county in excess of the amount of money derived by the county from a tax of ten cents ($0.10) on each one hundred dollars ($100) on the property assessed for purposes of taxation within the county.

No reimbursement shall be made pursuant to this section if the county, in the opinion of the Director of Finance, has sufficient funds in its treasury, not allocated or committed for other purposes, which could be used to pay such costs.

SEC. 1.5. Section 15202 of the Government Code is amended to read:

15202. A county which is responsible for the cost of a trial or trials or any hearing of a person for the offense of homicide may apply to the Director of Finance for reimbursement of the costs incurred by the county in excess of the amount of money derived by the county from a tax of two cents ($0.02) on each one hundred dollars ($100) on the property assessed for purposes of taxation within the county.

SEC. 2. Chapter 6 (commencing with Section 1033) of Title 6 of Part II of the Penal Code is repealed.

SEC. 3. Chapter 6 (commencing with Section 1033) is added to Title 6 of Part II of the Penal Code, to read:

## CHAPTER 6. CHANGE OF VENUE

1033. In a criminal action pending in the superior court, the court shall order a change of venue:

(a) On motion of the defendant, to another county when it appears that there is a reasonable likelihood that a fair and impartial trial cannot be had in the county.

(b) On its own motion or on motion of any party, to an adjoining county when it appears as a result of the exhaustion of all of the jury panels called that it will be impossible to secure a jury to try the cause in the county.

1034. In a criminal action pending in a municipal or justice court, the court shall order a change of venue:

(a) On motion of the defendant, to another judicial district when it appears that there is a reasonable likelihood that a fair and impartial trial cannot be had in the judicial district.

(b) On its own motion or on motion of any party, to an adjoining judicial district in the same county when it appears as a result of the exhaustion of all of the jury panels called that it will be impossible to secure a jury to try the cause in the judicial district or, when for the same reason it appears that it will be impossible to try the cause in any judicial district in the county, to a judicial district in an adjoining county.

1035. In a criminal action pending in a municipal or justice court, the court shall order a change of venue to another judicial district in the same county on motion of the prosecution if it appears that the change will be for the convenience of all parties to the action and the defendant and his attorney, if any, consent in writing to the change.

1036. If a defendant is incarcerated and the court orders a change of venue to another county, the court shall direct the sheriff to deliver the defendant forthwith to the custody of the sheriff of such other county.

1037. (a) When a court orders a change of venue to another county all costs incurred by that county, which are not payable by the Department of Corrections pursuant to Section 4700, for the transfer, preparation and trial of the action, the guarding, keeping and transportation of the prisoner, any appeal or other proceeding relating to the action and the execution of the sentence shall be a charge against the county in which the action originated.

(b) Claim for the costs described in subdivision (a) shall be forwarded to the treasurer and auditor of the county in which the action originated and the treasurer shall pay the amount of such costs out of the general funds of his county.

1038. The Judicial Council shall adopt rules of practice and procedure for the change of venue in criminal actions.

SEC. 4. Section 1431 of the Penal Code is amended to read:

1431. If the action or proceeding is in a justice court, a change of the place of trial may be had upon the filing of an affidavit at least seven days prior to the date set for the trial of the action or proceeding, except in felony cases, when it appears from the affidavit of the defendant that he has reason to believe, and does believe, that he cannot have a fair and impartial trial before the judge about to try the case, by reason of the prejudice or bias of such judge, the cause must be transferred to another judge of the same or an adjoining judicial district.

A copy of the affidavit must be served upon the other party to the action or proceeding at least six days prior to the date set for the trial of the action or proceeding.

SEC. 5. Section 4700 of the Penal Code is amended to read:

4700. Whenever a trial is had of any person under any of the provisions of Section 4530 of this code, whenever a hearing is had on the return of a writ of habeas corpus prosecuted by or on behalf of any prisoner in the state prison, whenever a prisoner in the state prison is tried for any crime committed therein, or whenever a prisoner transferred to a county correctional facility pursuant to Section 2910 or to a community correctional center pursuant to Section 6253 is prosecuted for a crime committed in such institution or for escape, and whenever a trial or hearing is had on the question of the insanity of any such prisoner, the county clerk of a county incurring any costs in connection with such matter must make out a statement of all the costs incurred by the county for the investigation, and the preparation of the trial, and actual trial of such case, or of the hearing on the return of such writ, and all guarding and keeping of such prisoner, while away from the prison, the transportation of the prisoner to and from the prison (when such transportation was performed by the county), the costs of appeal, and of the execution of the sentence of such prisoner, properly certified to by a judge of the superior court of such county. The statement must be sent to the Department of Corrections for its approval, and after such approval said department must cause the amount of such costs to be paid out of the money appropriated for the support of the Department of Corrections to the county treasurer of the county incurring such costs.

SEC. 5.3. Section 4700 of the Penal Code is amended to read:

4700. Whenever a trial is had of any person under any of the provisions of Section 4530 of this code, or whenever a trial is had in which a crime committed in furtherance of or in connection with a violation of Section 4530 is charged, or whenever a trial is had for conspiracy in a case where one or more objectives of the conspiracy is an escape from the custody of the Department of Corrections, whenever a hearing is had on the return of a writ of habeas corpus prosecuted by or on behalf of any prisoner in the state prison, whenever a prisoner in the state prison is tried for any crime committed therein, or whenever a prisoner transferred to a county correctional facility pursuant to Section 2910 or to a community correctional center pursuant to Section 6253 is prosecuted for a crime committed in such institution or for escape, and whenever a trial or hearing is had on the question of the insanity of any such prisoner, the county clerk of a county incurring any costs in connection with such matter must make out a statement of all the costs incurred by the county for the investigation, and the preparation of the trial, and actual trial of such case, or of the hearing on the return of such writ, and all guarding and keeping of such prisoner, while away from the prison, the transportation of the prisoner to and from the prison (when such transportation was performed by the

county), the costs of appeal, and of the execution of the sentence of such prisoner, properly certified to by a judge of the superior court of such county. The statement must be sent to the Department of Corrections for its approval, and after such approval said department must cause the amount of such costs to be paid out of the money appropriated for the support of the Department of Corrections to the county treasurer of the county incurring such costs.

SEC. 5.5. Section 4700 of the Penal Code is amended to read:

4700. Whenever a trial is had of any person under any of the provisions of Section 4530 of this code, whenever a hearing is had on the return of a writ of habeas corpus prosecuted by or on behalf of any prisoner in the state prison, whenever a prisoner in the state prison is tried for any crime committed therein, or whenever a prisoner transferred to a county correctional facility pursuant to Section 2910 or to a community correctional center pursuant to Section 6253 is prosecuted for a crime committed in such institution or for escape, or whenever a hearing is held on the question of whether a prisoner's presence in the general population of any prison within this state will endanger the lives of others with whom he might come in contact, pursuant to Article 4 (commencing with Section 2650) of Chapter 3.5, Title 1, Part 3, and whenever a trial or hearing is had on the question of the insanity of any such prisoner, the county clerk of a county incurring any costs in connection with such matter must make out a statement of all the costs incurred by the county for the investigation, and the preparation of the trial, and actual trial of such case, or of the hearing on the return of such writ, and all guarding and keeping of such prisoner, while away from the prison, the transportation of the prisoner to and from the prison (when such transportation was performed by the county), the costs of appeal, and of the execution of the sentence of such prisoner, properly certified to by a judge of the superior court of such county. The statement must be sent to the Department of Corrections for its approval, and after such approval said department must cause the amount of such costs to be paid out of the money appropriated for the support of the Department of Corrections, to the county treasurer of the county incurring such costs.

SEC. 5.7. Section 4700 of the Penal Code is amended to read:

4700. Whenever a trial is had of any person under any of the provisions of Section 4530 of this code, or whenever a trial is had in which a crime committed in furtherance of or in connection with a violation of Section 4530 is charged, or whenever a trial is had for conspiracy in a case where one or more objectives of the conspiracy is an escape from the custody of the Department of Corrections, whenever a hearing is had on the return of a writ of habeas corpus prosecuted by or on behalf of any prisoner in the state prison, whenever a prisoner

in the state prison is tried for any crime committed therein, or whenever a prisoner transferred to a county correctional facility pursuant to Section 2910 or to a community correctional center pursuant to Section 6253 is prosecuted for a crime committed in such institution or for escape, or whenever a hearing is held on the question of whether a prisoner's presence in the general population of any prison within this state will endanger the lives of others with whom he might come in contact, pursuant to Article 4 (commencing with Section 2650) of Chapter 3.5, Title 1, Part 3, and whenever a trial or hearing is had on the question of the insanity of any such prisoner, the county clerk of a county incurring any costs in connection with such matter must make out a statement of all the costs incurred by the county for the investigation, and the preparation of the trial, and actual trial of such case, or of the hearing on the return of such writ, and all guarding and keeping of such prisoner, while away from the prison, the transportation of the prisoner to and from the prison (when such transportation was performed by the county), the costs of appeal, and of the execution of the sentence of such prisoner, properly certified to by a judge of the superior court of such county. The statement must be sent to the Department of Corrections for its approval, and after such approval said department must cause the amount of such costs to be paid out of the money appropriated for the support of the Department of Corrections, to the county treasurer of the county incurring such costs.

SEC. 6. It is the intent of the Legislature, if the amendments to Section 15202 of the Government Code proposed by this bill and S.B. 1633 are enacted, that both amendments be given effect and incorporated in Section 15202 in the form set forth in Section 1.5 of this act. Therefore, in the event S.B. 1633 is enacted and amends Section 15202, Section 1.5 of this act shall become operative at the same time as this act becomes operative, and at that time, Section 15202 of the Government Code as amended by Section 1 of this act is repealed.

The amendments made by S.B. 1633 that are incorporated into Section 15202 of the Government Code as amended by Section 1.5 of this act shall apply to any costs, as defined in Section 15201 of the Government Code, incurred by a county on or after May 1, 1971.

SEC. 7. Except as otherwise provided in Section 9, it is the intent of the Legislature, if the amendments to Section 4700 of the Penal Code proposed by both this bill and A.B. 644 are enacted, that both amendments be given effect and incorporated in Section 4700 in the form set forth in Section 5.3 of this act. Therefore, in the event A.B. 644 is enacted and amends Section 4700, Section 5.3 of this act shall become operative at the same time as A.B. 644 becomes operative, and at that time, Section 4700 of the Penal Code as amended by Section 5 of this act is repealed.

The amendments made by A.B. 644 that are incorporated into Section 4700 of the Penal Code as amended by Section 5.3 of this act shall apply to any trial based upon an indictment filed on or after November 1, 1970, and are intended to be a clarification of existing law.

SEC. 8. Except as otherwise provided in Section 9, it is the intent of the Legislature, if the amendments to Section 4700 of the Penal Code proposed by both this bill and A.B. 2904 are enacted, that both amendments be given effect and incorporated in Section 4700 in the form set forth in Section 5.5 of this act. Therefore, in the event A.B. 2904 is enacted and amends Section 4700, Section 5.5 of this act shall become operative at the same time as A.B. 2904 becomes operative, and at that time, Section 4700 as amended by Section 5 of this act is repealed.

SEC. 9. It is the intent of the Legislature, if the amendments to Section 4700 of the Penal Code proposed by this bill, A.B. 644, and A.B. 2904 are enacted, that all such amendments be given effect and incorporated in Section 4700 in the form set forth in Section 5.7 of this act. Therefore, in the event both A.B. 644 and A.B. 2904 are enacted and amend Section 4700, Section 5.7 of this act shall become operative at the same time as this act becomes operative, and at that time, Section 4700 of the Penal Code as amended by Sections 5, 5.3, and 5.5 of this act, is repealed.

The amendments made by A.B. 644 that are incorporated into Section 4700 of the Penal Code as amended by Section 5.7 of this act shall apply to any trial based upon an indictment filed on or after November 1, 1970, and are intended to be a clarification of existing law.

SEC. 10. There is hereby appropriated from the General Fund, in augmentation of Item 18 of the Budget Act of 1971 and subject to any conditions in such item, the sum of two hundred thousand dollars ($200,000).

---

## CHAPTER 1477

*An act to add Section 1202.3 to the Public Utilities Code, relating to grade crossings.*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 1202.3 is added to the Public Utilities Code, to read:

1202.3. Notwithstanding any other provision of this chapter, in any proceeding under Section 1202, in the case of a crossing involving a publicly used road or highway not on a publicly maintained road system, the commission may appor-

tion expense for improvements to the county in the case of unincorporated territory, city or other political subdivision if the commission finds (a) that the owner or owners of private property served by such publicly used crossing agree to expressly dedicate and improve, and the affected public agency agrees to accept, a right-of-way or roadway over such property for a reasonable distance from such crossing as determined by the commission, or (b) that a judicial determination of implied dedication of such road or highway over the railroad right-of-way to public use, based on public user in the manner and for the time required by law, has taken place.

If neither of these conditions is found to exist, the commission shall order the crossing abolished by physical closing.

In no event shall a railroad be required to bear costs for the improvement of a publicly used crossing in excess of what it would be required to bear in connection with the improvement of a public street or highway crossing.

## CHAPTER 1478

*An act to add Sections 11024.1 and 11029.1 to the Business and Professions Code, relating to subdivided lands.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 11024.1 is added to the Business and Professions Code, to read:

11024.1. Any person who willfully violates any of the provisions of Section 11010, 11010.1, 11013.1, 11013.2, 11013.4, 11018.1, 11018.2, 11018.7, 11024, or 17500 of this code, and which violation arises in connection with a subdivision or subdivided lands as defined in Section 11000.5, shall be liable for civil penalties not to exceed two thousand five hundred dollars ($2,500) for each such violation. This penalty shall be recovered in a civil action brought by the Real Estate Commissioner or in the name of the people of the State of California by the Attorney General, or by any district attorney in any court of competent jurisdiction.

If the Real Estate Commissioner is a party plaintiff to the action, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment is entered and one-half to the Real Estate Fund. If the action is brought by a district attorney, the entire amount of the penalty collected shall be paid to the treasurer of the county in which the judgment is entered. If the action is brought by the Attorney General and the Real Estate Commissioner is not a party plaintiff, one-half of the penalty collected shall be paid to the treasurer

of the county in which the judgment is entered and one-half to the State General Fund.

SEC. 2. Section 11029.1 is added to the Business and Professions Code, to read:

11029.1. Any person who willfully violates any of the provisions of Section 11010, 11010.1, 11013.1, 11013.2, 11013.4, 11018.1, 11018.2, 11018.7, 11028, or 17500 of this code, and which violation arises in connection with a subdivision or subdivided lands as defined in Section 11000.5, shall be liable for civil penalties not to exceed two thousand five hundred dollars ($2,500), for each such violation. This penalty shall be recovered in a civil action brought by the Real Estate Commissioner or in the name of the people of the State of California by the Attorney General, or by any district attorney in any court of competent jurisdiction.

If the Real Estate Commissioner is a party plaintiff to the action, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment is entered and one-half to the Real Estate Fund. If the action is brought by a district attorney, the entire amount of the penalty collected shall be paid to the treasurer of the county in which the judgment is entered. If the action is brought by the Attorney General and the Real Estate Commissioner is not a party plaintiff, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment is entered and one-half to the State General Fund.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1300 are both chaptered, that the provisions proposed to be added to the Business and Professions Code by this bill be given effect and incorporated in Section 11029.1 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 1300 are both enacted at the 1971 Regular Session of the Legislature and in which case Section 1 of this act shall not become operative.

---

## CHAPTER 1479

*An act to amend Section 1142 of, and to add Section 1127.1 to, the Education Code, relating to school elections.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 1127.1 is added to the Education Code, to read:

1127.1. Notwithstanding any provision of Section 1127, when a community college trustee ward boundary line falls upon an election precinct boundary line, and such election

precinct boundary line is changed pursuant to Chapter 1 (commencing with Section 1500) of Division 2 of the Elections Code, the governing board of the district shall, at least 90 days prior to any trustee election, change such ward boundary line to conform to precinct boundary lines, where possible.

SEC. 2. Section 1142 of the Education Code is amended to read:

1142. If the county clerk finds the petition, together with supplementary petitions, if any, sufficient he shall at once notify the school district governing board who shall call a special election to be held in the district within not less than 74 nor more than 89 days after the date of the call, to determine whether the voters will recall the governing board member. If a regular election for the election of members of the governing board of the district is to occur not less than 74 nor more than 89 days from the date of the call for the special election, the governing board may, in its discretion, order the holding of the special election at the time the regular election is held.

---

## CHAPTER 1480

*An act to amend Section 710 of the Code of Civil Procedure, relating to executions against creditors of a public agency.*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971.]

*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. 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 or such greater portion as is allowed by statute of the United States, of the earnings 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 or such greater portion as is allowed by statute of the United States, of the earnings of the debtor 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 Section 690.50 of this code and the court rendering the judgment shall be considered the levying officer for the purpose of that section.

(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 payments 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.

(h) (1) In the event the moneys owing to a judgment debtor by any governmental agency mentioned in this section are for wages or salary, the judgment creditor shall mail under a separate cover at the time of filing the affidavit with the governmental agency, in an envelope marked "Personal and Confidential", a copy of the affidavit and a Notice to Judgment Debtor as provided in paragraph (2) of this subdivision, addressed to the judgment debtor at his place of employment.

(2) The Notice to Judgment Debtor shall be in 10-point bold type, and in substantially the following form:

You may be entitled to file a claim exempting your salary or wages from execution. You may seek the advice of any attorney or may, within 10 days from the date your salary or wages were levied upon, deliver an affidavit to the court rendering the judgment to exempt such salary or wages, as provided in Section 690.50 of the Code of Civil Procedure.

---

## CHAPTER 1481

*An act to add Chapter 14 (commencing with Section 34500) to Division 22 of the Education Code, relating to education personnel.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. It is the intent of the Legislature that members of the faculty of the California State Colleges engaged in teacher education be permitted to periodically participate in classroom teaching in the public school without loss of compensation or other benefits and that classroom teachers be permitted to assist in teacher training at the California State Colleges without loss of compensation or other benefits.

SEC. 2. Chapter 14 (commencing with Section 34500) is added to Division 22 of the Education Code, to read:

### CHAPTER 14. EXCHANGE OF TEACHING PERSONNEL

34500. Notwithstanding any other provision of law, the Trustees of the California State Colleges and any school district may enter into an agreement for the exchange of personnel between a college and the district.

Nothing in this chapter shall be construed to limit the present authority of the parties, which exists by law, to participate in other agreements concerning the exchange, transfer, or temporary assignment of personnel.

34501. An agreement authorized by Section 34500 shall provide that an employee of the state college engaged in teacher training may assume the duties of one of the certificated employees of the district engaged in classroom teaching, and that the certificated employee of the district may assume the duties of the state college employee engaged in teacher training.

34502. The agreement may be entered into for a term of one semester, one school year, or such other reasonable duration as may be agreed upon by the trustees and the school district.

34503. During such time as an employee has assumed duties in another entity, pursuant to this chapter, he shall continue to be an employee of the state college, or school district, as the case may be, for all purposes, including, but not limited to, salary, membership in a retirement system, tenure rights, and all other incidents of employment.

## CHAPTER 1482

*An act to add Section 23428.17 to the Business and Professions Code, relating to alcoholic beverages.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 23428.17 is added to the Business and Professions Code, to read:

23428.17. For purposes of this article, "club" also means any department or local forum of the American GI Forum of the U.S. which owns or leases, operates and maintains a clubroom or rooms for its membership, and which has been in existence for not less than two years. Such a club, if issued a club license pursuant to Section 23430, may sell and serve alcoholic beverages for consumption within the licensed establishment only to bona fide members of the club and their bona fide guests.

## CHAPTER 1483

*An act making an appropriation to pay the claim of Refnes Construction Company against the State of California.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. The sum of five thousand dollars ($5,000) is hereby appropriated from the State Construction Program Fund to the Board of Control to pay the claim of Refnes Construction Company against the State of California.

## CHAPTER 1484

*An act to repeal Chapter 15 (commencing with Section 7475) of Division 6 of, and to add Chapter 15 (commencing with Section 7475) to Division 6 of, the Education Code, relating to year-around school operation.*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Chapter 15 (commencing with Section 7475) of Division 6 of the Education Code is repealed.

SEC. 2. Chapter 15 (commencing with Section 7475) is added to Division 6 of the Education Code, to read:

## CHAPTER 15. YEAR-AROUND SCHOOL OPERATION

### Article 1. General Provisions

7475. It is the intent and purpose of the Legislature in enacting this chapter to authorize the establishment of a five-year experimental program in the year-around school operation by two or more school districts selected by the Superintendent of Public Instruction. This five-year experimental program, though limited in scope, has an essential statewide general purpose in that it shall serve to provide the Legislature and the various state and local governmental agencies involved in administration of the public school system with information and experience concerning the problems involved in providing for year-around operation of public schools throughout the state, and the feasibility thereof. It will also provide valuable information concerning the public response which may be accorded such programs, and the efficacy of such programs in accelerating the completion of the course of instruction by the pupils.

The Legislature is especially concerned and aware of the mounting costs of acquisition and construction of school sites and facilities, and is, therefore, desirous of determining whether those fiscal burdens may be reduced by increased utilization of existing plants and facilities.

The Legislature is also interested in determining whether the replacement of the present system of lengthy summer vacations with shorter quarterly vacation periods will result in a diminution of the student's vacation "learning loss."

This chapter shall be liberally construed to permit the accomplishment of these ends and to facilitate the complete evaluation of the school operations to enable the Legislature to determine what administrative, social, and other problems are presented thereby, and whether the year-around school operation may feasibly be put into operation on a broader scale throughout the state.

### Article 2. Establishment and Maintenance of the Experimental Program

7480. The Superintendent of Public Instruction shall authorize a five-year experimental program in the year-around school operation by two or more school districts, selected by the Superintendent of Public Instruction. The program may be established either in one or more of the schools within each

of the selected districts or in all grade levels throughout the entire district, or both, as determined by the Superintendent of Public Instruction. The experimental programs shall commence during the 1972–73 school year, and terminate during the 1976–1977 school year.

The program shall be conducted pursuant to the provisions of this chapter, and the approval for participation in the program by the Superintendent of Public Instruction shall be based upon a program proposal and year-around operation budget submitted by the governing boards of the participating school districts.

7481. The Superintendent of Public Instruction shall adopt all rules and regulations prescribing necessary standards and making provision for all other matters necessary for the effective administration of this chapter.

7482. The Superintendent of Public Instruction, notwithstanding any provisions of law to the contrary, shall have the power to require the submission of such reports and information, and to take such other actions as are reasonably necessary, to effectuate the purposes of this chapter.

### Article 3. Elements of the Year-Around Program

7485. The year-around programs established pursuant to this chapter shall involve the conduct of school operations throughout a 12-month academic year. The academic year and academic quarters may be established without reference to the school year as defined in Section 5101. Regular schools and classes shall be conducted for a total of no fewer than 175 nor more than 200 days during the academic year.

7486. The provisions of Chapter 6 (commencing with Section 12101) of Division 9, and all other laws relating to compulsory full-time education and the enrollment and attendance of pupils in the kindergarten, elementary, and secondary grades shall be applicable with respect to the regular school-days prescribed for the entire academic year and for each academic quarter thereof established for the school at which a program pursuant to this chapter is conducted, and to the attendance area established for such school; subject to the power of the governing board to permit individual pupils to attend schools of the district maintained in other attendance areas. The governing board shall exempt from the year-around program any pupil whose parent or guardian requests such exemption.

7487. The courses of instruction offered at a school maintained pursuant to this chapter shall meet all applicable requirements of law, including the requirements prescribed by or pursuant to Chapter 3 (commencing with Section 8501) of Division 7 relating to physical education. For such purposes the instructional program shall be designed to provide at least the overall equivalent in instruction in each course of study

required by law to be provided in kindergarten and grades 1 to 12, inclusive, upon a pupil's completion of the work prescribed for any particular grade.

7488. The governing board of each selected school district shall prescribe a separate salary schedule for the certificated and classified employees of the district who are employed at a school maintained pursuant to this chapter, and who, because of such employment, will be engaged in rendering services for the district for a greater number of total days during the academic year than would be the case for a regular academic year.

### Article 4. Financial Support

7490. Each school district maintaining a continuous school program in any school within the district pursuant to this chapter shall be entitled to receive the same support, but not more support, from the State School Fund due to the average daily attendance at such school that it would have received if the school had been operating under the provisions of law relating to the regular school year, including summer school.

7491. The Superintendent of Public Instruction shall prescribe an appropriate procedure for the computation of allowances, apportionments, and disbursements from the State School Fund which are to be made to any school district maintaining a continuous school program pursuant to this chapter for any one or more of the purposes specified in Sections 17303 and 17303.5 for the average daily attendance at any school operating such a program.

7492. The allowances, disbursements, and apportionments under this article shall be made with respect to any school district maintaining a continuous school program pursuant to this chapter in accordance with the provisions of Chapter 2 (commencing with Section 17300) and Chapter 3 (commencing with Section 17601) of Division 14, to the extent possible.

7493. The Superintendent of Public Instruction may provide for the actual disbursement of the apportionments to the school district maintaining the continuous school program pursuant to this chapter at times other than as specified in Article 3 (commencing with Section 17401) of Chapter 2 of Division 14. In no event, however, shall the school district receive apportionments in a total amount in excess of the amount determined pursuant to this article.

---

## CHAPTER 1485

*An act relating to property taxation.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Property owned by a nonprofit corporation is exempt from property taxation for the 1970–1971 and 1971–1972 fiscal years if all of the following conditions are met:

(a) The property was exempt under the welfare exemption from property taxation for the 1968–1969 and 1969–1970 fiscal years; and

(b) The county assessor recommended that the property be granted the welfare exemption from property taxation for the 1970–1971 fiscal year but such exemption was denied by the State Board of Equalization; and

(c) The property would have been eligible for the public school exemption from property taxation in the 1970–1971 and 1971–1972 fiscal years except for the fact that the property was leased on a part-time basis to local government jurisdictions; and

(d) The property will be eligible for the public school exemption for the 1972–1973 fiscal year, as certified by the county assessor.

---

## CHAPTER 1486

*An act to amend Section 3200 of, and to add Section 3154 to, the Welfare and Institutions Code, relating to narcotics addicts.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 3154 is added to the Welfare and Institutions Code, to read:

3154. A person released in an outpatient status from the California Rehabilitation Center may, with the approval of the Department of Corrections and the Narcotic Addict Evaluation Authority, participate in a methadone maintenance project approved under Sections 11655.6 and 11655.7 of the Health and Safety Code.

Participation in a methadone maintenance project shall not be construed to break the abstention from the use of narcotics for the purpose of Section 3200.

SEC. 2. Section 3200 of the Welfare and Institutions Code is amended to read:

3200. If at any time the Director of Corrections is of the opinion that a person committed pursuant to Article 3 of this chapter while in outpatient status has abstained from the use of narcotics for at least two consecutive years and has otherwise complied with the conditions of his release, or that an outpatient from the California Rehabilitation Center participating in a methadone program pursuant to Section 3154 has

abstained from the use of narcotics for at least three consecutive years while on such program and has otherwise complied with the conditions of his release, he shall recommend to the Narcotic Addict Evaluation Authority that such person be discharged from the program. If the authority concurs in the opinion of the director, it shall discharge such person from the program.

If at any time the director is of the opinion that a person committed pursuant to Article 2 of this chapter while in outpatient status has abstained from the use of narcotics for at least two consecutive years and has otherwise complied with the conditions of his release, or that an outpatient from the California Rehabilitation Center participating in a methadone program pursuant to Section 3154 has abstained from the use of narcotics for at least three consecutive years while on such program and has otherwise complied with the conditions of his release, he shall so advise the Narcotic Addict Evaluation Authority. If the authority concurs in the opinion of the director it may file with the superior court of the county in which the person was committed a certificate alleging such facts and recommending to the court the discharge of the person from the program. The authority shall serve a copy of such certificate upon the district attorney of the county. Upon the filing of such certificate, the court shall discharge the person from the program and may dismiss the criminal charges of which such person was convicted. Where such person was certified to the superior court from a municipal or justice court, the person shall be returned to such court, which may dismiss the original charges. In any case where the criminal charges are not dismissed and the person is sentenced thereon, time served while under commitment pursuant to Article 2 of this chapter shall be credited on such sentence. Such dismissal shall have the same force and effect as a dismissal under Section 1203.4 of the Penal Code, except the conviction is a prior conviction for purposes of Division 10 of the Health and Safety Code.

---

## CHAPTER 1487

*An act to amend Section 13355 of the Vehicle Code, relating to driver's license revocations.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle while under the influence of intoxicating liquor, or while a habitual user of or while under the influence of narcotic drugs in violation of the provisions of Section 23105.

(3) 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.

(4) 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.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court shall immediately report such findings to the department.

SEC. 2. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle while under the influence of intoxicating liquor, or while a habitual user of or while under the influence of narcotic drugs in violation of the provisions of Section 23105.

(3) 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.

(4) 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.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle

as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 3. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle while under the influence of intoxicating liquor, or in violation of the provisions of Section 23105.

(3) 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.

(4) 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.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court shall immediately report such findings to the department.

SEC. 4. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle while a habitual user of or while under the influence of narcotic drugs in violation of the provisions of Section 23105.

(3) 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.

(4) 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 com-

bination of two or more of any such offenses within a like period.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 5. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle while under the influence of intoxicating liquor, or in violation of the provisions of Section 23105.

(3) 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.

(4) 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.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 6. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle while a habitual user of or while under the influence of narcotic drugs in violation of the provisions of Section 23105.

(3) 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.

(4) 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.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 7. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle in violation of the provisions of Section 23105.

(3) 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.

(4) 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.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 8. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle in violation of the provisions of Section 23105.

(3) 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.

(4) 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.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 9. It is the intent of the Legislature that if this bill and Assembly Bill No. 861, Assembly Bill No. 1069, or Assembly Bill No. 1953, or any combination thereof, are chaptered and amend Section 13355 of the Vehicle Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 861 are both chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 1069 and Assembly Bill No. 1953 are not chaptered or as chaptered do not amend that section, and this bill is chaptered after Assembly Bill No. 861, the amendments proposed by both bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 2 of this act. Therefore, if Assembly Bill No. 861 is chaptered before this bill and both bills amend Section 13355 and Assembly Bill No. 1069 and Assembly Bill No. 1953 are not chaptered or as chaptered do not amend that section, Section 2 of this act shall be operative and Section 1 and Sections 3 to 8, inclusive, of this act shall not become operative.

(b) If this bill and Assembly Bill No. 1069 are both chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 861 and Assembly Bill No. 1953 are not chaptered or as chaptered do not amend that section, and this bill is chaptered after Assembly Bill No. 1069, the amend-

ments proposed by both bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 3 of this act. Therefore, if Assembly Bill No. 1069 is chaptered before this bill and both bills amend Section 13355, and Assembly Bill No. 861 and Assembly Bill No. 1953 are not chaptered or as chaptered do not amend that section, Section 3 shall be operative and Sections 1 and 2 and Sections 4 to 8, inclusive, of this act shall not become operative.

(c) If this bill and Assembly Bill No. 1953 are both chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 861 and Assembly Bill No. 1069 are not chaptered or as chaptered do not amend that section, and this bill is chaptered after Assembly Bill No. 1953, the amendments proposed by both bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 4 of this act. Therefore, if Assembly Bill No. 1953 is chaptered before this bill and both bills amend Section 13355, and Assembly Bill No. 861 and Assembly Bill No. 1069 are not chaptered or as chaptered do not amend that section, Section 4 of this act shall be operative and Sections 1 to 3, inclusive, and Sections 5 to 8, inclusive, of this act shall not become operative.

(d) If this bill and Assembly Bill No. 861 and Assembly Bill No. 1069 are all chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 1953 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 861 and Assembly Bill No. 1069, the amendments proposed by all three bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 5 of this act. Therefore, if Assembly Bill No. 861 and Assembly Bill No. 1069 are chaptered before this bill and all three bills amend Section 13355, and Assembly Bill No. 1953 is not chaptered or as chaptered does not amend that section, Section 5 shall be operative and Sections 1 to 4, inclusive, and Sections 6 to 8, inclusive, of this act shall not become operative.

(e) If this bill and Assembly Bill No. 861 and Assembly Bill No. 1953 are all chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 1069 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 861 and Assembly Bill No. 1953, the amendments proposed by all three bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 6 of this act. Therefore, if Assembly Bill No. 861 and Assembly Bill No. 1953 are chaptered before this bill and all three bills amend Section 13355 and Assembly Bill No. 1069 is not chaptered or as chaptered does not amend that section, Section 6 of this act shall be operative and Sections 1 to 5, inclusive, and Sections 7 and 8 of this act shall not become operative.

(f) If this bill and Assembly Bill No. 1069 and Assembly Bill No. 1953 are all chaptered and amend Section 13355 of

the Vehicle Code, but Assembly Bill No. 861 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 1069 and Assembly Bill No. 1953, the amendments proposed by all three bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 7 of this act. Therefore, if Assembly Bill No. 1069 and Assembly Bill No. 1953 are chaptered before this bill and all three bills amend Section 13355, and Assembly Bill No. 861 is not chaptered or as chaptered does not amend that section, Section 7 shall be operative and Sections 1 to 6, inclusive, and Section 8 of this act shall not become operative.

(g) If this bill and Assembly Bill No. 861, Assembly Bill No. 1069, and Assembly Bill No. 1953 are all chaptered, and all four bills amend Section 13355 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 861, Assembly Bill No. 1069, and Assembly Bill No. 1953, the amendments proposed by all four bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 8 of this act. Therefore, if Assembly Bill No. 861, Assembly Bill No. 1069, and Assembly Bill No. 1953 are all chaptered before this bill and all four bills amend Section 13355 of the Vehicle Code, Section 8 of this act shall be operative and Sections 1 to 7, inclusive, of this act shall not become operative.

---

## CHAPTER 1488

*An act to amend Sections 4000.1 and 24007 of the Vehicle Code, relating to vehicles.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 4000.1 of the Vehicle Code is amended to read:

4000.1. (a) The department shall require upon initial registration and 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.

Effective February 1, 1973, with respect to new vehicles having a gross vehicle weight of 6,001 pounds or less, the department shall accept a statement completed pursuant to subdivi-

sion (b) of Section 24007 in lieu of the certificate of compliance.

The provisions of this section shall not apply to a transfer of ownership and registration between husband and wife or between companies whose principal business is leasing vehicles, if there is no change in the lessee or operator of the vehicle.

(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 39123 of the Health and Safety Code, except as provided therein.

SEC. 2. Section 24007 of the Vehicle Code is amended to read:

24007. (a) No dealer or person holding a retail seller's permit shall sell a new or used motor vehicle which is not in compliance with the provisions of this code and department regulations adopted pursuant to this code unless the vehicle is sold to another dealer or for the purpose of being wrecked or dismantled or is sold exclusively for off-highway use.

(b) No dealer shall sell a new or used motor vehicle subject to the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code which is not in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code and the rules and regulations of the State Air Resources Board, unless the vehicle is sold to another dealer or for the purpose of being wrecked or dismantled. The dealer shall, with each application for initial registration of a new motor vehicle or transfer of registration of a motor vehicle subject to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, transmit to the Department of Motor Vehicles, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a certified device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

Effective February 1, 1973, with respect to new vehicles having a gross vehicle weight of 6,001 pounds or less, the dealer may transmit, in lieu of such certificate of compliance, a statement, in the form approved by the commissioner, signed by the dealer indicating that the dealer has made no carburetor or ignition adjustment or other alteration or modification of the vehicle's exhaust emission control device or system.

SEC. 3. Section 4000.1 of the Vehicle Code is amended to read:

4000.1. (a) The department shall require, pursuant to law or regulation of the State Air Resources Board adopted pursuant to Section 39176.1 of the Health and Safety Code, upon initial registration, and 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.

Effective February 1, 1973, with respect to new vehicles having a gross vehicle weight of 6,001 pounds or less, the department shall accept a statement completed pursuant to subdivision (b) of Section 24007 in lieu of the certificate of compliance.

The provisions of this section shall not apply to a transfer of ownership and registration between husband and wife or between companies whose principal business is leasing vehicles, if there is no change in the lessee or operator of the vehicle.

(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. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 1591 are both chaptered and amend Section 4000.1 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 1591, that the amendments to Section 4000.1 proposed by both bills be given effect and incorporated in Section 4000.1 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 1591 are both chaptered, both amend Section 4000.1, and Assembly Bill No. 1591 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

---

## CHAPTER 1489

*An act to amend Section 9102.5 of, and to add Section 9266.5 to, the Vehicle Code, relating to vehicle registration and licenses.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 9102.5 of the Vehicle Code is amended to read:

9102.5. (a) In lieu of all other fees which are specified in this code, except fees for duplicate plates, certificates, or cards, a fee of ten dollars ($10) shall be paid for the registration and licensing of any privately owned schoolbus, as defined in Section 545 of this code, which is operated in accordance with the rules and regulations of the Department of Education exclusively in transporting school pupils, or school pupils and employees, of any public school or private nonprofit educational organization pursuant to a contract between a public school district or nonprofit educational organization and the owner or operator of the schoolbus.

This section shall not, however, be applicable to any schoolbus which is operated pursuant to any contract which requires the public school district or nonprofit educational organization to pay any amount representing the costs of registration and weight fees unless and until the contract is amended to require only the payment of an amount representing the fee required by this section.

(b) When a schoolbus under contract and registered pursuant to subdivision (a) of this section is temporarily operated in such a manner that it becomes subject to full registration fees specified in this code, the owner may, as an alternative to such full registration, secure a temporary permit to operate the vehicle in this state for any three consecutive calendar months. Such permit shall be posted upon the windshield or other prominent place upon the vehicle, and shall identify the vehicle to which it is affixed. When so affixed, such permit shall serve as indicia of full registration for the period designated thereon. Upon payment of the fees specified in Section 9266.5, the department may issue a temporary permit under this section.

SEC. 2. Section 9266.5 is added to the Vehicle Code, to read:

9266.5. The fee for a temporary permit issued under subdivision (b) of Section 9102.5 is one-quarter of the annual fees in Division 3 (commencing with Section 4000) of this code and Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code, for each three-month period that the vehicle is to be operated in this state. There shall be no proration of fees for any fraction of a three-month period.

---

## CHAPTER 1490

*An act to amend Section 3209.5 of the Labor Code, and to amend Section 10176 of, and to add Sections 10176.2 and 10176.3 to, the Insurance Code, relating to physical therapy.*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971.]

*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, physical therapy, 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, 2630, 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 10176.2 is added to the Insurance Code, to read:

10176.2. As an alternative to total exclusion of physical therapy services, as permitted by Section 10176, a disability insurance policy may provide that physical therapy services will be paid only if rendered pursuant to a method of treatment prescribed by a person holding a certificate issued pursuant to subdivision (a) of Section 2135 of the Business and Professions Code.

SEC. 3. Section 10176.3 is added to the Insurance Code, to read:

10176.3. The amendments to Section 10176 and the addition of Section 10176.2 enacted at the 1971 Regular Session of the Legislature shall be applicable only to those policies issued or amended on or after the effective date of such amendments and addition.

SEC. 4. Section 3209.5 of the Labor Code is amended to read:

3209.5. Medical, surgical, and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches, and apparatus, includes but is not limited to services and supplies by physical therapists and osteopathic and chiropractic practitioners as licensed by California state law and within the scope of their practice as defined by law.

---

## CHAPTER 1491

*An act to amend Section 9554 of the Vehicle Code, relating to Vehicle Code penalties.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 9554 of the Vehicle Code is amended to read:

9554. (a) The penalty shall be equal to the fee after the same has been computed as provided in Sections 9406 and 9559 and shall be collected therewith, except that the penalty for delinquency in respect to any transfer shall be three dollars ($3), and shall apply only to the last transfer.

(b) If the fee due and delinquent and the amount of penalty prescribed by this subdivision is paid within 30 days of the date the penalty becomes due, the amount of the penalty on such fee or portion thereof due under Sections 9250, 9252, 9253, and 9400 shall be reduced to 10 percent of the total amount of such fee, but in no event less than one dollar ($1) as is provided for in Section 9559.

---

## CHAPTER 1492

*An act to add Chapter 3 (commencing with Section 1797) to Title 1.7 of Part 4 of Division 3 of the Civil Code, relating to mobilehome warranties.*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971 ]

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

SECTION 1. Chapter 3 (commencing with Section 1797) is added to Title 1.7 of Part 4 of Division 3 of the Civil Code, to read:

### CHAPTER 3. MOBILEHOME WARRANTIES

1797. After the effective date of this chapter all new mobilehomes sold by a dealer licensed by the Department of Motor Vehicles to a buyer shall be covered by the warranty set forth in this chapter.

1797.1. As used in this chapter, "mobilehome" means a vehicle designed and equipped for human habitation and which may be drawn by a motor vehicle only under a permit issued pursuant to Section 35790 of the Vehicle Code and shall include in addition to the structure thereof the plumbing, heating and electrical systems and all appliances and other equipment installed or included therein by the manufacturer or dealer.

1797.2. The warranty provided for in this chapter shall apply to the manufacturer of the mobilehome as well as to the dealer who sells the mobilehome to the buyer.

1797.3. The mobilehome warranty from the manufacturer or dealer to the buyer shall be set forth in writing and shall contain the following terms:

(a) That the mobilehome is free from any substantial defects in materials or workmanship.

(b) That the manufacturer or dealer or both shall take appropriate corrective action at the site of the mobilehome in instances of substantial defects in materials or workmanship which become evident within one year from the date of delivery of the mobilehome to the buyer, provided the buyer or his transferee gives written notice of such defects to the manufacturer or dealer at their business address not later than 1 year and 10 days after date of delivery.

1797.4. The warranty under this chapter shall be in addition to and not in derogation of all other rights and privileges which such buyer may have under any other law or instrument. The manufacturer or dealer shall not require the buyer to waive his rights under this chapter and any such waiver shall be deemed contrary to public policy and shall be unenforceable and void.

---

## CHAPTER 1493

*An act to amend Section 56080 of the Government Code, relating to District Reorganization Act of 1965.*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971 ]

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

SECTION 1. Section 56080 of the Government Code is amended to read:

56080. Notice authorized or required to be given by publication, posting or mailing shall be given by the clerk or executive officer and shall contain all matters required by any particular provision of this division. If any ordinance, resolution or order of any legislative body or the commission gives notice and contains all matters required to be contained in any notice, the clerk or executive officer may cause a copy of such ordinance, resolution or order to be published, posted or mailed, in which case no other notice need be given by the clerk or executive officer. For purposes of such notice, it shall be sufficient if the affected territory is described in terms of its general location or situs, such description to be accompanied by a map of the affected territory, with reference for particulars to a detailed legal description or map on file in the office of the clerk or body giving such notice.

---

## CHAPTER 1494

*An act to add Article 4.5 (commencing with Section 2655) to Chapter 5.7 of Division 2 of, and Section 2660.5 to, the Business and Professions Code, relating to physical therapy.*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Article 4.5 (commencing with Section 2655) is added to Chapter 5.7 of Division 2 of the Business and Professions Code, to read:

Article 4.5. Physical Therapist Assistant

2655. As used in this article:

(a) "Physical therapist" means a registered physical therapist licensed by the Board of Medical Examiners.

(b) "Physical therapist assistant" means a person who meets the qualifications stated in Section 2655.3 and who is approved by the examining committee to assist in the provision of physical therapy under the supervision of a physical therapist or physical therapists approved by the examining committee to supervise such physical therapist assistant or physical therapist assistants.

(c) "Physical therapist assistant" and "physical therapy assistant" shall be deemed identical and interchangeable.

2655.1. The examining committee shall formulate guidelines for the consideration of applications by a physical therapist or physical therapists to supervise a physical therapist assistant or physical therapist assistants. Each application made by a physical therapist or physical therapists to the examining committee shall include all of the following:

(a) The professional background of the physical therapist or physical therapists.

(b) A description by the physical therapist of his practice, or physical therapists of their practice, and the way in which the physical therapist assistant or assistants are to be utilized.

2655.2. The examining committee shall approve an application by a physical therapist or physical therapists where the examining committee finds that the application meets the guidelines formulated pursuant to Section 2655.1.

The examining committee shall not approve an application by any physical therapist or physical therapists to supervise more physical therapist assistants at any one time than in their opinion can be adequately supervised. Two physical therapist assistants shall ordinarily be considered the maximum number of physical therapist assistants that may be supervised by a physical therapist, but the examining committee may permit the supervision of a greater number by a physical therapist if, in the opinion of the examining committee, there would be adequate supervision and the public's health and safety would be served. In no case, however, shall the total number of physical therapist assistants exceed twice the number of physical therapists regularly employed by a facility.

2655.3. A person seeking approval as a physical therapist assistant shall make application to the examining committee for such approval. Every person applying for approval as a

physical therapist assistant shall have all of the following qualifications:

(a) Have graduated from a school for physical therapist assistants approved by the board or have training or experience or a combination of training and experience which in the opinion of the examining committee is equivalent to that obtained in an approved school.

(b) Successfully pass the examination given under this article.

(c) Be of good moral character, and not be addicted to the intemperate use of alcohol or any narcotic drug.

2655.4. The examination for approval as a physical therapist assistant shall be given under the direction of the examining committee. Such examination shall be in writing and shall be conducted by such persons and in such manner and under such rules and regulations as shall be prescribed by the examining committee, but shall be so conducted that the identity of each applicant taking an examination will be unknown to all of the examiners until all of the papers have been graded.

2655.5. Every applicant for approval as a physical therapist assistant who is otherwise qualified as provided in this article and who receives an average grade of 75 percent shall be approved as a physical therapist assistant.

2655.6. Any applicant for approval as a physical therapist assistant who fails to pass the examination given by the examining committee may take another examination and shall pay an additional fee equal to the fee required for filing the original application.

2655.7. Notwithstanding the provisions of Section 2630, a physical therapist assistant may assist in the provision of physical therapy service provided such assistance is rendered under the supervision of a physical therapist approved by the examining committee.

2655.75. Every graduate of an approved physical therapist assistant school who has filed an application for approval as a physical therapist assistant may, between the date of filing and the publication of the results of the next succeeding examination, assist in the provision of physical therapy under the direct and immediate supervision of a physical therapist.

If a person assisting in the provision of physical therapy pursuant to this section fails to pass the examination, he shall no longer be authorized to perform the functions authorized by this section.

2655.8. Any person, other than one who has been approved by the examining committee, who holds himself out as a "physical therapist assistant" or who uses any other term indicating or implying that he is a physical therapist assistant, is guilty of a misdemeanor.

2655.9. The board shall approve each school for physical therapist assistants that proves to the satisfaction of the board

that it complies with criteria for approval of schools for physical therapist assistants established by the board. These criteria may be based upon the standards and curriculum guidelines for a school for physical therapist assistants as promulgated by the American Physical Therapy Association or an essentially equivalent organization.

2655.10. The amount of the fees to be paid in connection with this article is as follows:

(a) A fee to be set by the board of not more than fifty dollars ($50) shall be charged for each application for approval as a physical therapist assistant and such approval which may be granted.

(b) A fee to be set by the board of not more than fifty dollars ($50) shall be charged for renewal of each such approval as a physical therapist assistant.

(c) A fee to be set by the board of not more than fifty dollars ($50) shall be charged for each application for approval to supervise a physical therapist assistant or physical therapist assistants and for any such approval which may be granted.

(d) The examining committee shall renew approval to supervise a physical therapist assistant or physical therapist assistants upon application for such renewal provided the physical therapist submits evidence that his practice or the physical therapists submit evidence that their practice and the way in which the physical therapist assistant or assistants are being utilized would have led to approval as an initial application under Section 2655.1. A fee to be set by the board of not more than fifty dollars ($50) shall be paid for such renewal.

2655.11. The examining committee may adopt such regulations as are reasonably necessary to carry out the purposes of this article. The examining committee shall adopt a regulation formulating a definition of the term "adequate supervision" as used in this article.

2655.12. Approvals granted pursuant to this article shall expire and become invalid at 12 midnight on February 28, 1974, if not renewed. Thereafter all approvals shall expire and become invalid at 12 midnight on the last day of February of each even-numbered year if not renewed.

To renew an unexpired approval, the physical therapist assistant or the physical therapist or physical therapists as the case may be, shall, on or before the date on which it would otherwise expire, apply for renewal on a form prescribed by the committee, and pay the prescribed renewal fee, if any.

SEC. 2. Section 2660.5 is added to the Business and Professions Code, to read:

2660.5. The use, supervision, or employment by a registered physical therapist licensed by the Board of Medical Examiners of a physical therapist assistant as defined in Section 2655, without the approval of the examining committee, constitutes grounds for disciplinary action within the meaning of Section 2660.

## CHAPTER 1495

*An act to add Section 23609 to the Education Code, relating to the California State Colleges.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 23609 is added to the Education Code, to read:

23609. The trustees may establish facilities for training deaf persons at the California State College which the trustees shall designate for such purpose. The trustees shall:

(a) Request the Department of Rehabilitation to refer deaf students to the designated state college.

(b) Recognize the designated state college as a professional center for training deaf persons and take all action necessary to facilitate the receipt by such state college of state and federal funds.

SEC. 2. The Legislature does not intend by the enactment of Section 23609 of the Education Code to affect any other programs for the training of teachers for the deaf, nor does the Legislature intend to affect any other institution maintaining programs related to the deaf or hearing impaired. The Legislature intends that facilities be provided for qualified hearing impaired students who would otherwise lack higher education opportunity in this state.

---

## CHAPTER 1496

*An act to amend Section 15518 of, and to add Section 15516.5 to, the Education Code, relating to school buildings.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 15516.5 is added to the Education Code, to read:

15516.5. Notwithstanding any other provision of this article or Article 9 (commencing with Section 19700.51) of Chapter 10 of Division 14, whenever a school district does not have funds available to repair, reconstruct, or replace the school buildings referred to in this article, the school district shall apply for such funds as may be necessary to accomplish such repair, reconstruction, or replacement pursuant to the provisions of Article 9. The school district shall also accept such funds as are disbursed to the district pursuant to Article 9, whether or not the funds constitute the maximum amount

applied for, and shall repay such funds in accordance with the provisions of Article 9. In cases in which funds derived from a tax increase levied pursuant to Section 15518 are utilized to match amounts disbursed to a school district under an apportionment made pursuant to Article 9 (commencing with Section 19700.51) of Chapter 10 of Division 14, such disbursement and repayment may be made without the necessity of a vote of the electorate of the district as prescribed in any provision of Chapter 1C (commencing with Section 19551) of Division 14.

SEC. 2. 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 funds provided by such increase in the tax rate may be used to provide for the housing of pupils temporarily displaced by the repair, reconstruction, or replacement of school buildings required in order to meet earthquake safety standards.

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, unless additional funds are specifically required by the district to match state funds provided pursuant to Article 9 (commencing with Section 19700.51) of Chapter 10, Division 14. If such additional funds are required by the district, the maximum increase in tax rate provided by this section may be increased by not to exceed an additional ten cents ($0.10) for each one hundred dollars ($100) of assessed valuation of property within the district in each fiscal year such additional funds are required pursuant to Article 9. In no event shall any portion of the additional increased ten cent ($0.10) tax rate authorization contained herein be levied unless the district has first budgeted, for the purposes expressed in the first two paragraphs of this section, 80 percent of the proceeds of the original ten cent ($0.10) tax increase authorized by this section.

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 1497

*An act to add Section 38257.1 to, and to repeal Section 38259 of, the Health and Safety Code, and to repeal Sections 7510, 7511, and 7512 of the Welfare and Institutions Code, relating to mental retardation.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 38257.1 is added to the Health and Safety Code, to read:

38257.1. On and after the effective date of this section, parents of children under the age of 18 who are patients in a state hospital or on leave from a state hospital, and who were admitted to the state hospital prior to July 1, 1971, may be required to contribute to the cost of services depending upon their ability to pay, but not to exceed the cost of caring for a normal child at home, as determined by the secretary. Parental contributions shall be made only to the regional center from which the child would have been referred had he been admitted to the state hospital after July 1, 1971, and the method of determination of the amount of the contribution shall be the same as that provided in Section 38257.

SEC. 2. Section 38259 of the Health and Safety Code is repealed.

SEC. 3. Section 7510 of the Welfare and Institutions Code is repealed.

SEC. 4. Section 7511 of the Welfare and Institutions Code is repealed.

SEC. 5. Section 7512 of the Welfare and Institutions Code is repealed.

# CHAPTER 1498

*An act to amend Sections 2011, 2145.5, 2147.5, 2192, 2193, 2193.5, 2288, and 2319 of, and to add Sections 2124.5 and 2192.8 to, the Business and Professions Code, relating to the State Medical Practice Act, and making an appropriation therefor.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 2011 of the Business and Professions Code is amended to read:

2011. Whenever a course of instruction is required for any certificate, it shall be satisfied by a resident course of instruction. Whenever a resident course of instruction is mentioned in this chapter, the same shall be interpreted to mean classroom, laboratory, practical and clinical instruction, received and given the person physically present wherever prescribed as a part of his instruction and for the period prescribed for such instruction.

SEC. 1.5. Section 2124.5 is added to the Business and Professions Code, to read:

2124.5. The board, subject to the State Civil Service Act, may employ investigators to evaluate the curricula of medical schools. Such persons shall meet such reasonable standards of experience and education, to be determined by the board, as will enable them to competently perform such duties.

SEC. 2. Section 2145.5 of the Business and Professions Code is amended to read:

2145.5. When clearly outstanding physicians who are leaders in important fields in medicine and surgery and who are graduates of medical schools other than those of the United States or Canada are greatly needed to fill important full-time faculty positions in approved California medical schools for the teaching of medical students who are candidates for the degree "doctor of medicine," and if such physician has been offered by the dean of the medical school a full-time faculty appointment, the Board of Medical Examiners may review the credentials of such physician and may decide whether to require such physician to pass an oral or a written examination, and may grant a certificate of registration to engage in the practice of medicine only to the extent that such practice is incident to and a necessary part of his duties at a major teaching hospital. Such appointment shall extend for a period of not more than five years and shall be renewable at the discretion of the board and during which period he shall not otherwise hold himself out as a physician and surgeon in this state.

SEC. 3. 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 or surgery in this state, or as an intern or postdoctoral fellow or its educational equivalent in a general hospital otherwise approved for the first year of postgraduate training in medicine or surgery or pediatrics or obstetrics and gynecology or family practice, 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.

SEC. 4. Section 2192 of the Business and Professions Code is amended to read:

2192. Each applicant shall show by evidence satisfactory to the board that he has successfully completed a medical curriculum extending over a period of at least four academic years

in a school or schools located in the United States or Canada, approved by the board, and total number of hours of all courses shall consist of a minimum of 4,000 hours. The curriculum for all applicants who matriculate before September 1, 1965, shall provide for adequate instruction in the following:

- Anatomy
  - Embryology
  - Histology
  - Neuroanatomy
- Physiology
- Psychobiology
- Biochemistry
- Medicine
  - Pediatrics
  - Psychiatry
  - Neurology
  - Dermatology
  - Physical medicine
  - Therapeutics
  - Tropical medicine
- Surgery, including orthopedic surgery
- Pathology, bacteriology and immunology
- Pharmacology
- Preventive medicine
  - Hygiene and sanitation
- Urology
- Ophthalmology
- Radiology
- Anesthesia
- Otolaryngology
- Obstetrics and gynecology

The curriculum for all applicants who matriculate on or after September 1, 1965, shall provide for adequate instruction in the following:

- Anatomy
  - Embryology
  - Histology
  - Neuroanatomy
- Physiology
- Biochemistry
- Pathology, bacteriology and immunology
- Pharmacology
- Preventive medicine
- Radiology, including radiation safety
- Medicine
  - Pediatrics
  - Psychiatry
  - Neurology
  - Dermatology
  - Physical medicine
  - Therapeutics
  - Tropical medicine
- Surgery, including orthopedic surgery
- Urology
- Ophthalmology
- Anesthesia
- Otolaryngology
- Obstetrics and gynecology

Before a physician's and surgeon's license may be issued each applicant must show by evidence satisfactory to the board that he has completed a year's service satisfactory to the board in a hospital approved by the board for the training of interns. At the discretion of the board the written examination provided for in Section 2288 may be taken following completion

of his medical course and prior to the granting of a degree by the school; provided, that a certificate shall not be issued to any applicant until satisfactory evidence is filed with the board that a degree has been issued to him by the school.

SEC. 5. Section 2192.8 is added to the Business and Professions Code, to read:

2192.8. Notwithstanding the provisions of Sections 2191 and 2192, the board may approve applications from those graduates of approved medical schools if the applicant presents evidence satisfactory to the board that he has completed all of the requirements for application under a section of this chapter and, in addition, has met all of the following requirements:

(a) He has matriculated subsequent to June 30, 1963, in a medical school located in the United States or Canada approved by the board.

(b) He has successfully completed at least a six-year resident course of college grade to include preliminary and professional medical educational requirements. Subjects in the area of physical, chemical, and biological sciences shall have been included in such resident course of instruction before commencing the study of primarily clinical subjects.

(c) He has successfully completed a medical curriculum, approved by the board, extending over a period of at least 33 academic months. The curriculum provided for in this section shall include those subjects specified in Section 2192 and shall consist of a minimum of 4,000 hours.

(d) Before a physician's and surgeon's license may be issued each applicant shall show by evidence satisfactory to the board that he has completed a year's service satisfactory to the board in a hospital approved by the board for the training of interns.

At the discretion of the board, the written examination provided for in Section 2288 may be taken following completion of his medical course and prior to the granting of a degree by the school, provided, that a certificate shall not be issued to any applicant until satisfactory evidence is filed with the board that a degree has been issued him by the school.

Nothing contained in this section shall prohibit the board from disapproving any special medical curriculum nor from denying the application if, in the opinion of the board, the instruction received by the applicant is not equivalent to that required in this article for a physician and surgeon applicant.

SEC. 6. 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 Sections 2191 and 2192 for a physician and surgeon applicant, and including at least 4,000 hours of professional instruction.

(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 postgraduate training, one year of which must be in a hospital in this state and one year of which shall be in a service satisfactory to the board in a hospital approved by the board for the training of interns, or be a diplomate of any of the American specialty boards approved by the American Medical Association, provided that such specialty training was acquired in the United States or Canada. 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 the postgraduate training required by this section in a hospital in this state, and must also pass an oral and clinical examination at the satisfactory completion of the postgraduate training required by this section. When the two-year service specified in this paragraph is not required for an applicant under this section who is a diplomate of any of the American specialty boards approved by the American Medical Association, the applicant shall pass the written examination as provided under Article 10 (commencing with Section 2280) of this chapter, and shall also pass an oral and clinical examination before a certificate may be issued.

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.

SEC. 7. Section 2193.5 of the Business and Professions Code is amended to read:

2193.5. An applicant who at the time of his application is (1) a person who has filed the declaration of intention to become a citizen of the United States, or a petition for naturalization, or comparable document prescribed by federal law, if he has been engaged in the practice of medicine in the United States for at least five years at a hospital or hospitals approved by the board for postgraduate training or if he is a diplomate

of any of the American specialty boards approved by the American Medical Association, provided that such specialty training was acquired in the United States or Canada, or is (2) a citizen of the United States, and whose application is based on a diploma issued to him by a foreign medical school, except a Canadian school, shall furnish documentary evidence, satisfactory to the board that:

(a) He has completed in a medical school or schools a resident course of professional instruction equivalent to that required in Sections 2191 and 2192 for a physician and surgeon applicant.

(b) Subsequent thereto, he has had issued to him by such medical school, a medical diploma, as evidence of the completion of the course of medical instruction required in this chapter.

Applicants under this section must serve at least one year in a service satisfactory to the board in a hospital approved by the board for the training of interns located in the United States. 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 the postgraduate training required by this section in a hospital located in this state or at any time after the satisfactory completion of the postgraduate training required by this section in an approved hospital located in another state, and must also pass an oral and clinical examination at the satisfactory completion of the postgraduate training required by this section.

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.

SEC. 8. Section 2288 of the Business and Professions Code is amended to read:

2288. Applicants for a physician's and surgeon's certificate under Article 5, who matriculate before September 1, 1965, shall pass an examination in the following subjects:

(a) Anatomy—gross, microscopic, and surgical.
(b) Physiology.
(c) Bacteriology and pathology.
(d) Biochemistry.
(e) Obstetrics and gynecology.
(f) General medicine, and therapeutics.
(g) General surgery, and the therapeutics of surgery.
(h) Public health and preventive medicine.
(i) Pediatrics.

Applicants for a physician's and surgeon's certificate under Article 5, who matriculate on or after September 1, 1965, shall pass an examination in the following subjects:

(a) Anatomy.
(b) Physiology.
(c) Pathology and microbiology.
(d) Biochemistry.
(e) Pharmacology.
(f) Medicine and psychiatry.
(g) Surgery.
(h) Public health and preventive medicine, including radiation safety.
(i) Pediatrics.
(j) Obstetrics and gynecology.

Such applicants shall also pass an examination designed to test their clinical competence.

SEC. 9. Section 2319 of the Business and Professions Code is amended to read:

2319. An applicant for a reciprocity certificate need not have completed his year's service prior to the issuance to him of a license in the other state; provided, however, that a one year's service satisfactory to the board in a hospital approved by the board for the training of interns shall have been completed by the applicant before application to the board for a reciprocity certificate.

SEC. 10. The sum of one hundred twenty-five thousand dollars ($125,000) is hereby appropriated from the contingent fund of the Board of Medical Examiners for use during the 1971–72 fiscal year in paying the salaries of the investigators employed pursuant to Section 2124.5 of the Business and Professions Code.

---

## CHAPTER 1499

*An act to amend Section 336 of, and to add Section 341 to, the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), and to amend Section 9 of, and to add Section 9.1 to, the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water agencies.*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 336 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) 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, other than funds derived from ad valorem property taxes, 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. 2. Section 341 is added to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), to read:

Sec. 341. Wherever, under any provision of law, state, county, or other public agency reimbursement is made for lost tax revenue to taxing authorities by reason of any property tax exemption, or treatment or assessment of certain property in a manner different from that regularly done by a county for property generally, the loss of tax revenue to the district by reason of public agencies within the district paying out of their funds, other than funds derived from ad valorem property taxes, all or a stated percentage of the taxes levied by the district shall be reimbursed by the state, county, or other public agency to the district in the same manner as provided by law for other taxing authorities and to the same extent as if all of the taxes of the district had been carried on the county assessment roll. In the case of reimbursement for lost revenue due to reduction of property taxes on business inventories, the district's right to reimbursement is effective only insofar as the county receives reimbursement from the state.

SEC. 3. Section 9 of the County Water Authority Act (Chapter 545 of the Statutes of 1943) is amended to read:

Sec. 9. (a) Immediately after equalization and not later than the 15th day of August of each year, it shall be the duty of the auditor of the county wherein such authority shall lie, to prepare and deliver to the controller of the authority a certificate showing the assessed valuation of all property within the authority, and also such assessed valuation segregated according to public agencies, the areas of which lie within the authority.

(b) On or before the 20th day of August the board of directors of the authority shall by resolution determine the amount of money necessary to be raised by taxation during the fiscal year beginning the first day of July next preceding and shall fix the rate of taxation of the authority, designating the number of cents upon each one hundred dollars ($100) assessed valuation of taxable property and shall levy a tax accordingly:

(1) Sufficient, when taken with other revenues available for the purpose, to meet interest and sinking fund requirements on all outstanding bonded indebtedness of said authority; and sufficient, when taken with other revenues available

for the purpose, to meet the payment of the principal and interest on any refunding bonds, or any bonds the issuance of which may have been authorized by the electors and which bonds have not been sold but which, in the judgment of the board of directors, will be sold prior to the time when money will be available from the next subsequent tax levy, and in case such bonds are not so issued and sold or such tax for any other reason is not required for said purpose, the tax so levied shall be applied to the payment of interest and/or principal on any refunding bonds, or on any bonds authorized by the electors, then outstanding or subsequently issued and/or sold; and

(2) For all other authority purposes.

(c) The board of directors shall also cause to be computed and shall declare in said resolution the amount of money to be derived from the area of the authority lying within each separate public agency by virtue of the tax levy. In such resolution the board shall also fix and determine the times and proportional amounts of installments in which any public agency may elect to make payment in lieu of taxes as hereinafter provided. The board shall immediately cause certified copies of such resolution to be transmitted to the presiding officer of the governing body of each such public agency.

(d) On or before the 15th day of December of each year the governing body of each such public agency may elect to pay out of its funds available for that purpose, other than funds derived from ad valorem property taxes, all or any portion of the amount of tax which would otherwise be levied upon property within such public agency. Such election shall be made by order upon motion, which order shall recite that such payment shall be made in cash concurrently with the certification of such order to the controller of the authority, or that such payment shall be made in installments and the times wherein such installments shall be payable and the amounts thereof, which amounts shall be in accordance with the requirements of the board of directors of the authority as approved by resolution. In the event that any public agency shall elect to pay in cash, or by deferred installments, money or any part thereof which would otherwise be levied upon property within the public agency, it shall immediately certify to the controller of the authority a copy of such order and a statement showing its financial condition, the funds from which such payments shall be made and the sources of revenue to be used therefor; provided, however, that in the event any public agency shall elect to pay in cash all or any portion of the amount of tax which would otherwise be levied upon property within such public agency to meet interest and sinking fund requirements on the outstanding bonded indebtedness of said authority, such amount so elected to be paid shall be deposited with the treas-

urer of said authority on or before the 27th day of August next following such election; and provided, also, that unless such payment is so made in the case of interest and sinking fund requirements, and unless such election, as to all other taxes, shall provide for payments in accordance with the resolution of the board of directors as hereinbefore provided for, then such election shall be ineffective for any purpose.

(e) Before the first day of September the controller of the authority shall cause to be prepared and transmitted to the auditor of the county in which the authority shall lie, a statement showing the tax rate to be applied to assessed property in each public agency, which rate shall be the rate fixed by resolution of the board of directors modified to the extent necessary to produce from each public agency only the amount of money apportioned thereto in said resolution, less any amount paid or undertaken to be paid by such public agency, or credited thereto as herein provided, but if any fraction of a cent occur, it must be taken as a full cent ($0.01) on each one hundred dollars ($100).

(f) Upon receipt by the auditor of the county in which such authority shall lie, of a certified copy of the controller's statement showing the tax rate to be applied to assessed property in each public agency, and showing the public agencies, the assessed property in which is exempt therefrom, if any, it shall be the duty of the county officers to collect taxes for the benefit of the authority at the rate specified as herein provided. The taxes so levied shall be computed and collected at the same time and in the same manner required by law for the assessment, computation and collection of taxes for county purposes, and the property subject to such tax shall be subject to the same penalties for delinquency, and the same provisions of law relating to the sale of property for nonpayment of county taxes and redemption thereof shall apply to the tax herein authorized. When so collected, such taxes shall be paid over to the treasurer of the authority, subject to the deduction herein authorized.

In consideration of services rendered hereunder, any county shall annually be entitled to deduct and retain for its own use and benefit an amount not exceeding 1 percent on the first twenty-five thousand dollars ($25,000) collected hereunder, and one-fourth of 1 percent of any amount in excess of twenty-five thousand dollars ($25,000) collected hereunder. The board of supervisors of each such county may provide such extra help as in their judgment may be necessary for the proper performance of duties hereunder.

(g) Whenever any real property situated in any authority organized hereunder and upon which a tax shall have been levied, as herein provided, shall be sold for taxes and shall be redeemed, the money paid for such redemption, except advertising costs, shall be apportioned and paid in part to such

authority in the proportion which the tax due to such authority shall bear to the total tax for which such property shall have been sold. All taxes levied together with penalties, interests and costs under the provisions of this act shall be a lien upon the property upon which levied, and the enforcement of the collection of such tax shall be had in the same manner and by the same means as is or shall be provided by law for the enforcement of liens for county taxes, and all of the provisions of law relating to the enforcement of such taxes are hereby made a part of this act so far as applicable.

(h) Public agencies, the areas of which are included within any county water authority incorporated hereunder, are hereby authorized to pay to any such authority, out of funds derived from the sale of water or other funds not appropriated to some other use, such amounts as may be determined upon by the governing bodies thereof, respectively. Such payments may be made in avoidance of taxes as herein provided, or otherwise, and are hereby declared to be for a public purpose and shall not be deemed gratuitous or in the nature of gifts, but shall be deemed payments for water or services in connection with the distribution of water. Any public agency making any such payment to any authority incorporated hereunder, whether in avoidance of taxes or otherwise, shall receive credit therefor and the amount of the payment so made by any public agency shall be deducted from the amount of taxes which would otherwise be levied against property lying therein as herein provided. In the event that payment so made by any public agency shall exceed the amount of taxes which would otherwise have been levied against property within such public agency, the amount of such excess without interest shall be carried over and applied in reduction of taxes levied, or which would otherwise have been levied during the ensuing year or years.

Any public agency, including a county, which shall have incurred expenses in negotiating contracts or in the investigation of or preliminary work upon any works or projects or in making payments on account of any such contracts, works or projects, taken over by the authority, may receive, and the authority so taking over any such contracts, works or projects may make to such public agency, reimbursement for all such sums so expended, or to be expended, for expenses incurred in such negotiations for, investigation of, preliminary work upon, or payments made on account of the contracts, works or projects so taken over by the authority, to the extent that the board of directors of the authority shall find that such expenditures have benefited such authority, it being the intention of this provision to permit the authority to purchase, and the public agency to sell, assign and transfer such contracts, works or projects taken over by such authority. The sum so to be

paid by such authority to such public agency shall be such amount as may be mutually agreed upon.

As an alternative to the purchase and sale of any contracts, works or projects taken over by the authority, as hereinabove provided, any public agency which shall have incurred expenses in negotiating contracts or in the investigation of or preliminary work upon any such works or projects or in making payments on account of any such contracts, works or projects taken over by the authority, may certify the amount thereof, without interest, to the board of directors of said authority at any time within four (4) years from the date of the incorporation of such authority, or the incurring of such expenses, if such authority be already incorporated, and if allowed by the board of directors, such amount shall be credited to the public agency which incurred the same, and such expenditures shall be considered as a payment of money made as herein provided for which deduction shall be made from the amount of taxes which would otherwise be levied against property lying within such public agency.

Any public agency which shall incur expenses in preliminary work in preparing for the incorporation of or in the incorporation of any authority hereunder likewise may certify the amount thereof, without interest, to the board of directors of said authority at any time within four (4) years from the date of the incorporation of such authority, and if allowed by the board of directors, such amount shall be credited to the public agency incurring the same, and shall be considered as a payment of money made as herein provided, for which deduction shall be made from the amount of taxes which would otherwise be levied against property lying within such public agency.

No such payments of money made in lieu of taxes or otherwise, or such credit allowed by such board of directors, as hereinabove provided, shall apply to reduce the amount of taxes which would otherwise be levied against the property within such public agencies respectively, to meet interest and sinking fund requirements on outstanding bonded indebtedness of such authority.

Such certification and allowance shall be made on or before the first Monday in July, and the amount of money to be raised by taxation shall be computed with reference to the credit to be allowed as herein provided, but such credit may, in the discretion of the board of directors, be considered in connection with the amount of money to be raised by the next tax levy, or may be spread over subsequent years, not to exceed five.

(i) If any public agency shall fail to comply with the terms of the order relating to payments to be made to the authority in lieu of taxation, or if any public agency annexed to the

authority shall fail to comply with the terms and conditions fixed by the board of directors and upon which such annexation occurred, the amount of the delinquency, plus a penalty of 8 percent shall be added to the taxes to be collected during the ensuing fiscal year, from the property within such delinquent public agency, and thereafter for a period of two (2) years no order or ordinance shall be sufficient to exempt the property in said public agency from taxation hereunder unless it be accompanied by payment in cash of the amount which would otherwise be collected from owners of property within the public agency, together with all moneys due but unpaid under any previous order, or annexation provision.

(j) All provisions herein, or in any ordinance adopted pursuant hereto, relating to the respective times when the various acts pertaining to the levy of taxes are to be performed, are directory only, and failure to perform any such act or acts within the time so specified shall not impair the legal authority herein conferred to perform all subsequent acts relating to the levy of such taxes. In the event that any of the provisions of law respecting the time and manner of assessing property for purposes of taxation, of equalizing such assessments, of certifying such assessed valuations to the taxing authorities, of making the tax levies, of certifying such tax levies to the proper authorities for extension upon the tax rolls, and for enforcement and collection of such taxes or of performing any other act regarding the assessment, levy or collection of taxes be amended, changed, repealed or newly enacted, and as a result thereof, it should appear to the board of directors of the authority that the time schedule provided herein respecting the levy of authority taxes be no longer consistent with such modified tax procedure, then said board of directors by ordinance may prescribe a new schedule setting forth the times when the various acts herein required to be done in levying authority taxes shall be performed. Nothing contained in this paragraph shall relieve the board of directors of its duty to provide adequate funds, by annual tax levies if necessary, to meet the interest and principal requirements of the bonded debts as they fall due.

(k) For the purpose of assessing and collecting, under the provisions of Section 9(a) of Article XIII of the Constitution of the State of California, the taxes levied by any authority incorporated hereunder, the rate for taxes levied for the preceding tax year, as such phrase is employed in said section of the Constitution, shall be the rate fixed for such preceding tax year by the board of directors of such authority pursuant to Section 9, subdivision (b) of this act. In the event that any public agency, pursuant to the provisions of Section 9, subdivision (d) of this act, shall elect to pay the whole or any portion of the amount of taxes to be derived from the area of

the authority within such public agency, as such amount shall have been fixed by resolution of the board of directors, a refund shall be made by the authority to each taxpayer thereof who shall have theretofore paid any tax collected under the provisions of said section of the Constitution, in the proportion that such public agency shall have so elected to pay the amount so to be derived. The board of directors shall adopt regulations providing for the presentation and audit and payment of claims for such refunds. No claim for such refund shall be granted unless such claim shall have been filed within one year from the date when the right to such refund shall have accrued.

SEC. 4. Sec. 9.1 is added to the County Water Authority Act (Chapter 545 of the Statutes of 1943), to read:

Sec. 9.1. Wherever, under any provision of law, state, county, or other public agency reimbursement is made for lost tax revenue to taxing authorities by reason of any property tax exemption, or treatment or assessment of certain property in a manner different from that regularly done by a county for property generally, the loss of tax revenue to the authority by reason of public agencies within the authority paying out of their funds, other than funds derived from ad valorem property taxes, all or a stated percentage of the taxes levied by the authority shall be reimbursed by the state, county, or other public agency to the authority in the same manner as provided by law for other taxing authorities and to the same extent as if all of the taxes of the authority had been carried on the county assessment roll. In the case of reimbursement for lost revenue due to reduction of property taxes on business inventories, the authority's right to reimbursement is effective only insofar as the county receives reimbursement from the state.

---

## CHAPTER 1500

*An act to add Article 5 (commencing with Section 8751) to Chapter 3 of Division 7 of the Education Code, relating to drug education, and making an appropriation therefor.*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971]

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

SECTION 1. Article 5 (commencing with Section 8751) is added to Chapter 3 of Division 7 of the Education Code, to read:

### Article 5. General Provisions

8751. This article shall be known as "The Drug Education Act of 1971."

8752. The Legislature hereby finds and declares that the use of tobacco, alcohol, narcotics, restricted dangerous drugs, as defined in Section 11901 of the Health and Safety Code, and other dangerous substances poses a serious threat to the youth of California.

It is the intent and purpose of the Legislature by this article to provide for the establishment in public elementary and secondary schools of a comprehensive statewide program on drug education for all pupils whereby instruction on the nature and effects of the use of tobacco, alcohol, narcotics, restricted dangerous drugs, as defined in Section 11901 of the Health and Safety Code, and other dangerous substances is offered.

Further, it is the intent of the Legislature that such a program provide all of the following:

(a) Sequential instruction in kindergarten and grades 1 through 12.

(b) Preservice and inservice training for school personnel.

(c) Instructional materials for pupils and teachers.

(d) Identification and reporting of promising programs of instruction and counseling.

(e) Promotion of effective liaison between school and community involving parents, pupils, community health agencies, law enforcement agencies, and other concerned community groups.

It is the intent of the Legislature that the Department of Education shall facilitate maximum cooperation with other state and federal agencies concerned with drug education and that the Department of Education shall endeavor to attain the maximum amount of federal financial assistance for the implementation of this article. Nothing in this article shall be construed as prohibiting school districts and other state and federal agencies from conducting educational programs beyond those provided by this article.

8753. Instruction shall be given in the elementary and secondary schools on drug education and the effects of the use of tobacco, alcohol, narcotics, dangerous drugs, as defined in Section 11901 of the Health and Safety Code, and other dangerous substances.

In grades one through six, instruction on drug education should be conducted in conjunction with courses given on health pursuant to subdivision (f) of Section 8551.

In grades 7 through 12, instruction on drug education shall be conducted in conjunction with courses given on health or in any appropriate area of study pursuant to Section 8571.

Such instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level.

8755. The Department of Education shall develop a comprehensive statewide program on drug education by assuming the following functions:

(a) Assist in the development of model curricula for the public schools on drug education and the effects of the abusive use of tobacco, alcohol, restricted dangerous drugs, as defined by Section 11901 of the Health and Safety Code, and other dangerous substances.

(b) Identify innovative teaching methods for the instruction of drug education in the public school system.

(c) Develop methods of evaluating the effectiveness of instruction in drug education.

(d) Serve as the depository for the results of all research relative to drug education.

(e) Assist school districts in conducting teacher training programs on drug education.

(f) Assist teacher training institutions in development of courses on drug education.

(g) Administer pilot projects on drug education and conduct teacher training as may be directed by statute and funded by appropriation.

(h) Assist in the development of adult education programs which will include parents, students, community health agencies, law enforcement agencies, and other community groups. This program shall emphasize the development of coordinated school-community programs relative to drug education.

(i) Provide annual reports of its activities and findings regarding effective drug education programs to the Legislature, local school districts, appropriate agencies and organizations.

8760. The Department of Education shall develop and establish a drug education training program for public school teachers and administrators to provide training at the local district level.

8761. Regional training programs for school district teams of teachers, administrators, youth and community representatives shall be made available to every district under criteria established by the Department of Education.

8762. School district team members shall be reimbursed for travel and expenses resulting from participation in regional training programs by the school district in which they are employed.

(a) All certificated teaching or administrative personnel attending a training program shall receive their regular salary for the time covered by this attendance, and shall also receive necessary traveling expenses, not exceeding twenty-five cents ($0.25) per mile, excluding the first six miles, one way from the place of their employment to the place of the training program or thirty-five dollars ($35), whichever is the lesser amount. Claims for necessary traveling expenses shall be paid upon verification and approval by the county superintendent of schools.

(b) When the training is held during the time that the certificated personnel are employed in teaching, their regular pay shall not be diminished by reason of their attendance.

8763. Notwithstanding the provisions of Section 13101, the State Board of Education shall not accredit any teacher education institution for teacher certification purposes after the 1972–73 fiscal year unless it offers courses for prospective teachers on drug education and the effects of the use of tobacco, alcohol, narcotics, restricted dangerous drugs, as defined in Section 11901 of the Health and Safety Code, and other dangerous substances. The State Board of Education shall continually re-evaluate approved teacher training institutions to insure that programs are in conformance with the intent of this section.

8765. The governing board of each district shall adopt a policy regarding its drug education program by resolution in accordance with guidelines approved by the State Board of Education, specifying, among other things: the curriculum to be utilized in teaching drug education; provisions for in-service training and curriculum assistance to teachers; minimum qualifications necessary for the certificated teachers assigned to teach drug education; and responsibility of certificated personnel in teaching or supervising drug-dependent or debilitated pupils, including the identification, counseling, and medical referral of these pupils.

8766. The supervisor of health or other individuals with similar duties appointed by school district governing boards shall initiate a program of identification, counseling and medical referral of drug dependent and debilitated pupils. For this purpose, the board shall use any funds, property, or qualified personnel of the district.

The pupil determined to be drug dependent and debilitated according to standards established by the State Board of Education shall be insured proper care, procedure and secrecy pursuant to Sections 11709, 11821, and 11822 of this code.

SEC. 2. The Legislature recognizes that a united effort involving parents, children, state and community agencies, as well as educators, is necessary to educate the state's youth on the nature and effects of drugs.

The educational facilities of the state being best equipped to plan an organized program of drug education, the Legislature intends that school districts, with the direction of the Department of Education, provide the primary impetus and direction in carrying out the provisions of this act.

SEC. 3. Sections 8751, 8752, 8755, 8760, 8761, 8762, 8765 and 8766, added to the Education Code by this act, shall become inoperative three years after the effective date of this act.

SEC. 4. There is hereby appropriated from the General Fund in the State Treasury the sum of one hundred thousand dollars ($100,000) to the State Department of Education to carry out the provisions of this act.

# CHAPTER 1501

*An act to add Article 3.5, commencing with Section 38120, to, and to amend Section 38150 of, the Health and Safety Code, relating to mentally retarded persons.*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971]

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

SECTION 1. Article 3.5 (commencing with Section 38120) is added to the Health and Safety Code, to read:

## Article 3.5. Judicial Review

38120. Every adult who is or has been admitted to a state hospital as a mentally retarded patient shall have a right to a hearing by writ of habeas corpus for his release from the hospital after he or any person acting on his behalf makes a request for release to any member of the treatment staff of the state hospital or to any employee of a regional center.

The member of the treatment staff or regional center employee 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 member of the treatment staff, or regional center employee, 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 medical director of the state hospital, 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 state hospital 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 state hospital or regional center) _____ day of _____ 19__

I, _____ (member of the treatment staff of the state hospital or employee of the regional center), have today received a request for the release from _____ (name of state hospital) State Hospital 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

38121. Judicial review shall be in the superior court for the county in which the state hospital is located. The adult requesting to be released shall be informed of his right to counsel by a member of the treatment staff of the state hospital and by the court; and if he does not have an attorney for the proceedings, 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 to represent him in the proceedings. The person shall pay the costs of such legal service if he is able.

The court shall either release the adult or order an evidentiary hearing to be held within two judicial days after the petition is filed. If the court finds (a) that the adult requesting release or for whom release is requested is not mentally retarded, or (b) that he is mentally retarded and that he is able to provide safely for his basic personal needs for food, shelter, and clothing, he shall be immediately released. If the court finds that he is mentally retarded and that he is unable to provide safely for his basic personal needs for food, shelter, or clothing, but that a responsible person or a regional center or other public or private agency is willing and able to provide therefor, the court shall release the mentally retarded adult to such responsible person or regional center or other public or private agency, as the case may be, subject to any conditions which the court deems proper for the welfare of the mentally retarded adult and which are consistent with the purposes of this division.

If in any proceeding under this section, the court finds that the adult is mentally retarded and has no parent, guardian, or conservator, the court shall order the appropriate regional center or the Department of Public Health to initiate, or cause to be initiated, proceedings for the appointment of a guardian or conservator for the mentally retarded adult.

38122. This article shall not be construed to impair the right of a parent, guardian, or conservator of an adult mentally retarded patient to remove the patient from the state hospital at any time pursuant to Section 38150.

38123. If a regional center recommends that an adult be admitted to a state hospital as a mentally retarded patient, the employee of the regional center responsible for making such recommendations shall certify in writing that neither the

person recommended for admission to the state hospital nor any other person on behalf of the person so recommended for admission has made objection to such admission to the person making such recommendation. The regional center shall transmit such certificate, or a copy thereof, to the state hospital.

A state hospital shall not admit any adult as a mentally retarded patient on recommendation of a regional center unless a copy of such certificate has been transmitted pursuant to this section.

Any person who, knowing that objection to state hospital admission has been made, certifies that no objection has been made, is guilty of a misdemeanor.

SEC. 2. Section 38150 of the Health and Safety Code is amended to read:

38150. Notwithstanding any other provision of law, the Department of Mental Hygiene shall not be appointed as guardian of any mentally retarded person after July 1, 1971. This chapter shall not be construed to terminate any appointment of the Department of Mental Hygiene as guardian of a mentally retarded person prior to July 1, 1971.

It is the intent of this section that the Director of Public Health be appointed as guardian or conservator of a mentally retarded person as provided, pursuant to the provisions of Article 7.5 (commencing with Section 416) of Chapter 2 of Part 1 of Division 1 of this code, in any case in which the Director of Mental Hygiene would otherwise have been so appointed.

Notwithstanding Section 6000 of the Welfare and Institutions Code, the admission of an adult mentally retarded person to a state hospital or private institution shall be upon the application of the person's parent or guardian or conservator, and any person so admitted to a state hospital may leave the state hospital at any time, if such parent, guardian, or conservator gives notice of his desire for the departure of the mentally retarded person to any member of the hospital staff and completes normal hospitalization departure procedures.

## CHAPTER 1502

*An act to amend Sections 38250, 38254, and 38255 of the Health and Safety Code, and to amend Sections 13921, 13922, 13923, and 13933 of the Welfare and Institutions Code, relating to departmental regulations.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 38250 of the Health and Safety Code is amended to read:

38250. It is the intent of this division that state funds previously allocated to other agencies for the provision of out-of-home prehospital, hospital and posthospital care be allocated, to the fullest extent feasible, to regional centers to contract with appropriate agencies for the provision of out-of-home placements.

In the event either the Governor or the Legislature should obtain federal approval to transfer programs for the mentally retarded from other state departments to the Department of Public Health 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 the Department of Public Health such parts of the appropriation of the other departments that are related to mental retardation programs; provided further, that such transfer shall enable the state to make maximum utilization of available state and federal funds.

It is the intent of this division that the regional center program be funded by the state on a regional basis using the maximum of federal funds available, and that all funds be transmitted through the department to each regional center.

SEC. 2. Section 38254 of the Health and Safety Code is amended to read:

38254. The director shall adopt rules and regulations to carry out the provisions of this division and to prescribe standards of service which shall be satisfied and maintained as a condition to the payment of state funds by a regional center.

The director 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 governing services under the jurisdiction of the State Superintendent of Public Instruction.

SEC. 3. Section 38255 of the Health and Safety Code is amended to read:

38255. The director shall establish rates of state payment for services purchased by regional centers for mentally retarded persons. An equitable system of rates shall be developed, maintained, and revised as necessary under this chapter.

SEC. 5. Section 13921 of the Welfare and Institutions Code is amended to read:

13921. The director 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 director 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 director 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. 6. Section 13922 of the Welfare and Institutions Code is amended to read:

13922. In the establishment of the rate schedules the director 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. 7. Section 13923 of the Welfare and Institutions Code is amended to read:

13923. The director 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. 8. Section 13933 of the Welfare and Institutions Code is amended 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 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 con-

sidered 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.

## CHAPTER 1503

*An act to amend Section 25601 of the Education Code, relating to special schools.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 25601 of the Education Code is amended to read:

25601. Every deaf minor between the ages of 3 and 21 years of suitable capacity, who is a resident of the state, is entitled to an education in the California School for the Deaf free of charge.

Priority in admission to the California School for the Deaf shall be given to elementary age deaf minors residing in sparsely populated regions where appropriate educational facilities and services are not available or cannot be reasonably provided and to secondary age deaf minors in need of a high school program.

## CHAPTER 1504

*An act to amend Section 1031 of the Government Code, and to add Section 832 to the Penal Code, relating to peace officers.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 1031 of the Government Code is amended to read:

1031. Each class of public officers or employees declared by law to be peace officers shall meet at least the following minimum standards:

(a) Be a citizen of the United States;

(b) Be at least 21 years of age;

(c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose any criminal record;

(d) Be of good moral character, as determined by a thorough background investigation;

(e) Be a high school graduate or pass the general education development test indicating high school graduation level;

(f) Be found, after examination by a licensed physician and surgeon, to be free from any physical, emotional, or mental condition which might adversely affect his exercise of the powers of a peace officer.

This section shall not be construed to preclude the adoption of additional or higher standards.

SEC. 2. Section 832 is added to the Penal Code, to read:

832. (a) Every person described in this chapter as a peace officer, shall receive a course of training in the exercise of his powers to arrest and a course of training in the carrying and use of firearms. The course of training in the carrying and use of firearms shall not be required of any peace officer whose employing agency prohibits the use of firearms. Such courses shall meet the minimum standards prescribed by the Commission on Peace Officer Standards and Training.

(b) Every such peace officer described in this chapter shall, by July 1, 1974, or within 12 months following the date that he was first employed by any employing agency to exercise the powers of a peace officer, whichever period is greater, have satisfactorily completed the courses of training described in subdivision (a).

(c) Persons described in this chapter as peace officers who have not so satisfactorily completed the courses described in subdivision (a) by July 1, 1974, or within 12 months following the date that they were first employed by any employing agency to exercise the powers of peace officers, whichever period is greater, shall not have the powers of a peace officer until they satisfactorily complete such courses.

(d) Any peace officer who on the effective date of this section possesses or is qualified to possess the basic certificate as awarded by the Commission on Peace Officer Standards and Training shall be exempted from the provisions of this section.

SEC. 3. It is the intent of the Legislature in enacting this act that the minimum standards described in Section 2 of this act shall be designed to raise the level of competence of peace officers where necessary and are not intended to supersede state or local law enforcement policy regarding the use of firearms or the exercise of powers to arrest.

---

## CHAPTER 1505

*An act to add Section 5.1 to Chapter 805 of the Statutes of 1969, relating to bridge and highway district.*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 5.1 is added to Chapter 805 of the Statutes of 1969, to read:

Sec. 5.1. With respect to its ferryboat operations, the district shall not operate any charter or sightseeing services; provided, however, that the district may contract with any common carrier for the provision of such services and for the use of the district's boats, employees, facilities, or equipment for such purposes.

---

## CHAPTER 1506

*An act to add Division 4.7 (commencing with Section 6200) to the Labor Code, relating to labor, and making an appropriation therefor.*

I am deleting the appropriation contained in Section 2 of Assembly Bill No. 1291.

The Department of Rehabilitation can absorb any additional costs caused by implementation of AB 1291 with available state and federal funds.

With the above deletion, I have approved AB 1291.

RONALD REAGAN, Governor

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Division 4.7 (commencing with Section 6200) is added to the Labor Code, to read:

### DIVISION 4.7. RETRAINING AND REHABILITATION

6200. Every public agency, its insurance carrier, and the State Department of Rehabilitation shall jointly formulate procedures for the selection and orderly referral of injured full-time public employees who may be benefited by rehabilitation services and retrained for other positions in public service. The State Department of Rehabilitation shall cooperate in both designing and monitoring results of rehabilitation programs for the disabled employees. The primary purpose of this division is to encourage public agencies to reemploy their injured employees in suitable and gainful employment.

6201. The employer or insurance carrier shall notify the

injured employee of the availability of rehabilitation services in those cases where there is continuing disability of 28 days and beyond. Notification shall be made at the time the employee is paid retroactively for the first day of disability (in cases of 28 days of continuing disability or hospitalization) which has previously been uncompensated. A copy of said notification shall be forwarded to the State Department of Rehabilitation.

6202. The initiation of a rehabilitaton plan shall be the joint responsibility of the injured employee, and the employer or the insurance carrier.

6203. If rehabilitation requires an injured employee to attend an educational or medical facility away from his home, the injured employee shall be paid a reasonable and necessary subsistence allowance in addition to temporary disability indemnity. The subsistence allowance shall be regarded neither as indemnity nor as replacement for lost earnings, but rather as an amount reasonable and necessary to sustain the employee. The determination of need in a particular case shall be established as part of the rehabilitation plan.

6204. Upon agreement of a rehabilitation plan the injured employee shall cooperate in carrying it out. On his unreasonable refusal, or at any time that those carrying out the rehabilitation plan report his unreasonable refusal, the injured employee's rights to further subsistence shall be suspended until compliance is obtained, except that the payment of temporary or permanent disability indemnity, which would be payable regardless of the rehabilitation plan, shall not be suspended.

6205. The injured employee may agree with his employer or insurance carrier upon a rehabilitation plan without submission of such plan for approval to the State Department of Rehabilitation. Provision of service under such plans shall be at no cost to the State General Fund.

6206. The injured employee shall receive such medical and vocational rehabilitative services as may be reasonably necessary to restore him to suitable employment.

6207. The injured employee's rehabilitation benefit is an additional benefit and shall not be converted to or replace any workmen's compensation benefit available to him.

SEC. 2. There is hereby appropriated from the General Fund for the purposes of this act an amount equal to one-fourth of any federal funds allocated to the State Department of Rehabilitation for the purposes of this act.

## CHAPTER 1507

*An act to add Sections 39107.6, 39177.1, 39177.2, 39177.3, and 39177.4 to the Health and Safety Code, and to amend Section 4602 of the Vehicle Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 39107.6 is added to the Health and Safety Code, to read:

39107.6. Notwithstanding Section 39107, the board shall set standards for devices to significantly reduce the emission of oxides of nitrogen from the exhaust of 1966 through 1970 model year motor vehicles, as determined by the board from a representative sampling of such vehicles, which the board has found to be necessary and technologically feasible to carry out the purposes of this part.

In setting standards under this section, the primary consideration shall be the greatest possible reduction of oxides of nitrogen.

SEC. 2. Section 39177.1 is added to the Health and Safety Code, to read:

39177.1. (a) Whenever an exhaust emission control device meeting the standards established by the board under Section 39107.6 is accredited pursuant to the provisions of this article and is available for installation as determined by the board, every 1966 through 1970 model year motor vehicle having a manufacturer's gross vehicle weight rating of under 6,001 pounds, which is subject to registration in this state, shall be equipped with such accredited exhaust emission control device in accordance with a schedule of installation to be determined by regulation adopted by the board, in consultation with the Department of the California Highway Patrol and the Department of Motor Vehicles.

(b) Enforcement of the provisions of subdivision (a) shall be as follows:

(1) Vehicle inspections shall be conducted pursuant to Section 2814 of the Vehicle Code.

(2) Certificates of compliance shall be required upon initial registration, and upon transfer of ownership and registration pursuant to Section 4000.1 of the Vehicle Code.

(3) Certificates of compliance shall be required upon

renewal of registration for the year 1973, pursuant to Section 4602 of the Vehicle Code.

(4) By such other authorized means as the board, the Department of Motor Vehicles, and the Department of the California Highway Patrol find practicable.

(c) After one or more devices are initially accredited, no device shall be accredited which is less effective than the one or ones initially accredited. Any subsequent accreditation of a more effective device shall not affect the accreditation of a previously accredited device.

SEC 3. Section 39177.2 is added to the Health and Safety Code, to read:

39177.2. The provisions of Section 39177.1 shall not apply to any motor vehicle which, on the effective date of this section, is equipped with a device or devices which meet the requirements of subdivision (c) of Section 39101.5, as determined by the board, or which is exempted by the board pursuant to Section 39177.

SEC. 4. Section 39177.3 is added to the Health and Safety Code, to read:

39177.3. In accrediting devices pursuant to Section 39177.1, the board shall, in establishing tests and procedures, adopt standards, including, but not limited to, the following:

(a) An accredited exhaust emission control device shall not cost more than thirty-five dollars ($35), including the cost of installation.

(b) An accredited exhaust emission control device shall not require maintenance more than once each 12,000 miles, and such maintenance shall not cost more than fifteen dollars ($15), including the cost of parts and labor.

(c) An accredited exhaust control device shall equal or exceed the performance criteria established by the board for devices for new motor vehicles or, in the alternative, have an expected useful life of at least 50,000 miles of operation

(d) The manufacturer of an exhaust emission control device accredited pursuant to this article shall include with the sale of such device instructions setting forth what steps the purchaser should take to maintain such device in proper working condition.

SEC. 5 Section 39177.4 is added to the Health and Safety Code, to read:

39177.4. (a) Any manufacturer of a device required by Section 39177 1 shall, as a condition of accreditation of such device by the board, agree that until there are two or more accredited devices suitable for installation on motor vehicles of the same classification, such classification to be determined by the board, the manufacturer shall, with respect to his device for such classification of motor vehicles, either. (1) agree to enter into such cross-licensing or other agreements

as the board determines are necessary to insure adequate competition among manufacturers of such devices to protect the public interest; or (2) agree as a condition to such accreditation that, if only one such device from one manufacturer is made available for sale to the public, the board shall, taking into consideration the cost of manufacturing the device and the manufacturer's suggested retail price, and in order to protect the public interest, determine the fair and reasonable retail price of such device and may require, as a condition to continued accreditation of such device, that the retail price of such device, including installation, not exceed such price as determined by the board In either event, the retail price so determined by the board for a device required by Section 39177 1 shall not be in excess of thirty-five dollars ($35) per vehicle, installed.

(b) Accreditation may be revoked by the board after a public hearing for which notice has been given to the applicant who obtained the accreditation, if the actual cost of the device installed exceeds the cost, installed, estimated, or agreed to by such applicant

SEC. 6 Section 4602 of the Vehicle Code is amended to read.

4602 (a) Application for renewal of a vehicle registration expiring on the 31st day of December shall be made by the owner not later than midnight of the first Friday in February succeeding the expiration date and shall be made by presentation of the registration card last issued for the vehicle or by presentation of a potential registration card issued by the department for use at the time of renewal and by payment of the full annual fee for the vehicle as provided in this code

(b) The department shall require, upon 1973 renewal of registration of any motor vehicle subject to Section 39177.1 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 which is in proper operating condition and which is of a type that has been accredited by the State Air Resources Board pursuant to Section 39177.1 of the Health and Safety Code. For extraordinary and compelling reasons only, the State Air Resources Board may, by regulation, after a public hearing, defer or delete the requirement of certificates of compliance required pursuant to this subdivision In such event, the board may adjust the schedule of installation adopted pursuant to subdivision (a) of Section 39177 1 of the Health and Safety Code and shall immediately report to the Governor and the Legislature the actions taken and the reasons therefor

SEC 7. The State Air Resources Board, the Department of Motor Vehicles, and the Department of the California Highway Patrol shall by all practicable means at their disposal advise the motoring public of the provisions of this act

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 necessity are:

Presently required emission control devices for motor vehicles of 1966 through 1970 models do not eliminate enough of the oxides of nitrogen to insure the health and safety of the majority of California's citizens. It is now technically feasible to produce devices which will significantly reduce these dangerous substances. To insure that such devices are installed on most of such passenger vehicles within the shortest time possible, it is necessary to immediately begin programs for testing and approving such devices. Immediate passage of this act will also give manufacturers additional time to develop such devices.

---

## CHAPTER 1508

*An act to amend Section 12001 of the Health and Safety Code, relating to explosives.*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 12001 of the Health and Safety Code is amended to read:

12001. This part does not apply to any of the following:

(a) Any person engaged in the transportation of explosives regulated by, and when subject to, the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code.

(b) Small arms ammunition of .75 caliber or less when designated as a class C explosive by the United States Department of Transportation.

(c) Fireworks regulated under Part 2 (commencing with Section 12500) of this division, including, but not limited to, special-effects pyrotechnics regulated by the State Fire Marshal pursuant to Section 12555.

(d) Any explosives while in the course of transportation via railroad, aircraft, water, or highway when the explosives are in actual movement and under the jurisdiction of and in conformity with regulations adopted by the United States Department of Transportation, United States Coast Guard, or the Federal Aviation Agency. However, no explosives shall be

sold, given away, or delivered except as provided in Section 12120.

(e) Special fireworks classified by the United States Department of Transportation as class B explosives when such special fireworks are regulated under Part 2 (commencing with Section 12500) of this division.

---

## CHAPTER 1509

*An act to add Section 25428 to the Education Code, relating to community college governing boards.*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 25428 is added to the Education Code, to read:

25428. The governing board of any district maintaining a community college may authorize faculty members and students of that college to participate in cocurricular activities conducted within or without the state held in conjunction with the educational program of the college. The governing board may authorize payment of travel and other necessary expenses of participants in these activities pursuant to rules and regulations adopted by the governing board. These payments shall be a proper charge against district funds.

As used in this section, "cocurricular activities" means those activities and events which are designed to complement the academic program of the community college and which meet all the following criteria:

(a) The activity or event is approved by the governing board.

(b) Students of the community college are participating in the activity or event.

(c) The activity or event is supported in part from nondistrict funds.

(d) The activity or event is an extension of classroom instruction or related community college programs.

---

## CHAPTER 1510

*An act to amend Section 1357 of the Financial Code, relating to banks, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 1357 of the Financial Code is amended to read:

1357. An amount not exceeding in all 20 percent of the bank's savings deposits in (a) the bonds or other evidences of indebtedness of, or which are unconditionally guaranteed by the Dominion of Canada, the State of Israel, the Commonwealth of Puerto Rico, or any state of the United States other than California, for the payment of both principal and interest of which in United States' dollars, the faith and credit of such entity is pledged; (b) in limited obligations of any state of the United States, other than California, or the Commonwealth of Puerto Rico, payable only from special taxes which are pledged to the payment of principal and interest of such limited obligations; and (c) in the bonds or other evidences of indebtedness of any city, county, political subdivision, public corporation, or district (herein referred to generally as public corporations) of any state of the United States other than California, or of the Dominion of Canada, or of the State of Israel, or of the Commonwealth of Puerto Rico, having the power without limit as to rate or amount to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such public corporation; provided:

(a) An amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or 1 percent of the savings deposits of the bank, whichever is greater, may not be invested in the bonds or other obligations of any one state other than California, or in the bonds of the Dominion of Canada, the State of Israel, the Commonwealth of Puerto Rico, or any one public corporation located in a state other than California;

(b) In the case of bonds constituting general obligations of any such state, commonwealth, dominion, or country, such state, commonwealth, dominion, or country has not within 10 years prior to such investment defaulted for a period of more than 90 days in the payment of any part of either principal or interest of any of its debts;

(c) In the case of such limited obligations of any such state, or commonwealth, (1) that such state, or commonwealth, has not within 10 years prior to the date of such investment defaulted for a period of more than 90 days in the payment of either principal or interest of any of its debts; (2) the special taxes pledged for the payment of such limited obligations shall have been collected for five fiscal years next preceding any investment and during said five fiscal years shall have averaged at least 1½ times the debt service requirements, including those for principal, interest, and sinking fund, on all such special obligations existing at the time; and (3) such special taxes for each of said five fiscal years shall have equaled at least the amount of all such debt service requirements on such special obligations; and

(d) In the case of bonds or other evidences of indebtedness of any such public corporation of any state other than California, or of such commonwealth:

(1) Such public corporation has had a corporate existence or been otherwise established and functioning for at least 10 years prior to the time of such investment;

(2) Such public corporation has a population of at least 50,000 inhabitants according to the last federal or state census;

(3) Such public corporation for a period of at least 10 years prior to such investment has not defaulted in the payment of any part of the principal or interest of any of its debts for a period of more than 90 days; and

(4) The net direct debt together with the net overlapping debt of such public corporation does not exceed 10 percent of the assessed valuation of the property subject to taxation by such public corporation according to the last official equalized assessment roll or list upon the basis of which taxes for debt service are based.

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

The Legislature has determined that bonds and other evidences of indebtedness of the State of Israel or certain public corporations thereof are proper investments for banks. In order to promote the financial security of the organizations permitted to make such investments and therefore the strength of the economy of this state, it is necessary that this act go into immediate effect.

---

## CHAPTER 1511

*An act to amend Section 9304 of, and to add Sections 9304.1, 9304.3, and 9304.5 to, the Education Code, relating to drug education.*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 9304 of the Education Code is amended to read:

9304. The board shall include in the textbooks and teachers' manuals adopted such materials as it may deem necessary and proper to encourage thrift, fire prevention, and the humane treatment of animals.

SEC. 2. Section 9304 of the Education Code is amended to read:

9304. The board shall include in the textbooks and teachers' manuals adopted such materials as it may deem necessary and proper to encourage thrift, fire prevention, and the humane treatment of animals.

The board shall also include in such textbooks and teachers' manuals, as it may deem necessary and proper, accurate portrayals of both men and women in all types of roles, including professional, vocational, and executive.

SEC. 3. Section 9304.1 is added to the Education Code, to read:

9304.1. It is the intent of the Legislature that the State Board of Education give high priority to the adoption of instructional materials on drug education for classroom use by teachers and pupils. Such materials shall be designed to assist the teacher in presenting instruction on drug education and to meet the needs of pupils at their respective grade levels. Such material shall be accurate, objective, and current.

SEC. 4. Section 9304.3 is added to the Education Code, to read:

9304.3. The board shall include in the basic textbooks, supplementary textbooks, reuseable educational materials, and teachers' guides, manuals and source books adopted such materials as it deems necessary on drug education and the effects of the use of tobacco, alcohol, narcotics, restricted dangerous drugs as defined in Section 11901 of the Health and Safety Code, and other dangerous substances.

SEC. 5. Section 9304.5 is added to the Education Code, to read:

9304.5. The State Department of Education shall establish an information center of current drug education materials which may be used by school districts and teachers for instruction on drug education. The information center shall include, but not be limited to, all of the following: current research on drugs and drug education; current state and federal drug laws; samples of effective courses of study, curriculum guides, teaching materials, reference materials, reports of current and school district policies related to drug education.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill No. 131 are both chaptered and amend Section 9304 of the Education Code, and this bill is chaptered after Assembly Bill No. 131, that Section 9304 of the Education Code, as amended by Section 1 of this act be further amended on the operative date of Assembly Bill No. 131 in the form set forth in Section 2 of this act to incorporate the changes in Section 9304 proposed by Assembly Bill No. 131. Therefore, if Assembly Bill No. 131 is chaptered before this bill and amends Section 9304, Section 2 of this act shall become operative at the same time as Assembly Bill No. 131 becomes operative.

SEC. 7. This act shall be deemed and construed to be part of the Drug Education Act of 1971.

## CHAPTER 1512

*An act to amend Section 23428.13 of the Business and Professions Code, relating to alcoholic beverages.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 23428.13 of the Business and Professions Code is amended to read:

23428.13. For purposes of this article "club" also means any club operated by a common carrier by air at an airport terminal, which club is composed of more than 50 qualified members in accordance with the rules of the club and which club has been operated by the common carrier by air for not less than one year. Such club shall qualify for a license under this article notwithstanding the provisions of Section 23037. The provisions of Section 23399 and the numerical limitation of Section 23430 shall not apply to such a club.

---

## CHAPTER 1513

*An act to amend Section 22505 of the Education Code, relating to higher education.*

[Approved by Governor November 12, 1971. Filed with Secretary of State November 12, 1971.]

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

SECTION 1. Section 22505 of the Education Code is amended to read:

22505. The chief administrative officer of a community college, state college, or state university shall take appropriate disciplinary action against any student, member of the faculty, member of the support staff, or member of the administration of the community college, state college, or state university who, after a prompt hearing by a campus body, has been found to have willfully disrupted the orderly operation of the campus. Nothing in this section shall be construed to prohibit, where an immediate suspension is required in order to protect lives or property and to insure the maintenance of order, interim suspension pending a hearing; provided that a reasonable opportunity be afforded the suspended person for a hearing within 10 days. The disciplinary action may include, but need not be limited to, suspension, dismissal, or expulsion. The provisions of Sections 24308 to 24310 inclusive, shall be applicable to any state college employee dismissed pursuant to this section. The chief administrative officer of each such institution shall submit periodic reports as to the nature and disposition of cases acted upon pursuant to this section to his governing board.

# CHAPTER 1514

*An act to add Section 11586 to the Insurance Code, and to add Section 30008 to the Public Utilities Code, relating to uninsured motorist coverage*

[Approved by Governor November 12, 1971 Filed with Secretary of State November 12, 1971 ]

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

SECTION 1. Section 11586 is added to the Insurance Code, to read:

11586. (a) On and after the effective date of this section, each insurer licensed to issue automobile liability insurance or common carrier liability insurance, and selling or offering for sale automobile liability insurance or common carrier liability insurance to a transit district organized under Part 3 (commencing with Section 30000) of Division 10 of the Public Utilities Code, shall, as a condition of obtaining or retaining a license to transact business in this state, offer uninsured motorist coverage identical in all respects to that set forth in Section 11580.2 with regard to private passenger motor vehicles, except that the insurer and such transit district, as the case may be, may not agree to waive such coverage

(b) No insurer subject to subdivision (a) shall refuse to issue uninsured motorist coverage to any such transit district which applies to it therefor.

(c) Each insurer subject to this section may charge such premium rate for providing uninsured motorist coverage to such transit district as will be sufficient for it to meet the costs of providing such coverage.

SEC. 2. Section 30008 is added to the Public Utilities Code, to read:

30008. Each transit district organized under this division shall, on and after the effective date of this part, obtain and carry, in addition to any other liability insurance which might be carried by the district, insurance insuring its passengers for all sums within the limits specified in Section 16059 of the Vehicle Code which they shall be legally entitled to recover as damages for bodily injury or wrongful death from the owner or operator of an uninsured motor vehicle. Such coverage may not be waived by the transit district, but shall, in all other respects, be identical to that coverage set forth in Section 11580.2 of the Insurance Code

## CHAPTER 1515

*An act to amend Section 30638 of, and to add Section 30638.1 to, the Public Utilities Code, relating to transportation.*

[Approved by Governor November 15, 1971. Filed with Secretary of State November 15, 1971.]

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

SECTION 1. Section 30638 of the Public Utilities Code is amended to read:

30638. The rates and charges for service furnished pursuant to this part shall be fixed by a vote of two-thirds of all of the members of the board and shall be reasonable. Insofar as practicable, such rates shall be fixed so as to result in revenue which will make the transit system self-supporting, and shall be sufficient to accomplish the following:

(a) Pay the operating expenses of the district;

(b) Provide for repairs, maintenance, and depreciation of works owned or operated by the district;

(c) Provide for the purchase, lease, or acquisition of equipment under the provisions of Article 3 (commencing with Section 30940) of Chapter 7 of this part;

(d) Provide for the payment of the interest and principal of the bonded debt, subject to the applicable provisions of this part authorizing the issuance and retirement of bonds;

(e) Provide for payment of contracts, agreements, leases, equipment, trust certificates and other legal liabilities assumed under Chapter 8 (commencing with Section 31000) of this part.

(f) Provide an amount equal to 3 percent or more of gross revenue for funding programs required by Section 30638.1.

After making any current allocations of funds required for the purposes prescribed by subdivisions (a) to (e), inclusive, of this section and by the terms of any indebtedness incurred under Article 1 (commencing with Section 30900), Article 2 (commencing with Section 30930) and Article 5 (commencing with Section 30960) of Chapter 7 of this part, the board may provide funds for any purpose the board deems necessary and desirable to carry out the purposes of this part.

The provisions of this section shall not constitute a covenant to the holders of any bonds or other evidences of indebtedness of the district unless the ordinance, resolution, or indenture providing for the issuance thereof so provides.

SEC. 2. Section 30638.1 is added to the Public Utilities Code, to read:

30638.1. In order to further the advancement of the techniques and technology of mass transportation, the district shall budget not less than 3 percent of gross revenue for the purposes of funding demonstrations and research and development programs in the field of public mass transportation with

particular emphasis on the needs of persons for whom transportation by private motor vehicle is not available.

For purposes of this section, "gross revenue" means the revenue derived from the fare boxes.

---

## CHAPTER 1516

*An act to amend Sections 2811 and 2892.1 of, and to add Chapter 1.5 (commencing with Section 900) to Division 2 of, and Section 2892.5 to, the Business and Professions Code, relating to health occupations.*

[Approved by Governor November 15, 1971. Filed with Secretary of State November 15, 1971.]

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

SECTION 1. Chapter 1.5 (commencing with Section 900) is added to Division 2 of the Business and Professions Code, to read:

### CHAPTER 1.5. CONTINUING EDUCATION

900. In its concern for the health of the people of California, the Legislature intends to establish in this chapter a framework for the continuing education of those persons licensed in the healing arts who are subject to this chapter. It is the purpose of this chapter to provide a system for assuring that such healing arts professionals are fully informed of current technical knowledge in their professions, thereby providing to the citizens of California the best possible health services. It is the intent of the Legislature that the Council on Continuing Education for Health Occupations established by this chapter assume primary responsibility for the implementation of all statutory continuing education requirements for those health professions licensed in California which are subject to this chapter.

901. There is established in the Department of Consumer Affairs, to be transferred to the Department of Health whenever the healing arts licensing agencies are transferred to the Department of Health in accordance with the Governor's Reorganization Plan No. 1 of 1970, a Council on Continuing Education for the Health Occupations, consisting of the director or his designee, who shall serve as chairman of the council, and four additional members, appointed by the director, as follows:

(a) One administrator of a licensed hospital.

(b) One registered nurse.

(c) One licensed vocational nurse.

(d) One public member.

The council shall be appointed and begin its meetings by July 1, 1972.

902. The members of the council shall receive actual necessary traveling expenses and a per diem as provided in Section

103 for each day spent in meetings of the council or any of its committees. Salaried ex officio members shall receive traveling expenses but not per diem.

903. The Council or Continuing Education for the Health Occupations, by regulation, shall establish standards for the continuing education in each of the fields covered by this chapter which will assure reasonable currency of knowledge as a basis for safe practice by licensees in each such field. The standards shall be established in a manner to assure that a variety of alternatives is available to licensees to comply with the continuing education requirements for renewal of licenses and taking cognizance of specialized areas of practice. Such alternatives include, but are not limited to, academic studies, in-service education, institutes, seminars, lectures, conferences, workshops, extension studies, and home-study programs. The council may organize committees from its membership to formulate proposed standards in each occupational field, and shall, in addition, invite and consider recommendations from each of the affected licensing agencies or boards concerning such standards. The occupations subject to this chapter are those of licensed vocational nurse and registered nurse.

904. The department shall provide for appropriate application forms and procedures. Upon application by any person, organization, agency, or institution offering courses or programs of continuing education, the department may issue a certificate of approval, for such period as may be established by regulation, certifying that a specific course or program meets the standards of continuing education established by the council.

905. Special funds of the licensing or certification agencies in the occupational fields covered by this chapter, as designated in Section 902, may be used, when appropriated by the Legislature, for operation of the council and for administrative expenses of the department and the licensing or certification agencies relating to the administration of this chapter.

SEC. 2. Section 2811 of the Business and Professions Code is amended to read:

2811. (a) Each person holding a regular renewable license under this chapter shall apply for a renewal of his license and pay the biennial renewal fee required by this chapter each two years on or before the last day of the month following the month in which his birthday occurs, beginning with the second birthday following the date on which the license was issued, whereupon the board shall renew the license.

Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the rein-

statement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing.

(b) After January 1, 1975, the board shall require, as a condition to the renewal of such license granted pursuant to the provisions of this chapter, that the holder thereof submit proof satisfactory to the board that, during the preceding two-year period, he has informed himself of developments in the registered nurse field occurring since the issuance of his certificate, or the last renewal thereof, whichever last occurred, either by pursuing an approved course or courses of continuing education in the registered nurse field or by other means deemed equivalent by the board. In lieu of submitting such proof, the license holder, if he so desires, may take and successfully complete an examination given by the board designed to test his knowledge of developments occurring in the registered nurse field since the issuance of his license, or the last renewal thereof, whichever last occurred.

Whenever a license has lapsed because of failure to comply with this subdivision, it may be reinstated, without time limit, upon proof satisfactory to the board that the licensee has informed himself of current developments in the registered nurse field since the issuance of his certificate, or the last renewal thereof, whichever last occurred, either by the successful completion of a refresher course or by other means deemed equivalent by the board, and by payment of fees as provided in Section 2815.

(c) The board shall accept as evidence of current knowledge, meeting the requirements of subdivision (b) of this section, but shall not necessarily be limited thereto, the successful completion of a course or courses of continuing education in the registered nurse field which has been approved for this purpose by the department under standards established by the Council on Continuing Education for the Health Occupations, and as provided for in Chapter 1.5 (commencing with Section 900) of this division.

(d) The board may, by regulation, provide for temporary exemption from the provisions of subdivision (b) of this section in the case of licensees serving in overseas military service, and in other special circumstances wherein compliance would, in the board's opinion, constitute an unreasonable hardship for the licensees.

(e) This section shall not apply to licensees during the first two years immediately following their graduation from nursing school.

SEC. 3. Section 2892.1 of the Business and Professions Code is amended to read:

2892.1. Except as provided in Sections 2892.3 and 2892.5, an expired license may be renewed at any time within

five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 2892 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

SEC. 4. Section 2892.5 is added to the Business and Professions Code, to read:

2892.5. (a) After January 1, 1975, the board shall require, as a condition to the renewal of each license granted pursuant to the provisions of this chapter, that the holder thereof submit proof satisfactory to the board that, during the preceding two-year period, he has informed himself of developments in the vocational nurse field occurring since the issuance of his certificate, or the last renewal thereof, whichever last occurred, either by pursuing an approved course or courses of continuing education in the vocational nurse field or by other means deemed equivalent by the board. In lieu of submitting such proof, the license holder, if he so desires, may take and successfully complete an examination given by the board, designed to test his knowledge of developments occurring in the vocational nurse field since the issuance of his license, or the last renewal thereof, whichever last occurred.

Whenever a license has lapsed because of failure to comply with this section, it may be reinstated, without time limit, upon proof satisfactory to the board that the licensee has informed himself of current developments in the vocational nurse field since the issuance of his certificate, or the last renewal thereof, whichever last occurred, either by the successful completion of a refresher course or by other means deemed equivalent by the board, and upon payment of fees as provided in Section 2895.

(b) The board shall accept as evidence of current knowledge, meeting the requirements of this section, but shall not necessarily be limited thereto, the successful completion of a course or courses of continuing education in the vocational nurse field which has been approved for this purpose by the department under standards established by the Council on Continuing Education for the Health Occupations as provided for in Chapter 1.5 (commencing with Section 900) of this division.

(c) The board may, by regulation, provide for temporary exemption from the provisions of subdivision (a) of this section in the case of licensees serving in overseas military service, and in other special circumstances wherein compliance

would, in the board's opinion, constitute an unreasonable hardship for the licensees.

(d) This section shall not apply to licensees during the first two years immediately following their graduation from vocational nursing school.

---

## CHAPTER 1517

*An act to add Section 65008 to the Government Code, relating to the Planning and Zoning Law.*

[Approved by Governor November 15, 1971 Filed with Secretary of State November 15, 1971.]

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

SECTION 1. Section 65008 is added to the Government Code, to read:

65008. Any action pursuant to the provisions of this title by any city or county in this state which denies to any individual or group of individuals the enjoyment of residence, land ownership, tenancy or any other land use in this state because of religious or ethnic reasons is null and void. This section shall apply to a chartered city.

No city or county shall, in the enactment or administration of ordinances pursuant to this title, prohibit or discriminate against any residential development or project because of the method of financing or the race, sex, color, religion, national origin, ancestry, or age of the intended occupants of such development or project.

Nor shall any city or county treat federally subsidized, assisted, or insured housing in any manner differently from conventional housing except pursuant to an affirmative plan to encourage such housing, which plan has been approved by the Director of the Department of Housing and Community Development.

---

## CHAPTER 1518

*An act to add Sections 389.6 and 641.2 to the Code of Civil Procedure, and Article 8 (commencing with Section 12600) to Chapter 6, Part 2, Division 3, Title 2 of the Government Code, relating to environmental actions.*

[Approved by Governor November 16, 1971 Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 389.6 is added to the Code of Civil Procedure, to read:

389.6. In any action brought by any party for relief of any nature other than solely for money damages where a pleading

alleges facts or issues concerning alleged pollution or adverse environmental effects which could affect the public generally, the party filing the pleading shall furnish a copy to the Attorney General of the State of California. Such copy shall be furnished by the party filing the pleading within 10 days after filing.

SEC. 2. Section 641.2 is added to the Code of Civil Procedure, to read:

641.2. In any action brought under Article 8 (commencing with Section 12600) of Chapter 6, Part 2, Division 3, Title 3 of the Government Code, a party may object to the appointment of any person as referee on the ground that he is not technically qualified with respect to the particular subject matter of the proceeding.

SEC. 3. Article 8 (commencing with Section 12600) is added to Chapter 6, Part 2, Division 3, Title 2 of the Government Code, to read:

## Article 8. Environmental Actions

12600. The Legislature finds and declares as follows:

(a) It is the policy of this state to conserve, protect, and enhance its environment. It is the policy of this state to prevent destruction, pollution, or irreparable impairment of the environment and the natural resources of this state.

(b) It is in the public interest to provide the people of the State of California through the Attorney General with adequate remedy to protect the natural resources of the State of California from pollution, impairment, or destruction.

(c) Conservation of natural resources and protection of the environment are pursuits often beyond the scope of inquiry, legislation, or enforcement by local government; several local public entities existing in the same ecological community have acted in differing and, sometimes, conflicting manners; uniform, coordinated, and thorough response to the questions of protection of environment and preservation of natural resources must be assured; and these matters are of statewide concern.

12601. The provisions of this article are not exclusive, and the remedies provided for in this article shall be in addition to any other remedies provided for in any other law or available under common law.

12602. If any provision of this article or the application thereof to any person or circumstance is held to be unconstitutional, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

12603. This article shall be liberally construed and applied to promote its underlying purposes.

12604. As used in this article, "person" includes any person, firm, association, organization, partnership, business trust, corporation, company, district, county, city and county, city,

town, the state, and any of the agencies and political subdivisions of such entities.

12605. As used in this article, "natural resource" includes land, water, air, minerals, vegetation, wildlife, silence, historic or aesthetic sites, or any other natural resource which, irrespective of ownership contributes, or in the future may contribute, to the health, safety, welfare, or enjoyment of a substantial number of persons, or to the substantial balance of an ecological community.

12606. The Attorney General shall be permitted to intervene in any judicial or administrative proceeding in which facts are alleged concerning pollution or adverse environmental effects which could affect the public generally.

12607. The Attorney General may maintain an action for equitable relief in the name of the people of the State of California against any person for the protection of the natural resources of the state from pollution, impairment, or destruction.

12608. In any action maintained under Section 12607, the defendant may also show, by way of an affirmative defense, that there is no more feasible and prudent alternative to the defendant's conduct, and that such conduct is consistent with the protection of the public health, safety, and welfare.

12609. Any action brought pursuant to Section 12607 to review, set aside, void or annul any decision in any zoning matter of an administrative body or of a legislative body, or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any such decision shall not be maintained unless such action is commenced within 180 days after the date of such decision.

12610. In granting temporary and permanent equitable relief, the court may impose such conditions upon the defendant as are required to protect the natural resources of the state from pollution, impairment, or destruction.

12611. (a) Whenever proceedings before an administrative agency are pending or available to determine the legality of the defendants' conduct, program, or product, the court shall stay the action brought pursuant to Section 12607 pending the completion of such proceedings unless such stay will result in irreparable pollution, impairment or destruction to any natural resource.

(b) In the order staying the proceedings under subdivision (a), the court may grant temporary equitable relief where appropriate to prevent irreparable pollution, impairment or destruction of any natural resource.

12612. (a) In any administrative, licensing, or other such proceeding or in any proceeding for judicial review thereof which is made available by law, the Attorney General shall be permitted to intervene upon showing that the proceeding or action for judicial review involves conduct, programs, or products which may have the effect of impairing, polluting, or destroying the natural resources of the state.

(b) In any proceeding described in subdivision (a), in which the Attorney General is a party, the agency or court shall consider the alleged impairment, pollution, or destruction of the natural resources of the state, and no conduct, program, or product shall be authorized or approved which does, or will have such effect unless it is consistent with the protection of the public health, safety, or welfare.

(c) In any judicial review under this section, the evidence before the court shall consist of the record before the agency and any other relevant evidence which, in the judgment of the court, should be considered to effectuate and implement the policies of this article.

---

## CHAPTER 1519

*An act to add Chapter 4.6 (commencing with Section 31285.1) to Division 22 of the Education Code, relating to the study of medicine.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Chapter 4.6 (commencing with Section 31285.1) is added to Division 22 of the Education Code, to read:

### CHAPTER 4.6. CONTRACTS FOR STUDY OF MEDICINE

31285.1. The Legislature hereby declares that it regards the furtherance of a greater supply of competent physicans and surgeons to be a public purpose of great importance and further declares the establishment of the program pursuant to this chapter to be a desirable, necessary, and economical method of increasing the number of physicians and surgeons to provide needed medical services to the people of California. The Legislature further declares and finds that some of the independent institutions of higher education in the State of California currently offering a program providing the necessary educational requirements leading toward a doctor of medicine degree have substantial assets in terms of available facilities, equipment and personnel and are capable of increasing enrollment in such programs at a cost substantially below that which it would cost the state to provide such services such as by the establishment of a new medical school in a state college or university and thus maximize the use of state resources for the support or expansion of existing educational programs. The Legislature further declares that it is to the benefit of the state to assist in increasing the number of competent physicians and

surgeons graduated by colleges and universities of this state to practice medicine within the state.

31285.2. As used in this chapter, "commission" means the State Scholarship and Loan Commission. "Study" means that phase of education in an accredited medical school leading toward a recognized doctor of medicine degree. The terms "college" and "university" mean any college or university which conducts a recognized educational program leading to the award of the degree of doctor of medicine.

31285.3. There is hereby created a state medical contract program for study in the field of medicine leading toward a doctor of medicine degree in colleges and universities located in California and accredited by the Joint Liaison Committee of the American Medical Association and the Association of American Medical Colleges.

31285.4. The commission shall have the authority to contract on behalf of the state with private colleges and universities maintaining and operating a recognized school of medicine and accredited by the Joint Liaison Committee of the American Medical Association and the Association of American Medical Colleges, which have an affirmative action program approved by the State Fair Employment Practice Commission for the equitable recruitment of instructors and medical students, for the purpose of inducing said colleges and universities to refrain from reducing enrollment and to increase enrollment in the medical schools located in California.

To further this purpose, the commission is authorized to contract with non-state-supported medical schools to increase their enrollment above the number of total students enrolled for the 1970–71 academic year. The commission is authorized to make annual payments of twelve thousand dollars ($12,000) for each medical student enrolled up to the total enrollment above the enrollment for the 1970–71 academic year. The annual payment for each additional medical student enrolled shall be decreased by the amount of any federal funds granted per medical student enrolled in any such schools during the academic year. The commission may also enter into similar contracts with medical schools formed on or after January 1, 1971, which have at least provisional accreditation from the Joint Liaison Committee of the American Medical Association and the Association of American Medical Colleges

---

## CHAPTER 1520

*An act to add Section 69615 to the Government Code, relating to superior courts.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 69615 is added to the Government Code, to read:

69615. In the County of Sutter there shall be two judges of the superior court.

---

## CHAPTER 1521

*An act relating to bilingual education, and making an appropriation therefor.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. The Department of Education shall utilize all available state funds and federal funds received by the state for completion, so far as practicable, of the development, norming, and implementation of bilingual scholastic aptitude tests utilized in determining eligibility for classes for mentally retarded minors under Sections 6902 and 6903 of the Education Code. The bilingual scholastic aptitude tests shall be in Spanish-English, Chinese-English, and such other languages as constitute an important impact on the public schools of the State of California.

SEC. 2. The Legislature hereby finds and declares that implementation of bilingual scholastic aptitude tests is of urgent priority and shall be so construed by the Department of Education.

SEC. 3. The Legislature finds that limited-English-speaking pupils suffer a handicap. The inability to speak, read, and comprehend English presents a formidable obstacle to learning and participation which can be removed only by special instruction and training in the English language.

It is the intent of the Legislature in establishing the study program authorized by Sections 3 to 15, inclusive, of this act, to determine the best methods of providing pupils whose lack of proficiency in the English language is a major obstacle to learning with instruction in a language more understandable by them. Such instruction shall continue until the pupil is deemed to be proficient in the English language, at which time he shall be transferred to classes in which English is the language of instruction. It is not the intent of the study program to develop parallel courses of instruction in both English and some other language.

SEC. 4. As used in this act:

(a) "Limited-English-speaking pupil" means a pupil who speaks a language other than English as his primary language, and whose lack of proficiency in English is the major obstacle to learning.

No pupil shall be required to participate in the program unless the parent or guardian of the pupil has been notified with respect to the language handicap of the pupil and the objectives of the program.

SEC. 5. Each limited-English-speaking pupil enrolled in an elementary school program may receive special instruction in English as a second language. The pupil may be provided with such instruction until his proficiency in English equals that of pupils of comparable age and ability whose primary language is English.

Such instruction may involve the use of special materials and equipment.

Each limited-English-speaking pupil enrolled in an elementary school program, and receiving instruction in English as a second language, may be instructed in his primary language in classes in mathematics, science, and social sciences. Instruction in these subjects may continue to be given in the pupil's primary language until he is deemed to be proficient in English, at which time he shall be placed in classes in which English is the language of instruction.

SEC. 6. Each limited-English-speaking pupil enrolled in a secondary school program may receive special instruction in English as a second language. The pupil may be provided with such instruction until his proficiency in English equals that of pupils of comparable age and ability whose primary language is English.

Each limited-English-speaking pupil enrolled in a secondary school program, and receiving instruction in English as a second language, may be instructed in his primary language in classes in mathematics, science, and social sciences. Instruction in these subjects may continue to be given in the pupil's primary language until he is deemed to be proficient in English, at which time he shall be placed in classes in which English is the language of instruction.

Such instruction may involve the use of special materials and equipment.

SEC. 7. Only a school district located in San Diego County with an average daily attendance of 120,000 or more and the San Francisco Unified School District may participate in the study program authorized by Sections 3 to 15, inclusive, of this act.

If a study program is conducted in San Diego County, it shall be addressed only to Spanish-speaking pupils.

If a study program is conducted in the San Francisco Unified School District, it shall be addressed only to Chinese-speaking students.

SEC. 8. Study programs conducted pursuant to Sections 3 to 15, inclusive, of this act may be conducted in kindergarten and grades 1 to 12, inclusive. The areas of study shall be limited to English, mathematics, science, and social science.

SEC. 9. The study programs conducted pursuant to Sections 3 to 15, inclusive, of this act shall be of three years' duration, commencing on July 1, 1972.

SEC. 10. Study programs conducted pursuant to Sections 3 to 15, inclusive, of this act shall be under the direct supervision of the Superintendent of Public Instruction.

SEC. 11. The Superintendent of Public Instruction shall adopt rules and regulations necessary for the effective administration of Sections 3 to 15, inclusive, of this act.

The regulations adopted by the superintendent shall set forth the standards and criteria to be used in the evaluation of project applications submitted by school districts.

The standards and criteria adopted by the superintendent, among other items, shall include a statement of specific goals to be sought in the program both in terms of pupil achievement and the requirements for evaluation of the program.

SEC. 12. Participating districts, on forms prescribed by the Superintendent of Public Instruction, may apply for funds to conduct the study program pursuant to Sections 3 to 15, inclusive, of this act.

The application shall contain, but not be limited to:

(a) A description of the method of evaluation to be used to demonstrate the success of the study.

(b) Provisions for identification of the students' requirement of such services and criteria which will be used by the district to evaluate the students' academic progress.

SEC. 13. The participating districts shall submit reports to the Superintendent of Public Instruction at the times, in the manner, and in the form prescribed by him.

SEC. 14. At the end of the three years' duration of the study programs, the Superintendent of Public Instruction shall submit to the Governor and the Legislature a report, including within it an evaluation of the study programs.

SEC. 15. The Superintendent of Public Instruction and the participating school districts may utilize such federals funds as may be available for the purposes of the study program.

SEC. 16. There is hereby appropriated from the General Fund in the State Treasury to the Superintendent of Public Instruction the sum of five hundred thousand dollars ($500,000), for expenditure and allocation as follows:

(a) For the purposes of Sections 1 and 2 of this act, during the 1971–1972 fiscal year_____ $75,000.

(b) For the purposes of Sections 3 to 15, inclusive, of this act, during the 1972–1973, 1973–1974, and 1974–1975 fiscal years_____ $425,000.

SEC. 17. Sections 3 to 15, inclusive, of this act shall become operative on July 1, 1972.

---

## CHAPTER 1522

*An act to add Sections 11017.1 and 53069.6 to the Government Code, relating to civil actions by the state.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 11017.1 is added to the Government Code, to read:

11017.1. Each state agency shall take all practical and reasonable steps to recover civil damages for the negligent, willful, or unlawful damaging or taking of state property under the jurisdiction of the state agency, including the institution of appropriate legal action.

SEC. 2. Section 53069.6 is added to the Government Code, to read:

53069.6. Each local agency, as defined in Section 54951, shall take all practical and reasonable steps to recover civil damages for the negligent, willful, or unlawful damaging or taking of property of the local agency, including the institution of appropriate legal action.

## CHAPTER 1523

*An act to amend Sections 1791, 1791.1, 1792, 1792.1, 1792.2, 1792.4, 1792.5, 1793, 1793.1, 1793.2, 1793.3, 1793.4, 1793.5, 1794, 1794.2, 1794.3, and 1794.4 of, and to add Sections 1790.4, 1793.35, 1795.1, and 1795.5 to, the Civil Code, relating to consumer warranties.*

[Approved by Governor November 16, 1971 Filed with Secretary of State November 16, 1971 ]

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

SECTION 1. Section 1790.4 is added to the Civil Code, to read:

1790.4. The remedies provided by this chapter are cumulative and shall not be construed as restricting any remedy that is otherwise available.

SEC. 2. Section 1791 of the Civil Code is amended to read:

1791. As used in this chapter:

(a) "Consumer goods" means any new mobilehome, motor vehicle, machine, appliance, like product, or part thereof that is used or bought for use primarily for personal, family, or household purposes. "Consumer goods" also means any new good or product, except for soft goods and consumables, the retail sale of which is accompanied by an express warranty to the retail buyer thereof and such product is used or bought for use primarily for personal, family, or household purposes. Soft goods and consumables, the retail sale of which is accompanied by an express warranty, shall be subject to the provisions of Section 1793.35.

(b) "Buyer" or "retail buyer" means any individual who buys consumer goods from a person engaged in the business of manufacturing, distributing, or selling such goods at retail. As used in this subdivision, "person" means any individual, partnership, corporation, association, or other legal entity which engages in any such business.

(c) "Manufacturer" means any individual, partnership, corporation, association, or other legal relationship which manufactures, assembles, or produces consumer goods.

(d) "Distributor" means any individual, partnership, corporation, association, or other legal relationship which stands

between the manufacturer and the retail seller in purchases, consignments, or contracts for sale of consumer goods.

(e) "Retail seller," "seller," or "retailer" means any individual, partnership, corporation, association, or other legal relationship which engages in the business of selling consumer goods to retail buyers.

(f) "Soft goods" means any pliable product substantially composed of woven material, natural or synthetic yarn or fiber, textile, or similar product.

(g) "Consumables" means any product which is intended for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of such consumption or use.

SEC. 3. Section 1791.1 of the Civil Code is amended to read:

1791.1. As used in this chapter:

(a) "Implied warranty of merchantability" or "implied warranty that goods are merchantable" means that the consumer goods meet each of the following:

(1) Pass without objection in the trade under the contract description.

(2) Are fit for the ordinary purposes for which such goods are used.

(3) Are adequately contained, packaged, and labeled.

(4) Conform to the promises or affirmations of fact made on the container or label.

(b) "Implied warranty of fitness" means that when the retailer, distributor, or manufacturer has reason to know any particular purpose for which the consumer goods are required, and further, that the buyer is relying on the skill and judgment of the seller to select and furnish suitable goods, then there is an implied warranty that the goods shall be fit for such purpose.

(c) The duration of the implied warranty of merchantability and where present the implied warranty of fitness shall be coextensive in duration with an express warranty which accompanies the consumer goods, provided the duration of the express warranty is reasonable; but in no event shall such implied warranty have a duration of less than 60 days nor more than one year following the sale of new consumer goods to a retail buyer. Where no duration for an express warranty is stated with respect to consumer goods, or parts thereof, the duration of the implied warranty shall be the maximum period prescribed above.

(d) Any buyer of consumer goods injured by a breach of the implied warranty of merchantability and where applicable by a breach of the implied warranty of fitness may bring an action for the recovery of damages pursuant to the provisions of Chapter 6 (commencing with Section 2601) and Chapter 7 (commencing with Section 2701) of Division 2 of the Commercial Code, and, in such action, the provisions of subdivision (b) of Section 1794 of this chapter shall apply.

SEC. 4. Section 1792 of the Civil Code is amended to read:

1792. Unless disclaimed in the manner prescribed by this chapter, every sale or consignment for sale of consumer goods that are sold at retail in this state shall be accompanied by the manufacturer's implied warranty that the goods are merchantable.

SEC. 5. Section 1792.1 of the Civil Code is amended to read:

1792.1. Every sale or consignment for sale of consumer goods that are sold at retail in this state by a manufacturer who has reason to know at the time of the retail sale that the goods are required for a particular purpose and that the buyer is relying on the manufacturer's skill or judgment to select or furnish suitable goods shall be accompanied by such manufacturer's implied warranty of fitness.

SEC. 6. Section 1792.2 of the Civil Code is amended to read:

1792.2. Every sale or consignment for sale of consumer goods that are sold at retail in this state by a retailer or distributor who has reason to know at the time of the retail sale that the goods are required for a particular purpose, and that the buyer is relying on the retailer's or distributor's skill or judgment to select or furnish suitable goods shall be accompanied by such retailer's or distributor's implied warranty that the goods are fit for that purpose.

SEC. 6.5. Section 1792.4 of the Civil Code is amended to read:

1792.4. (a) No sale of goods, governed by the provisions of this chapter, on an "as is" or "with all faults" basis, shall be effective to disclaim the implied warranty of merchantability or, where applicable, the implied warranty of fitness, unless a conspicuous writing is attached to the goods which clearly informs the buyer, prior to the sale, in simple and concise language of each of the following:

(1) The goods are being sold on an "as is" or "with all faults" basis.

(2) The entire risk as to the quality and performance of the goods is with the buyer.

(3) Should the goods prove defective following their purchase, the buyer and not the manufacturer, distributor, or retailer assumes the entire cost of all necessary servicing or repair.

(b) In the event of sale of consumer goods by means of a mail order catalog, the catalog offering such goods shall contain the required writing as to each item so offered in lieu of the requirement of notification prior to the sale.

SEC. 6.5. Section 1792.5 of the Civil Code is amended to read:

1792.5. Every sale of goods that are governed by the provisions of this chapter, on an "as is" or "with all faults" basis, made in compliance with the provisions of this chapter, shall constitute a waiver by the buyer of the implied warranty of merchantability and, where applicable, of the implied warranty of fitness.

SEC. 7. Section 1793 of the Civil Code is amended to read:

1793. Nothing in this chapter shall affect the right of the manufacturer, distributor, or retailer to make express warranties with respect to consumer goods. However, a manufacturer, distributor, or retailer making express warranties may not limit, modify, or disclaim the implied warranties guaranteed by this chapter to the sale of consumer goods.

SEC. 8. Section 1793.1 of the Civil Code is amended to read:

1793.1. (a) Every manufacturer, distributor, or retailer making express warranties with respect to consumer goods shall fully set forth such warranties in readily understood language and clearly identify the party making such express warranties.

(b) Every manufacturer, distributor, or retailer making express warranties and who elects to maintain service and repair facilities within this state pursuant to the provisions of this chapter shall:

(1) At the time of sale, provide the buyer with the name and address of each such service and repair facility within this state; or

(2) At the time of sale, provide the buyer with the name and address and telephone number of the service and repair facility central directory within this state. It shall be the duty of the central directory to provide, upon inquiry, the name and address of the authorized service and repair facility nearest the buyer; or

(3) Maintain at the premises of retail sellers of the warrantor's consumer goods a current listing of such warrantor's authorized service and repair facilities, or retail sellers to whom the consumer goods are to be returned for service and repair, whichever is applicable, within this state. It shall be the duty of every retail seller provided with such a listing to provide, on inquiry, the name, address, and telephone number of the nearest authorized service and repair facility, or the retail seller to whom the consumer goods are to be returned for service and repair, whichever is applicable.

SEC. 9. Section 1793.2 of the Civil Code is amended to read:

1793.2. (a) Every manufacturer of consumer goods sold in this state and for which the manufacturer has made an express warranty shall:

(1) Maintain or cause to be maintained in this state sufficient service and repair facilities to carry out the terms of such warranties; or

(2) Be subject to the provisions of Section 1793.5.

(b) Where such service and repair facilities are maintained in this state and service or repair of the goods is necessary because they do not conform with the applicable express warranties, service and repair shall be commenced within a reasonable time by the manufacturer or its representative in this state. Unless the buyer agrees in writing to the contrary, the goods must be serviced or repaired so as to conform to the applicable warranties within 30 days. Delay caused by condi-

tions beyond the control of the manufacturer or his representatives shall serve to extend this 30-day requirement. Where such delay arises, conforming goods shall be tendered as soon as possible following termination of the condition giving rise to the delay.

(c) It shall be the duty of the buyer to deliver nonconforming goods to the manufacturer's service and repair facility within this state, unless, due to reasons of size and weight, or method of attachment, or method of installation, or nature of the nonconformity, such delivery cannot reasonably be accomplished. Should the buyer be unable to effect return of nonconforming goods for any of the above reasons, he shall notify the manufacturer or its nearest service and repair facility within the state. Written notice of nonconformity to the manufacturer or its service and repair facility shall constitute return of the goods for purposes of this section. Upon receipt of such notice of nonconformity the manufacturer shall, at its option, service or repair the goods at the buyer's residence, or pick up the goods for service and repair, or arrange for transporting the goods to its service and repair facility. All costs of transporting the goods when, pursuant to the above, a buyer is unable to effect return shall be at the manufacturer's expense. Costs of transporting nonconforming goods after delivery to the service and repair facility until return of the goods to the buyer shall be at the manufacturer's expense.

(d) Should the manufacturer or its representative in this state be unable to service or repair the goods to conform to the applicable express warranties, the manufacturer shall either replace the goods or reimburse the buyer in an amount equal to the purchase price paid by the buyer, less that amount directly attributable to use by the buyer prior to the discovery of the nonconformity.

SEC. 10. Section 1793.3 of the Civil Code is amended to read:

1793.3. If the manufacturer of consumer goods sold in this state for which the manufacturer has made an express warranty does not provide service and repair facilities within this state pursuant to subdivision (a) of Section 1793.2, the buyer of such manufacturer's nonconforming goods may follow the course of action prescribed in either subdivision (a) or (b), below, as follows:

(a) Return the nonconforming consumer goods to the retail seller thereof for replacement, or for service or repair in accordance with the terms and conditions of the express warranty. Such replacement, service, or repair shall be at the option of the retail seller. If the retail seller is unable to replace the nonconforming goods or is unable to service or repair the goods so as to effect conformity with applicable express warranties, such retail seller shall reimburse the buyer in an amount equal to the purchase price paid by the buyer, less that amount directly attributable to use by the buyer prior to discovery of the nonconformity.

(b) Return the nonconforming consumer good to any retail seller, within this state, of like goods of the same manufacturer

for replacement, or for service or repair. Replacement, service, or repair shall be at the option of the retail seller.

(c) In the event a buyer is unable to return nonconforming goods to the retailer due to reasons of size and weight, or method of attachment, or method of installation, or nature of the nonconformity, the buyer shall give notice of the nonconformity to the retailer. Upon receipt of such notice of nonconformity the retailer shall, at its option, service or repair the goods at the buyer's residence, or pick up the goods for service or repair, or arrange for transporting the goods to its place of business. Costs of transporting the goods shall be at the retailer's expense. The retailer shall be entitled to recover all such costs of transportation from the manufacturer pursuant to Section 1793.5. Costs of transporting nonconforming goods after delivery to the retailer until return of the goods to the buyer, when incurred by a retailer, shall be recoverable from the manufacturer pursuant to Section 1793.5. Written notice of nonconformity to the retailer shall constitute return of the goods for the purposes of subdivisions (a) and (b).

SEC. 10.5. Section 1793.35 is added to the Civil Code, to read:

1793.35. (a) Where the retail sale of soft goods or consumables is accompanied by an express warranty and such items do not conform with the terms of the express warranty, the buyer thereof may return the goods within 30 days of purchase or the period specified in the warranty, whichever is greater. The manufacturer may, in the express warranty, direct the purchaser to return nonconforming goods to a retail seller of like goods of the same manufacturer for replacement.

(b) When soft goods or consumables are returned to a retail seller for the reason that they do not conform to an express warranty, the retailer shall replace the nonconforming goods where the manufacturer has directed replacement in the express warranty. In the event the manufacturer has not directed replacement in the express warranty, the retailer may replace the nonconforming goods or reimburse the buyer in an amount equal to the purchase price paid by the buyer for the goods, at the option of the retailer. Costs of reimbursement or replacement are recoverable by a retailer from the manufacturer in the manner provided in Section 1793.5.

SEC. 11. Section 1793.4 of the Civil Code is amended to read:

1793.4. Where an option is exercised in favor of service and repair under Section 1793.3, such service and repair must be commenced within a reasonable time, and, unless the buyer agrees in writing to the contrary, goods conforming to the applicable express warranties shall be tendered within 30 days. Delay caused by conditions beyond the control of the retail seller or his representative shall serve to extend this 30-day requirement. Where such a delay arises, conforming goods shall be tendered as soon as possible following termination of the condition giving rise to the delay.

SEC. 12. Section 1793.5 of the Civil Code is amended to read:

1793.5. Every manufacturer making express warranties who does not provide service and repair facilities within this state pursuant to subdivision (a) of Section 1793.2 shall be liable as prescribed in this section to every retail seller of such manufacturer's goods who incurs obligations in giving effect to the express warranties that accompany such manufacturer's consumer goods. The amount of such liability shall be determined as follows:

(a) In the event of replacement, in an amount equal to the actual cost to the retail seller of the replaced goods, and cost of transporting the goods, if such costs are incurred plus a reasonable handling charge.

(b) In the event of service and repair, in an amount equal to that which would be received by the retail seller for like service rendered to retail consumers who are not entitled to warranty protection, including actual and reasonable costs of the service and repair and the cost of transporting the goods, if such costs are incurred, plus a reasonable profit.

(c) In the event of reimbursement under subdivision (a) of Section 1793.3, in an amount equal to that reimbursed to the buyer, plus a reasonable handling charge.

SEC. 13. Section 1794 of the Civil Code is amended to read:

1794. Any buyer of consumer goods injured by a willful violation of the provisions of this chapter may bring an action for the recovery of damages, and

(a) Judgment may be entered for three times the amount at which the actual damages are assessed, and

(b) Reasonable attorney fees may be awarded.

SEC. 14. Section 1794.2 of the Civil Code is amended to read:

1794.2. (a) Subdivision (a) of Section 1794 shall not apply to a cause of action commenced or maintained pursuant to Section 382 of the Code of Civil Procedure or pursuant to Section 1781 of this code.

(b) Subdivision (a) of Section 1794 shall not apply to a judgment based solely on a breach of implied warranty of merchantability or, where present, the implied warranty of fitness.

SEC. 15. Section 1794.3 of the Civil Code is amended to read:

1794.3. The provisions of this chapter shall not apply to any defect or nonconformity in consumer goods caused by the unauthorized or unreasonable use of the goods following sale.

SEC. 16. Section 1794.4 of the Civil Code is amended to read:

1794.4. Nothing in this chapter shall be construed to prevent the sale of a service contract to the buyer in addition to or in lieu of an express warranty if such contract fully and conspicuously discloses in simple and readily understood language the terms and conditions of such contract.

SEC. 16.5. Section 1795.1 is added to the Civil Code, to read:

1795.1. No requirement of this chapter shall apply to any equipment or any part thereof which is a component of a system designed to heat, cool, or otherwise condition air where such a system shall become a fixed part of a structure, unless an express warranty respecting such component has been made by the retailer thereof, in which event it shall be the duty of the retailer to give effect to the provisions of this chapter.

SEC. 17. Section 1795.5 is added to the Civil Code, to read:

1795.5. Notwithstanding the provisions of subdivision (a) of Section 1791 defining consumer goods to mean "new" goods, if a distributor or retail seller of used consumer goods makes express warranties with respect to used goods that are sold in this state, the obligation of such distributor or retail seller shall be the same as that imposed on the manufacturer under this chapter, except:

(a) It shall be the obligation of the distributor or retail seller making express warranties with respect to used consumer goods (and not the original manufacturer, distributor, or retail seller making express warranties with respect to such goods when new) to maintain, or cause to be maintained, sufficient service and repair facilities within this state to carry out the terms of such express warranties.

(b) The provisions of Section 1793.5 shall not apply to the sale of used consumer goods sold in this state.

(c) The duration of the implied warranty of merchantability and where present the implied warranty of fitness with respect to used consumer goods sold in this state, where the sale is accompanied by an express warranty, shall be coextensive in duration with an express warranty which accompanies the consumer goods, provided the duration of the express warranty is reasonable, but in no event shall such implied warranties have a duration of less than 30 days nor more than three months following the sale of used consumer goods to a retail buyer. Where no duration for an express warranty is stated with respect to such goods, or parts thereof, the duration of the implied warranties shall be the maximum period prescribed above.

SEC. 18. The provisions of this act shall become operative on January 1, 1972, and shall apply to sales of consumer goods occurring on and after January 1, 1972, provided such consumer goods are manufactured on or after March 1, 1971.

---

## CHAPTER 1524

*An act to amend Section 1241.7 of the Code of Civil Procedure, relating to eminent domain for state highways.*

[Approved by Governor November 16, 1971 Filed with Secretary of State November 16, 1971 ]

*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, or as an ecological reserve as provided for in Article 4 (commencing with Section 1580) of Chapter 5 of Division 2 of the Fish and Game Code, 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, or as an ecological reserve as provided for in Article 4 (commencing with Section 1580) of Chapter 5 of Division 2 of the Fish and Game Code, is sought to be acquired for state highway purposes, or for public utility route or structure purposes, and such park or recreational area, or wildlife or waterfowl management area, or historic site, or ecological reserve was dedicated to or established for park or recreational purposes, or as a wildlife or waterfowl management area, or as an historic site included in the National Register of Historic Places or state-registered landmarks, or as an ecological reserve as provided for in Article 4 (commencing with Section 1580) of Chapter 5 of Division 2 of the Fish and Game Code, prior to the initiation of highway route location studies, or public utility route or structure 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, or ecological reserve 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 publication by the California Highway Commission or the public utility in a newspaper of general circulation pursuant to Section 6061 of the Government Code, and delivery of a written notice to the public agency owning such park or recreational area, or wildlife or waterfowl management area, or historic site, or ecological reserve by the California Highway Commission or public utility that a proposed route or site or an adopted route includes park land or recreational area, or a wildlife or waterfowl management area, or an historic site, or an ecological reserve owned by that agency. In such declaratory relief action, the resolution of the California Highway 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 hear-

ing 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, or for public utility route or structure purposes, may not be brought pursuant to this subdivision, the provisions of subdivision (a) of this section shall not apply.

---

## CHAPTER 1525

*An act to amend Sections 190, 5719, 20054, 20055, 20056, 20058, 20065, 20066, 20067, 20075, 20076, 20077, 20078, 20079, 20080, 20081, 20082, 20084, 20210, 20211, 20755, and 25515.5 of, to add Sections 192.5, 6079, 20053.5, and 25543 to, to repeal Section 200.10 of, and to repeal Article 1.5 (commencing with Section 25543) of Chapter 5 of Division 18.5 of, the Education Code, and to add Section 16352.5 to the Government Code, relating to community colleges, and making an appropriation therefor.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 190 of the Education Code is amended to read:

190. The board shall appoint a chief executive officer, to be known as the Chancellor of the California Community Colleges, and fix his salary.

SEC. 2. Section 192.5 is added to the Education Code, to read:

192.5. The chancellor, subject to such additional conditions as the board of governors may establish, may purchase annuity contracts for permanent employees of the board of governors 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 Section 403(b) of the Internal Revenue Code of 1954 and Section 17512 of the Revenue and Taxation Code.

(b) The employee makes application to the chancellor 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.

SEC. 3. Section 200.10 of the Education Code is repealed.

SEC. 4. Section 5719 of the Education Code is amended to read:

5719. No state funds shall be apportioned to any districts on account of the attendance of students enrolled in adult schools unless the courses have been approved by the State

Department of Education or the Board of Governors of the California Community Colleges, as appropriate. Approval of courses for grades 13 and 14 shall be given in accordance with the provisions of Section 25515.5.

SEC. 5. Section 6079 is added to the Education Code, to read:

6079. For the purposes of English language centers maintained by a community college district, the board of governors shall exercise the authority given in the provisions of this article to the Department of Education and the Board of Education, including the allocation of funds except as may be prohibited by the "single state agency" requirement of federal law.

SEC. 6. Section 20053.5 is added to the Education Code, to read:

20053.5. As used in this chapter, "Chancellor" means the Chancellor of the California Community Colleges.

SEC. 8. Section 20054 of the Education Code is amended to read:

20054. This chapter shall be administered by the chancellor, and for purposes of such administration the Board of Governors may adopt all necessary rules and regulations.

For purposes of this chapter, the chancellor shall assemble statewide data on facility and construction costs, and on the basis thereof formulate cost standards and construction standards. The formulation of standards shall include also the formulation of average ratios of equipment cost to total project costs, unit equipment costs per faculty or other staff measure, and unit costs as related to floor areas.

SEC. 9. Section 20055 of the Education Code is amended to read:

20055. Any action of the chancellor in administering this chapter may be appealed to the Board of Governors of the California Community Colleges by the governing board of an affected community college district. The appeal shall be placed on the agenda of the board in accordance with the general agenda practices of the board. The decision of the board on such appeals shall be final.

SEC. 10. Section 20056 of the Education Code is amended to read:

20056. Funds appropriated for a project of a community college district for purposes of this chapter shall be allocated and disbursed upon order of the chancellor, and by warrants of the State Controller issued pursuant thereto.

SEC. 11. Section 20058 of the Education Code is amended to read:

20058. Upon completion of a project the governing board of the community college district shall submit to the chancellor a final report on all expenditures in connection with the project and the sources of the funds expended.

SEC. 12. Section 20065 of the Education Code is amended to read:

20065. On or before November 1, 1967, the governing board of each community college district shall prepare and submit to

the chancellor a plan for capital construction for community college purposes of the district for the 10-year period commencing with that date. The plan shall be subject to continuing review by the governing board and each year shall be extended one year, and there shall be submitted to the chancellor, on or before the first day of November in each suceeding year, a report outlining the required modifications or changes, if any, in the plan.

SEC. 13. Section 20066 of the Education Code is amended to read:

20066. The plan for capital construction shall set out the estimated capital construction needs of the district with reference to elements including at least all of the following:

(a) The plans of the district concerning its future academic programs, and the effect on estimated construction needs which may arise because of particular courses of instruction or subject matter areas to be emphasized.

(b) The enrollment projections for each district formulated by the Department of Finance, expressed in terms of weekly student contact hours. The enrollment projections for each individual college within a district shall be made cooperatively by the Department of Finance and the community college district.

(c) The current enrollment capacity of the district expressed in terms of weekly student contact hours and based upon the space and utilization standards for community college classrooms and laboratories adopted by the board of governors.

(d) District office, library and supporting facility capacities as derived from the physical plant standards for office, library and supporting facilities adopted by the board of governors.

(e) An annual inventory of all facilities of the district using standard definitions, forms, and instructions adopted by the board of governors.

SEC. 14. Section 20067 of the Education Code is amended to read:

20067. The chancellor shall, on or before March 1, 1968, review, and evaluate the plan for capital construction submitted by the governing board of each community college district in terms of the elements of the capital construction program specified in Section 20066, and shall, on the basis of such review and evaluation, make such revision and changes therein as are appropriate, and approve the same. A similar review and evaluation of continuing 10-year plans for capital construction submitted by the governing board of each district maintaining a community college shall be made on or before each succeeding first day of December. The chancellor shall, promptly after such approval, notify the governing board of each community college district of the approved form and content of the district's plan for capital construction.

SEC. 15. Section 20075 of the Education Code is amended to read:

20075. Any community college district may submit to the chancellor for review and approval a proposed project. The

proposed project shall be an element of the district's plan for capital construction. It shall be in such form and contain such detail, pursuant to rules and regulations of the board of governors, as will permit its evaluation and approval with reference to the elements of the capital construction program specified in Section 20066.

SEC. 16. Section 20076 of the Education Code is amended to read:

20076. The chancellor shall review and evaluate each proposed project with reference to the elements of the capital construction program specified in Section 20066, and if it approves the same, shall transmit the approved proposed project to the Department of Finance not later than April 1, 1968, and April 1st of each year thereafter. A proposed project not approved shall be returned to the governing board of the community college district with recommendations concerning changes deemed necessary by the chancellor.

SEC. 17. Section 20077 of the Education Code is amended to read:

20077. The Department of Finance shall review, evaluate, and approve proposed project submitted to it by the chancellor. The review and evaluation shall be directed particularly to ascertaining whether the proposed project is of appropriate size, is appropriately timed and is justified in terms of the elements of the capital construction program specified in Section 20066. Any proposed project which is not approved shall be returned to the governing board of the community college district with recommendations deemed necessary by the Department of Finance.

SEC. 18. Section 20078 of the Education Code is amended to read:

20078. A proposed project submitted by the governing board of a community college district to the chancellor pursuant to Section 20075 prior to the 15th day of January 1968, and of each year thereafter, shall be finally acted upon by the chancellor pursuant to Section 20076 on or before the next succeeding first day of April 1968, and each year thereafter. A proposed project submitted to the Department of Finance pursuant to Section 20076, shall be finally acted upon by the department pursuant to Section 20077 on or before the first day of July 1968, and each year thereafter.

SEC. 19. Section 20079 of the Education Code is amended to read:

20079. Upon securing approval of a proposed project pursuant to Sections 20076 and 20077, the governing board of a community college may submit to the chancellor for approval preliminary plans for the project. In order that a project shall be eligible for inclusion in the budget and the Budget Bill submitted to the Legislature by the Governor at each regular session of the Legislature, the preliminary plans for the project shall be submitted by the governing board of the district to the chancellor prior to the first day of October 1968, and each year thereafter, preceding the commencement of such regular session.

Preliminary plans for a project shall include detailed plans, specifications, and drawings, and all other data and information necessary to determine detailed estimates of cost.

SEC. 20. Section 20080 of the Education Code is amended to read:

20080. The chancellor shall review and evaluate preliminary plans for a project and shall either finally approve or disapprove the same on or before the 15th day of November 1968, and each year thereafter, following the date of their submission by the governing board of the district. Following the review and evaluation, approved preliminary plans for a project shall be transmitted to the Department of Finance not later than the 15th day of November 1968, and the 15th day of November of each succeeding year thereafter. Preliminary plans not receiving approval may be returned to the governing board of the community college submitting them.

For purposes of this section, the chancellor shall have the authority to confer with and advise the governing board of a community college district or the representatives of such board and to effect modifications and alterations in preliminary plans for a project.

SEC. 21. Section 20081 of the Education Code is amended to read:

20081. The review and evaluation of preliminary plans for a project by the chancellor shall include the following elements:

(a) An architectural analysis to determine costs of the various phases of the project, with particular attention to be directed to the type of construction, unit costs, and the efficiency of particular buildings and facilities in terms of effective utilization of area.

(b) Determining the amount of federal funds available for the project, and taking appropriate measures to ensure that the project will qualify for the maximum amounts of federal funds practicable under the circumstances.

"Federal funds" means any construction and equipment moneys provided by the federal government to a community college district for the project or any part of the project, which are or will be available to the district for the project.

(c) Determining the total cost of the project, reducing the same by the amount of federal funds available therefor, and determining the respective shares of the remainder thereof to be borne by the state and by the district. The determination of the respective shares of the project to be borne by the state and the district shall be made on the basis of the relative district ability. If the relative district ability is one (1), the state and district shall share the cost equally; if the relative district ability is less than one (1) the state shall bear more of the cost than the district; and if the relative district ability is greater than one (1), the state shall bear less of the cost than the district.

"Relative district ability" is the quotient obtained by dividing (1) the assessed valuation of the district for the academic year in which an application for a project is submitted

to the chancellor, divided by the annual average weekly student contact hours in the district for the same academic year, by (2) the total of assessed valuation for all community college districts in the state for the same academic year, divided by the total annual average weekly student contact hours in all community college districts of the state for the same academic year.

(d) Determining the total of funds immediately required for the first phase of the project to be provided by the state by appropriation, and the funds immediately required to be provided by the district.

SEC. 22. Section 20082 of the Education Code is amended to read:

20082. The Department of Finance shall review preliminary plans for a project approved and submitted to it by the chancellor, and the estimated state and district shares in the funding thereof determined by the chancellor. If the Department of Finance approves the preliminary plans, the state's share of the funding thereof for the first fiscal year shall be included in the budget and the Budget Bill submitted to the Legislature at the next ensuing regular session of the Legislature, so that such state funds as may be appropriated therefor by the Legislature shall be available to the community college district as soon as practicable after the commencement of the next ensuing fiscal year.

SEC. 23. Section 20084 of the Education Code is amended to read:

20084. A community college district may begin work on, or receive or award bids for, any portion of an approved project prior to the appropriation by the Legislature of the state's share of the funding thereof pursuant to Section 20082, if such district has demonstrated both of the following facts to the satisfaction of the Board of Governors of the California Community Colleges and the Department of Finance:

(a) The capital construction program of the district and the construction dates contained therein support the need of the district to begin work on, or award bids for, the project before the appropriation is made.

(b) The district has the financial capability to complete the work begun before the appropriation is made in the event the Legislature fails to appropriate the necessary state funding.

For the purposes of this section, an "approved project" is a project which has been approved by the chancellor pursuant to Section 20081, and approved by the Department of Finance pursuant to Section 20082 after April 1, 1971.

SEC. 24. Section 20210 of the Education Code is amended to read:

20210. The Board of Governors of the California Community Colleges shall furnish the forms and prescribe the procedures required of the school districts and county superintendent of schools under this article.

SEC. 25. Section 20211 of the Education Code is amended to read:

20211. The special tax required by Section 20202 to be levied shall not be levied upon taxable property in any territory included in a newly formed community college district, during the first fiscal year for which the district is effective for all purposes, or in a unified district during the first fiscal year in which a community college is operated by the district or in any territory annexed to a community college district, during the first fiscal year for which the annexation is effective for all purposes, if the rate of community college district tax levied upon taxable property in such territory during such year for all community college purposes exclusive of bond interest and redemption, equals or exceeds the rate of tax which would be levied on taxable property in such territory under Section 20202 if this section were not in existence. The county auditor shall, on or before September 25th of such year, determine and report to the county superintendent of schools the amount which would be raised if the tax prescribed by Section 20202 were levied in such territory during such year. The county superintendent of schools shall forthwith report the amount to the Board of Governors of the California Community Colleges, who shall forthwith certify such amount to the State Controller. The State Controller shall, on or before November 25th of such year, draw his warrant upon the General Fund, in the amount certified, payable to the county treasurer from the money appropriated by this section for such year. The county treasurer shall deposit the amount in the community college tuition fund, and the amount shall be apportioned under this article in the same manner as if it were the proceeds of the tax levied under Section 20202.

If the rate of the community college district tax levied upon taxable property in such territory during such year for all community college purposes, exclusive of bond interest and redemption, is less than the rate of tax which would be levied on taxable property in such territory in such year under Section 20202 if this section were not in existence, the board of supervisors at the time of levying the tax prescribed by Section 20202, shall levy in such territory, in lieu of the special tax prescribed by Section 20202, a special tax at a rate equal to the difference between the rate of tax levied under Section 20202 and the rate of district tax levied in the territory for all community college purposes, exclusive of bond interest and redemption. When collected the tax shall be paid into the county treasury and placed in the community college tuition fund. The county auditor shall, on or before September 25th of such year, determine and report to the county superintendent of schools the difference between the amount which would have been raised in such territory in such year if a special tax had been levied in such territory pursuant to Section 20202, and the amount which actually was or will be raised in such year from the levy of the special tax required by this paragraph. The county superintendent of schools shall forthwith report the amount to the Superintendent of Public Instruction, who shall forthwith certify such amount to the State Controller. The State Controller shall, on or before November

25th of such year, draw his warrant upon the General Fund, in the amount certified, payable to the county treasurer from the money appropriated by this section for such year. The county treasurer shall deposit the amount in the community college tuition fund and the amount shall be apportioned under this article in the same manner as if it were the proceeds of the tax levied under Section 20202.

There is hereby appropriated from the General Fund each year, commencing with the 1959–1960 fiscal year, to the Board of Governors of the California Community Colleges, the total of the amounts reported to him by each county superintendent of schools pursuant to this section, to be expended pursuant to this section.

SEC. 26. Section 20755 of the Education Code is amended to read:

20755. Notwithstanding the provisions of this article or any other provisions of law to the contrary, the governing board of a district maintaining a community college may have levied and collected school district taxes, over a period of three years, without limitation as to rate, for purposes of providing funds for the annual district share of any project approved pursuant to Chapter 19 (commencing with Section 20050) of Division 14, including any funds required to obtain federal funds for such project or any part of the project and such state funds as are allocated pursuant to Section 16352 5 of the Government Code. If at the end of any fiscal year there remains an unencumbered balance derived from the revenue of the tax rate hereby provided, such balance shall be used exclusively for the purpose of providing funds for the district matching share of any project approved pursuant to Chapter 19 (commencing with Section 20050) of Division 14.

SEC. 27. Section 25515.5 of the Education Code is amended to read:

25515.5. Courses of instruction and educational programs shall be prepared under the direction of the governing board of each community college district. Such educational programs shall be submitted to the board of governors for approval. Courses of instruction which are not offered in approved educational programs shall be submitted to the board of governors for approval. The district governing board shall establish policies for, and approve, individual courses which are offered in approved educational programs without referral to the board of governors.

The board of governors shall review, and may approve, all educational programs and all courses which are required by this section to be submitted to it for approval.

For the purposes of this section, "course of instruction" means an instructional unit of an area or field of organized knowledge, usually provided on a quarter, semester, year, or prescribed length-of-time basis.

For the purposes of this section, "educational program" is an organized sequence of courses leading to a degree, a certificate, a diploma, a license, or transfer to another institution of higher education.

The provisions of this section apply to classes for adults as well as regular classes of community colleges.

SEC. 28. Article 1.5 (commencing with Section 25543) of Chapter 5 of Division 18.5 of the Education Code is repealed.

SEC. 29. Section 25543 is added to the Education Code, to read:

25543. To the extent permitted by federal law, the Chancellor of the California Community Colleges shall administer federal funds allocated to the public community colleges.

SEC. 30. Section 16352.5 is added to the Government Code, to read:

16352.5. There is hereby appropriated from the money in the State Construction Program Fund derived from the proceeds of bonds sold pursuant to the Community College Construction Program Bond Act of 1972, an amount sufficient to provide for payment of community college projects for which an appropriation is available where such project cannot be undertaken because the total project cost based on bids is in excess of the funds available. The provisions of this section shall be applicable only under all of the following limitations:

(1) The augmentation allocation shall be calculated only on the state's share of the total project cost and on the same basis as the original appropriation.

(2) The augmentation allocation shall be granted, if otherwise justified, only on condition that the contract award is made within one-year from the effective date of the appropriation.

(3) The augmentation allocation for the state's share of the project would be five thousand dollars ($5,000) or more.

Expenditures shall be pursuant to executive orders of the Director of Finance upon recommendations by the Chancellor of the California Community Colleges and approval of the State Public Works Board.

SEC. 31. Section 30 of this act shall be operative only if Senate Bill No. 168 of the 1971 Regular Session of the Legislature is enacted and the Community College Construction Program Bond Act of 1972, proposed by Sections 1 to 10, inclusive, of Senate Bill No. 168, is approved by the electors at the 1972 general election, in which case, Section 30 of this act shall become operative at the same time as the Community College Construction Program Bond Act of 1972 becomes operative.

---

## CHAPTER 1526

*An act to add Section 926.10 to the Government Code, relating to claims against the state.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 926.10 is added to the Government Code, to read:

926.10. Any public entity as defined by Section 811.2 having a liquidated claim against any other public entity based on contract or statute of the State of California, or any person having such a claim against a public agency, shall be entitled to interest commencing the 61st day after such public entity or person files a liquidated claim known or agreed to be valid when filed pursuant to such statute or contract, and such claim is due and payable. Interest shall be 6 percent per annum.

## CHAPTER 1527

*An act to add Section 26840.2 to the Government Code, relating to the issuance of marriage licenses during other than normal business hours.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 26840.2 is added to the Government Code, to read:

26840.2. Whenever the board of supervisors of a county makes provision by ordinance for the issuance of marriage licenses outside of the normal business hours, the board may establish a fee, in addition to that provided in Section 26840, not to exceed two dollars ($2), which shall be paid to the county treasury.

## CHAPTER 1528

*An act to amend Section 40307 of the Vehicle Code, relating to holding in custody.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 40307 of the Vehicle Code is amended to read:

40307. When an arresting officer attempts to take a person arrested for a misdemeanor or infraction of this code before a magistrate and the magistrate or person authorized to act for him is not available, the arresting officer shall take the person arrested, without unnecessary delay, before:

(a) The clerk of the magistrate who shall admit him to bail in accordance with a schedule fixed as provided in Section 1269b of the Penal Code, or

(b) The officer in charge of the most accessible county or city jail or other place of detention within the county who shall admit him to bail in accordance with a schedule fixed as provided in Section 1269b of the Penal Code or may, in lieu of bail, release the person on his written promise to appear as pro-

vided in subdivisions (a) through (f) of Section 853.6 of the Penal Code.

Whenever a person is taken into custody pursuant to subdivision (a) of Section 40302 and is arrested for a misdemeanor or infraction of this code pertaining to the operation of a motor vehicle, the officer in charge of the most accessible county or city jail or other place of detention within the county may detain the person arrested for a reasonable period of time, not to exceed one hour, in order to verify his identity.

---

## CHAPTER 1529

*An act to amend Sections 1812.10 and 2984.4 of the Civil Code, relating to actions on sales contracts.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

*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. Such facts may be stated in a verified complaint and shall not be stated on information or belief. When such affidavit is filed with the complaint, a copy thereof shall be served with the summons. If a plaintiff fails to file the affidavit or state facts in a verified complaint required by this section, no further proceedings shall be had, but the court shall, upon its own motion or upon motion of any party, dismiss any such action without preju-

dice; however, the court may, on such terms as may be just, permit the affidavit to be filed subsequent to the filing of the complaint and a copy of such affidavit shall be served on the defendant. The time to answer or otherwise plead shall date from such service.

SEC. 2. Section 2984.4 of the Civil Code is amended 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. Such facts may be stated in a verified complaint and shall not be stated on information or belief. When such affidavit is filed with the complaint, a copy thereof shall be served with the summons. If a plaintiff fails to file the affidavit or state facts in a verified complaint required by this section, no further proceedings shall be had, but the court shall, upon its own motion or upon motion of any party, dismiss any such action without prejudice; however, the court may, on such terms as may be just, permit the affidavit to be filed subsequent to the filing of the complaint and a copy of such affidavit shall be served on the defendant. The time to answer or otherwise plead shall date from such service.

In any action on a contract subject to 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 this section 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 1530

*An act to amend Sections 11110, 12805, 12810, 13201, 13209, 13210, 13350, 13352, 13355, 13550, 14601, 23107, and 40302 of, to add Sections 312, 23105, and 23106 to, and to repeal Sections 23101.5, 23102.5, 23105, 23106, and 23108 of, the Vehicle Code, relating to vehicles.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 312 is added to the Vehicle Code, to read:

312. The term "drug" means any substance or combination of substances, other than alcohol, which could so affect the nervous system, brain, or muscles of a person as to impair, to an appreciable degree, his ability to drive a vehicle in the manner that an ordinarily prudent and cautious man, in full possession of his faculties, using reasonable care, would drive a similar vehicle under like conditions.

SEC. 2. Section 11110 of the Vehicle Code is amended to read:

11110. The department may cancel, suspend, or revoke, or refuse to renew any license under the provisions of this chapter:

(a) Whenever the department is satisfied that the licensee fails to meet the requirements to receive or hold a license under this chapter.

(b) Whenever the licensee fails to keep the records required by this chapter.

(c) Whenever the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the department, or induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license.

(d) Whenever the holder fails to comply with any provisions of this chapter or any of the regulations or requirements of the department made pursuant thereto.

(e) Whenever the licensee represents himself as an agent or employee of the department or uses advertising designed or which would reasonably have the effect of leading persons to believe that such licensee was in fact an employee or representative of the department, or whenever the licensee advertises in any manner or means whatever any statement 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.

(f) Whenever the licensee or any employee or agent of such licensee solicits driver training or instruction in an office of the department or within 200 feet of any such office.

(g) Whenever the licensee is convicted of driving an automobile while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or of violating Sections 14606, 20001, 20002,

20003, 20004, 20006, 20008, 23103, or 23104 of this code or Section 192 of the Penal Code.

(h) Whenever the licensee has been convicted of any crime, does any act or series of acts, or is guilty of conduct, which conviction, action or conduct manifests a disability or unfitness to perform properly the licensee's occupational duties or lack of good moral character even though unrelated to proper performance of such occupational duties, and whenever disability or unfitness to perform properly the occupational duties of the licensee is the basis of suspension or revocation, the referee, hearing officer or board makes a specific finding as to the manner in which the conviction, action or conduct manifests such disability or unfitness, which finding is to be incorporated in the order suspending or revoking the license.

(i) Whenever contrary to provisions of this code or of regulations established by the department, the licensee teaches or permits a student to be taught the specific tests administered by the department through use of the department's forms or testing facilities.

(j) Whenever the licensee conducts driver training, or permits driver training by any employee, in an unsafe manner or contrary to safe driving practices.

SEC. 3. Section 12805 of the Vehicle Code is amended to read:

12805. The department shall not issue or renew a driver's license to any person:

(a) Who is not of legal age to receive such license.

(b) Who, because of excessive and continuous use of alcoholic liquors, is incapable of safely operating a motor vehicle, or who is addicted to the use of, or is an habitual user of, any drug to a degree that the person is rendered incapable of safely operating a motor vehicle.

(c) Who is insane or feebleminded or an idiot or an imbecile.

(d) Who is an epileptic.

(e) Who is unable as shown by examination to understand traffic signs or signals or who does not have a reasonable knowledge of the provisions of this code governing the operations of vehicles upon the highways.

(f) When it appears by examination or other evidence that such person is unable to operate a motor vehicle upon a highway safely because of physical or mental defect or lack of skill.

(g) Who is unable to read and understand simple English used in highway traffic and directional signs. The provisions of this subdivision shall not apply to any person holding an operator's or chauffeur's license issued by this state and valid on September 11, 1957.

(h) Who holds a valid driver's license issued by a foreign jurisdiction unless he surrenders that license to the department.

(i) Who has ever held, or is the holder of a license to drive issued by another state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been suspended by reason,

in whole or in part, of a conviction of a traffic violation until the suspension period has terminated, except as provided in subdivision (b) of Section 12806.

(j) Who has ever held, or is the holder of a license to drive issued by another state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been revoked by reason, in whole or in part, of a conviction of a traffic violation until the revocation has been terminated or after the expiration of one year from the date the license was revoked, whichever occurs first, except as provided in subdivision (b) of Section 12806.

(k) Who holds a valid identification card issued under this code unless he surrenders that identification card to the department.

SEC. 4. Section 12810 of the Vehicle Code is amended to read:

12810. In determining the violation point count, any conviction of failure to stop in the event of an accident resulting in damage to property or otherwise failing to comply with the requirements of Section 20002, of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or of reckless driving shall be given a value of two points and any other traffic conviction involving the safe operation of a motor vehicle upon the highway shall be given a value of one point; provided, that conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

Any person whose driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months or eight or more points in 36 months shall be prima facie presumed to be a negligent operator of a motor vehicle.

Any accident in which the operator is deemed by the department to be responsible shall be given a value of one point.

In applying the provisions of this section to a driver, the department shall give due consideration to the amount of use or mileage traveled in the operation of a motor vehicle.

SEC. 5. Section 13201 of the Vehicle Code is amended to read:

13201. A court may suspend the privilege of any person to operate a motor vehicle, for a period not exceeding six months, upon conviction of any of the following offenses:

(a) Driving while under the influence of intoxicating liquor or under the combined influence of intoxicating liquor and any drug under Section 23102.

(b) Failure of the driver of a vehicle involved in an accident to stop or otherwise comply with the provisions of Section 20002.

(c) Reckless driving proximately causing bodily injury to any person under Section 23104.

(d) Failure of the driver of a vehicle to stop at a railway grade crossing as required by Section 22452.

(e) Driving while addicted to the use, or under the influence of, any drug under Section 23105.

SEC. 6. Section 13209 of the Vehicle Code is amended to read:

13209. Before sentencing a person upon a conviction of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, other than under Section 23101 or 23106, the court shall obtain from the department a record of any prior convictions of that person for traffic violations. The department shall furnish such record upon the written request of the court.

Notwithstanding the provisions of Section 1449 of the Penal Code, in any such criminal action the time for pronouncement of judgment shall not commence to run until the time that the court receives the record of prior convictions from the department.

SEC. 7. Section 13210 of the Vehicle Code is amended to read:

13210. Notwithstanding any other provision of this code, whenever any person is convicted for the first time of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, other than under Section 23101 or 23106, the court may order the department not to suspend the privilege of the person to operate a motor vehicle under Section 13352. In such event the court may also limit the person's driving privilege as a condition of probation without notifying the department of such condition.

SEC. 8. Section 13350 of the Vehicle Code is amended to read:

13350. The department shall immediately revoke the privilege of any person to drive a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of any of the following crimes or offenses:

(a) Manslaughter resulting from the operation of a motor vehicle, except when convicted under paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(b) 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.

(c) Upon three or more convictions upon violation of Sections 20002, 23103, or 23104 within a period of 12 months from the time of the first conviction, or upon a combination of three or more of any such convictions within a like period.

(d) Any felony in the commission of which a motor vehicle is used, except as provided for in Sections 13352 and 13357.

SEC. 9. Section 13352 of the Vehicle Code is amended to read:

13352. The department shall immediately suspend or revoke the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of driving

a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (b) of Section 23105. The suspension or revocation shall be as follows:

(a) Upon a first such conviction other than under Section 23101 or 23106 such privilege shall be suspended for a period of six months, unless the court in case of the first conviction only suspends such privilege under authority of Section 13201 or recommends no suspension.

(b) Upon a first such conviction under Section 23101 or 23106 such privilege shall be suspended for one year and shall not be reinstated until such person gives proof of ability to respond in damages as defined in Section 16430.

(c) Upon a second conviction of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (b) of Section 23105, or any combination of such convictions within seven years, such privilege shall be suspended for one year and shall not be reinstated unless and until such person gives proof of ability to respond in damages as defined in Section 16430.

(d) Upon a second such conviction under Section 23101 or 23106 within three years, such privilege shall be permanently revoked.

(e) Upon a third or subsequent conviction of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (b) of Section 23105, or any combination of such convictions within 10 years, such privilege shall be revoked and shall not be reinstated for a period of three years and until such person files proof of ability to respond in damages as defined in Section 16430.

SEC. 10. 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 under the influence of intoxicating liquor, or in violation of the provisions of Section 23105.

(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.

(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.

SEC. 11. Section 13550 of the Vehicle Code is amended to read:

13550. Whenever any person is convicted of any offense for which this code makes mandatory the revocation or suspension by the department of the privilege of the person to operate a motor vehicle, or is convicted under Section 23102 or 23105, unless, under Section 13352 the court recommends that there be no suspension, the privilege of the person to operate a motor vehicle is suspended or revoked until the department takes the action required by this code, and the court in which the conviction is had shall require the surrender to it of the driver's license issued to the person convicted and the court shall within 10 days after the conviction forward the same with the required report of such conviction to the department.

SEC. 12. Section 14601 of the Vehicle Code is amended to read:

14601. (a) No person shall drive a motor vehicle upon a highway at any time when his driving privilege is suspended or revoked for reckless driving, driving while under the influence of alcohol or any drug, or under the combined influence of alcohol and any drug, any reason listed in subdivisions (b) through (f) of Section 12805 requiring the department to refuse to issue a license, negligent or incompetent operation of a motor vehicle as prescribed in subdivision (e) of Section 12809, or negligent operation as prescribed in Section 12810, and the person so driving has knowledge of such suspension or revocation. Knowledge shall be presumed if notice has been given by the department to such person. The presumption established by this subdivision is a presumption affecting burden of proof.

(b) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than five days nor more than six months and by fine of not more than five hundred dollars ($500), and upon a second or any subsequent conviction, within seven years of a prior conviction, by imprisonment in the county jail for not less than 10 days nor more than one year and by fine of not more than one thousand dollars ($1,000), or by both such fine and imprisonment.

(c) If any person is convicted of a second or subsequent offense under this section within seven years of a prior conviction and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 10 days.

SEC. 13. Section 23101.5 of the Vehicle Code is repealed.

SEC. 14. Section 23102.5 of the Vehicle Code is repealed.

SEC 15. Section 23105 of the Vehicle Code is repealed.

SEC. 16. Section 23105 is added to the Vehicle Code, to read:

23105. (a) It is unlawful for any person who is under the influence of any drug to drive a vehicle upon any highway.

(b) It is unlawful for any person who is addicted to the use of any drug, except such a person who is participating in a methadone maintenance treatment program approved pur-

suant to Section 11655.7 of the Health and Safety Code, to drive a vehicle upon any highway.

(c) Any person convicted under this section is guilty of a misdemeanor and shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) or by both such fine and imprisonment and upon a second or any subsequent conviction, within seven years of a prior conviction, by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000). A conviction under this section shall be deemed a second or subsequent conviction if the person has previously been convicted of a violation of driving a vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug.

(d) If any person is convicted of a second or subsequent offense under this section within seven years of a prior conviction and is granted probation, it shall be a condition of probation that such person be confined in jail for at least five days but not more than one year and pay a fine of at least two hundred fifty dollars ($250) but not more than one thousand dollars ($1,000).

(e) If the person convicted under this section is under the age of 21 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

SEC. 17. Section 23106 of the Vehicle Code is repealed.

SEC. 18. Section 23106 is added to the Vehicle Code, to read:

23106. Any person who, while under the influence of any drug drives a vehicle and when so driving does any act forbidden by law or neglects any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes bodily injury to any person other than himself is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not less than 90 days nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than five thousand dollars ($5,000).

SEC. 19. Section 23107 of the Vehicle Code is amended to read:

23107. The fact that any person charged with a violation of Section 23105 or 23106 is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any violation of the sections.

SEC. 20. Section 23108 of the Vehicle Code is repealed.

SEC. 21. Section 40302 of the Vehicle Code is amended to read:

40302. Whenever any person is arrested for any violation of this code, not declared to be a felony, the arrested person shall be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made in any of the following cases:

(a) When the person arrested fails to present his driver's license or other satisfactory evidence of his identity for examination.

(b) When the person arrested refuses to give his written promise to appear in court.

(c) When the person arrested demands an immediate appearance before a magistrate.

(d) When the person arrested is charged with violating Section 23102 or 23105.

SEC. 22. Section 13352 of the Vehicle Code is amended to read:

13352. The department shall immediately suspend or revoke the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or while under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (b) of Section 23105, or upon receipt of a report of a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court showing that the person has been found to have committed the offense of operating a vehicle while under the influence of intoxicating liquor or any drug, or while under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (b) of Section 23105. The suspension or revocation shall be as follows:

(a) Upon a first such conviction or finding, other than under Section 23101 or 23106 such privilege shall be suspended for a period of six months, unless the court in case of the first conviction or finding only suspends such privilege under authority of Section 13201 or 13358 or recommends no suspension.

(b) Upon a first such conviction or finding under Section 23101 or 23106 such privilege shall be suspended for one year and shall not be reinstated until such person gives proof of ability to respond in damages as defined in Section 16430.

(c) Upon a second conviction or finding of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (b) of Section 23105, or any combination of such convictions or findings within seven years, such privilege shall be suspended for one year and shall not be reinstated unless and until such person gives proof of ability to respond in damages as defined in Section 16430.

(d) Upon a second such conviction or finding under Section 23101 or 23106 within three years, such privilege shall be permanently revoked.

(e) Upon a third or subsequent conviction or finding of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (b) of Section 23105, or any combination of such convictions or findings within 10 years such privilege shall be revoked and shall not be reinstated for a period of three years and until such person files proof of ability to respond in damages as defined in Section 16430.

For the purposes of subdivisions (c), (d), and (e), the finding of the juvenile court judge, the juvenile traffic hearing officer, or the referee of a juvenile court, specified in the first paragraph of this section shall also be considered a conviction.

Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 23. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle while under the influence of intoxicating liquor, or in violation of the provisions of Section 23105.

(3) 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.

(4) 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.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court shall immediately report such findings to the department.

SEC. 24. 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, a juvenile traffic hearing officer, or a referee of a 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 under the influence of intoxicating liquor, or in violation of the provisions of Section 23105.

(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.

(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, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 25. 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(a) Manslaughter arising from the operation of a motor vehicle.

(b) Operating a vehicle in violation of the provisions of Section 23105.

(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.

(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, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 26. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offense:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle while under the influence of intoxicating liquor, or in violation of the provisions of Section 23105.

(3) 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.

(4) 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.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 27. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle in violation of the provisions of Section 23105.

(3) 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.

(4) 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.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 28. 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(a) Manslaughter arising from the operation of a motor vehicle.

(b) Operating a vehicle in violation of the provisions of Section 23105.

(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.

(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, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 29. Section 13355 of the Vehicle Code is amended to read:

13355. (a) 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, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle in violation of the provisions of Section 23105.

(3) 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.

(4) 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.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 30. It is the intent of the Legislature, if this bill and Assembly Bill No. 1953 are both chaptered and amend Section 13352 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 1953, that the amendments to Section 13352 proposed by both bills be given effect and incorporated in Section 13352 in the form set forth in Section 22 of this act. Therefore, Section 22 of this act shall become operative only if this bill and Assembly Bill No. 1953 are both chaptered, both

amend Section 13352, and Assembly Bill No. 1953 is chaptered before this bill, in which case Section 9 of this act shall not become operative.

SEC. 31. It is the intent of the Legislature that if this bill and Assembly Bill No. 600, Assembly Bill No. 861, or Assembly Bill No. 1953, or any combination thereof, are chaptered and amend Section 13355 of the Vehicle Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 600 are both chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 861 and Assembly Bill No. 1953 are not chaptered or as chaptered do not amend that section, and this bill is chaptered after Assembly Bill No. 600, the amendments proposed by both bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 23 of this act. Therefore, if Assembly Bill No. 600 is chaptered before this bill and both bills amend Section 13355, and Assembly Bill No. 861 and Assembly Bill No. 1953 are not chaptered or as chaptered do not amend that section, Section 23 of this act shall be operative and Section 10 and Sections 24 to 29, inclusive, of this act shall not become operative.

(b) If this bill and Assembly Bill No. 861 are both chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 600 and Assembly Bill No. 1953 are not chaptered or as chaptered do not amend that section, and this bill is chaptered after Assembly Bill No. 861, the amendments proposed by both bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 24 of this act. Therefore, if Assembly Bill No. 861 is chaptered before this bill and both bills amend Section 13355, and Assembly Bill No. 600 and Assembly Bill No. 1953 are not chaptered or as chaptered do not amend that section, Section 24 shall be operative and Sections 10 and 23 and Sections 25 to 29, inclusive, of this act shall not become operative.

(c) If this bill and Assembly Bill No. 1953 are both chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 600 and Assembly Bill No. 861 are not chaptered or as chaptered do not amend that section, and this bill is chaptered after Assembly Bill No. 1953, the amendments proposed by both bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 25 of this act. Therefore, if Assembly Bill No. 1953 is chaptered before this bill and both bills amend Section 13355, and Assembly Bill No. 600 and Assembly Bill No. 861 are not chaptered or as chaptered do not amend that section, Section 25 of this act shall be operative and Sections 10, 23, and 24, and Sections 26 to 29, inclusive, of this act shall not become operative.

(d) If this bill and Assembly Bill No. 600 and Assembly Bill No. 861 are all chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 1953 is not chaptered or as chaptered does not amend that section, and this bill is chap-

tered after Assembly Bill No. 600 and Assembly Bill No. 861, the amendments proposed by all three bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 26 of this act. Therefore, if Assembly Bill No. 600 and Assembly Bill No. 861 are chaptered before this bill and all three bills amend Section 13355, and Assembly Bill No. 1953 is not chaptered or as chaptered does not amend that section, Section 26 shall be operative and Section 10 and Sections 23 to 25, inclusive, and Sections 27 to 29, inclusive, of this act shall not become operative.

(e) If this bill and Assembly Bill No. 600 and Assembly Bill No. 1953 are all chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 861 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 600 and Assembly Bill No. 1953, the amendments proposed by all three bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 27 of this act. Therefore, if Assembly Bill No. 600 and Assembly Bill No. 1953 are chaptered before this bill and all three bills amend Section 13355, and Assembly Bill No. 861 is not chaptered or as chaptered does not amend that section, Section 27 of this act shall be operative and Section 10, and Sections 23 to 26, inclusive, and Sections 28 and 29 of this act shall not become operative.

(f) If this bill and Assembly Bill No. 861 and Assembly Bill No. 1953 are all chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 600 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 861 and Assembly Bill No. 1953, the amendments proposed by all three bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 28 of this act. Therefore, if Assembly Bill No. 861 and Assembly Bill No. 1953 are chaptered before this bill and all three bills amend Section 13355, and Assembly Bill No. 600 is not chaptered or as chaptered does not amend that section, Section 28 shall be operative and Section 10, and Sections 23 to 27, inclusive, and Section 29 of this act shall not become operative.

(g) If this bill and Assembly Bill No. 600, Assembly Bill No. 861, and Assembly Bill No. 1953 are all chaptered, and all four bills amend Section 13355 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 600, Assembly Bill No. 861, and Assembly Bill No. 1953, the amendments proposed by all four bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 29 of this act. Therefore, if Assembly Bill No. 600, Assembly Bill No. 861, and Assembly Bill No. 1953 are all chaptered before this bill and all four bills amend Section 13355 of the Vehicle Code, Section 29 of this act shall be operative and Section 10 and Sections 23 to 28, inclusive, of this act shall not become operative.

## CHAPTER 1531

*An act to add Section 262.1 to the Streets and Highways Code, relating to state scenic highways.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 262.1 is added to the Streets and Highways Code, to read:

262.1. A local agency, as defined in subdivision (c) of Section 65402 of the Government Code, shall coordinate its planning with, and obtain the approval from, the appropriate local planning agency on the location and construction of any new district facility that would be within the scenic corridor of any state scenic highway.

---

## CHAPTER 1532

*An act to amend Sections 12807, 13365, 40509, and 42003 of the Vehicle Code, relating to vehicle violations.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 12807 of the Vehicle Code is amended to read:

12807. The department shall not issue or renew a driver's license to any person:

(a) When a license previously issued to the person under this code has been suspended until the expiration of the period of the suspension, unless cause for suspension has been removed.

(b) When a license previously issued to the person under this code has been revoked until the expiration of one year after the date of the revocation, except where a different period of revocation is prescribed by this code, or unless the cause for revocation has been removed.

(c) When the department has received a notice pursuant to subdivision (a) of Section 40509, unless the department has received a certificate as provided in that subdivision.

(d) When the department has been notified by a court that the licensee has failed to pay a lawfully imposed fine within the time authorized by the court for any violation which is required to be reported pursuant to Section 1803.

SEC. 2. Section 13365 of the Vehicle Code is amended to read:

13365. The department may suspend or revoke the driving privilege of any person when his record contains notifications of two or more violations of subdivision (a) of Section 40509. The suspension or revocation may continue until the certificates are received as provided in subdivision (a) of Section 40509.

SEC. 3. Section 40509 of the Vehicle Code is amended to read:

40509. (a) Whenever any person has for a period of 15 or more days violated his written promise to appear in court or before the person authorized to receive a deposit of bail or violated an order to appear in court or to pay a fine pursuant to subdivision (a) of Section 42003, the magistrate or clerk of the court may give notice of such fact to the department. Such notice shall be given not less than 30 days nor more than 60 days after issuance of a warrant. Whenever thereafter the case in which such promise was given is adjudicated or the person who has violated the court order appears in court or otherwise satisfies the order of the court, the magistrate or clerk of the court hearing the case shall sign and file with the department a certificate to that effect.

(b) Whenever any person has for a period of 15 or more days willfully failed to pay a lawfully imposed fine within the time authorized by the court, the magistrate or clerk of such court may give notice of such fact to the department for any violation which is required to be reported pursuant to Section 1803. Whenever thereafter the fine is fully paid, the magistrate or clerk of such court shall sign and file with the department a certificate showing that the fine has been paid.

SEC. 4. Section 42003 of the Vehicle Code is amended to read:

42003. (a) A judgment that a person convicted of an infraction be punished by a fine may also provide for the payment to be made within a specified time or in specified installments. A judgment granting a defendant time to pay the fine shall order that if the defendant fails to pay the fine or any installment thereof on the date that it is due he shall appear in court on that date for further proceedings. Willful violation of the order is punishable as contempt.

(b) A judgment that a person convicted of any other violation of this code be punished by a fine may also order, adjudge and decree that the person be imprisoned until the fine is satisfied. In every such case, the judgment shall specify the extent of the imprisonment which shall not exceed one day for every five dollars ($5) of the fine, nor extend in any such case beyond the term for which the defendant might be sentenced to imprisonment for the offense of which he was convicted.

# CHAPTER 1533

*An act to amend Section 938.1 of the Penal Code, relating to grand jury transcripts.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 938.1 of the Penal Code is amended to read:

938.1. (a) If an indictment has been found or accusation presented against a defendant, such stenographic reporter shall certify and deliver to the county clerk an original transcription of his shorthand notes and a copy thereof and as many additional copies as there are defendants, other than fictitious defendants, regardless of the number of charges or fictitious defendants included in the same investigation. The reporter shall complete such certification and delivery within 10 days after the indictment has been found or the accusation presented unless the court for good cause makes an order extending the time. The time shall not be extended more than 20 days. The county clerk shall file the original of the transcript, deliver a copy of the transcript to the district attorney immediately upon his receipt thereof and deliver a copy of such transcript to each such defendant or his attorney. If the copy of the testimony is not served as provided in this section the court shall on motion of the defendant continue the trial to such time as may be necessary to secure to the defendant receipt of a copy of such testimony 10 days before such trial. If several criminal charges are investigated against a defendant on one investigation and thereafter separate indictments are returned or accusations presented upon said several charges, the delivery to such defendant or his attorney of one copy of the transcript of such investigation shall be a compliance with this section as to all of such indictments or accusations.

(b) The transcript shall not be open to the public until 10 days after its delivery to the defendant or his attorney. Thereafter the transcript shall be open to the public unless the court orders otherwise on its own motion or on motion of a party pending a determination as to whether all or part of the transcript should be sealed. If the court determines that there is a reasonable likelihood that making all or any part of the transcript public may prejudice a defendant's right to a fair and impartial trial, that part of the transcript shall be sealed until the defendant's trial has been completed.

# CHAPTER 1534

*An act to amend Section 581 of the Code of Civil Procedure, relating to dismissal of actions.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 581 of the Code of Civil Procedure is amended to read:

581. An action may be dismissed in the following cases:

1. By plaintiff, by written request to the clerk, filed with the papers in the case, or by oral or written request to the judge where there is no clerk, at any time before the actual commencement of trial, upon payment of the costs of the clerk or judge; provided, that a counterclaim has not been set up, or affirmative relief sought by the cross-complaint or answer of the defendant. If a provisional remedy has been allowed, the undertaking shall upon such dismissal be delivered by the clerk or judge to the defendant who may have his action thereon. A trial shall be deemed to be actually commenced at the beginning of the opening statement of the plaintiff or his counsel, and if there shall be no opening statement, then at the time of the administering of the oath or affirmation to the first witness, or the introduction of any evidence.

2. By either party, upon the written consent of the other. No dismissal mentioned in subdivisions 1 and 2 of this section shall be granted unless upon the written consent of the attorney of record of the party or parties applying therefor, or if such consent is not obtained upon order of the court after notice to such attorney.

3. By the court, when either party fails to appear on the trial and the other party appears and asks for the dismissal, or when a demurrer is sustained without leave to amend, or when, after a demurrer to the complaint has been sustained with leave to amend, the plaintiff fails to amend it within the time allowed by the court, and either party moves for such dismissal.

4. By the court, with prejudice to the cause, when upon the trial and before the final submission of the case, the plaintiff abandons it.

5. The provisions of subdivision 1, of this section, shall not prohibit a party from dismissing with prejudice, either by written request to the clerk or oral or written request to the judge, as the case may be, any cause of action at any time before decision rendered by the court. Provided, however, that no such dismissal with prejudice shall have the effect of dismissing a counterclaim or cross-complaint filed in said action or of depriving the defendant of affirmative relief sought by his answer therein. Dismissals without prejudice may be had

in either of the manners provided for in subdivision 1 of this section, after actual commencement of the trial, either by consent of all of the parties to the trial or by order of court on showing of just cause therefor.

6. By the court without prejudice when no party appears for trial following 30 days notice of time and place of trial.

SEC. 2. Section 581 of the Code of Civil Procedure is amended to read:

581. An action may be dismissed in the following cases:

1. By plaintiff, by written request to the clerk, filed with the papers in the case, or by oral or written request to the judge where there is no clerk, at any time before the actual commencement of trial, upon payment of the costs of the clerk or judge; provided, that affirmative relief has not been sought by the cross-complaint of the defendant. If a provisional remedy has been allowed, the undertaking shall upon such dismissal be delivered by the clerk or judge to the defendant who may have his action thereon. A trial shall be deemed to be actually commenced at the beginning of the opening statement of the plaintiff or his counsel, and if there shall be no opening statement, then at the time of the administering of the oath or affirmation to the first witness, or the introduction of any evidence.

2. By either party, upon the written consent of the other. No dismissal mentioned in subdivisions 1 and 2 of this section shall be granted unless upon the written consent of the attorney of record of the party or parties applying therefor, or if such consent is not obtained upon order of the court after notice to such attorney.

3. By the court, when either party fails to appear on the trial and the other party appears and asks for the dismissal, or when a demurrer is sustained without leave to amend, or when, after a demurrer to the complaint has been sustained with leave to amend, the plaintiff fails to amend it within the time allowed by the court, and either party moves for such dismissal.

4. By the court, with prejudice to the cause, when upon the trial and before the final submission of the case, the plaintiff abandons it.

5. The provisions of subdivision 1, of this section, shall not prohibit a party from dismissing with prejudice, either by written request to the clerk or oral or written request to the judge, as the case may be, any cause of action at any time before decision rendered by the court. Provided, however, that no such dismissal with prejudice shall have the effect of dismissing a cross-complaint filed in said action. Dismissals without prejudice may be had in either of the manners provided for in subdivision 1 of this section, after actual commencement of the trial, either by consent of all of the parties to the trial or by order of court on showing of just cause therefor.

6. By the court without prejudice when no party appears for trial following 30 days notice of time and place for trial.

SEC. 3. Section 1 of this act shall remain operative until July 1, 1972, and on that date shall have no force and effect.

SEC. 4. Section 2 of this act shall become operative on July 1, 1972, and applies to actions commenced on or after July 1, 1972. Except as otherwise provided by rules adopted by the Judicial Council effective on or after July 1, 1972, Section 2 of this act does not apply to actions pending on July 1, 1972, and any action to which Section 2 of this act does not apply is governed by the law as it would exist had Section 2 of this act not been enacted.

---

## CHAPTER 1535

*An act to amend Section 31000 of the Government Code, relating to county employees.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 31000 of the Government Code is amended to read:

31000. The board of supervisors may contract with and employ any person for the furnishing to the county, or to a county officer, or for any court within the county, or for and on behalf of any district within the county for furnishing to the district, of special services and advice in financial, economic, accounting, engineering, legal, medical, or administrative matters, in maintenance, custodial, or airport security services, or in matters related to the courts, by any persons specially trained and experienced and who are competent to perform the special services required.

The authority herein given to contract shall include the right of the board of supervisors, to contract for the issuance and preparation of payroll checks.

The board may pay from any available funds such compensation to any such expert as it deems proper for the services rendered.

SEC. 2. Section 31000 of the Government Code is amended to read:

31000. The board of supervisors may contract with and employ any person for furnishing to the county, or to a county officer, or for any court within the county, or for and on behalf of any district within the county for furnishing to the district, of special services and advice, education and training in financial, economic, accounting, engineering, legal, medical, therapeutic, or administrative matters, airport security services or in matters related to the courts, by any person specially trained and experienced and who is competent to perform the special services required.

The board of supervisors may contract with and employ any person for furnishing to a county facility, or to any court facility within the county or to any facility located within any district within the county, maintenance or custodial services when the board of supervisors finds that (a) said facility is at a location remote from available county employee resources and (b) it is in the economic interest of the county to contract for the services rather than assume the additional travel and subsistence expenses payable to existing county employees.

The authority herein given to contract shall include the right of the board of supervisors, to contract for the issuance and preparation of payroll checks.

The board may pay from any available funds such compensation to any such expert as it deems proper for the services rendered.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 769 are both chaptered and amend Section 31000 of the Government Code and this bill is chaptered after Assembly Bill No. 769, that the amendments to Section 31000 proposed by both bills be given effect and incorporated in Section 31000 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 769 are both chaptered, both amend Section 31000, and Assembly Bill No. 769 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

---

## CHAPTER 1536

*An act to amend Sections 635, 21712, 24010, 24607, 24950, 25101, 25500, 26303, and 35112 of, and to add Section 242 to, the Vehicle Code, relating to vehicles.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 242 is added to the Vehicle Code, to read:

242. A "camp trailer" is a vehicle designed to be used on a highway, capable of human habitation for camping or recreational purposes, that does not exceed 16 feet in overall length from the foremost point of the trailer hitch to the rear extremity of the trailer body and does not exceed 96 inches in width and includes any tent trailer. Where a trailer telescopes for travel, the size shall apply to the trailer as fully extended. Notwithstanding any other provision of law, a camp trailer shall not be deemed to be a trailer coach.

SEC. 1.5. Section 635 of the Vehicle Code is amended to read:

635. A "trailer coach" is a vehicle, other than a motor vehicle, designed for human habitation, or human occupancy for industrial, professional or commercial purposes, for carrying property on its own structure, and for being drawn by a motor vehicle.

SEC. 2. Section 21712 of the Vehicle Code is amended to read:

21712. (a) No person shall ride, and no person driving a motor vehicle shall knowingly permit any person to ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.

This subdivision does not apply to an employee engaged in the necessary discharge of his duty or to persons riding completely within or upon vehicle bodies in space intended for any load on the vehicle.

(b) No person shall drive a motor vehicle upon a highway which is towing a trailer coach or camp trailer containing any passenger.

SEC. 3. Section 24010 of the Vehicle Code is amended to read:

24010. No person engaged in the rental of utility trailers, camp trailers, or trailer coaches for use in combination with a passenger vehicle, for periods of 30 days or less, shall rent, lease or otherwise allow the operation of any such utility trailer, camp trailer, or trailer coach unless all necessary equipment required by this code and regulations adopted hereunder for the operation of such vehicles in combination has been provided or offered to the lessee for his use. The contract or rental agreement shall include the name of the person from whom the trailer, camp trailer, or trailer coach is rented, leased or obtained, the address of his place of business in this state where it is rented, leased or delivered, and a statement of any required equipment refused by the person to whom the trailer, camp trailer, or trailer coach is rented, leased, or delivered.

SEC. 4 Section 24607 of the Vehicle Code is amended to read:

24607. Every vehicle subject to registration under this code shall at all times be equipped with red reflectors mounted on the rear as follows:

(a) Every vehicle shall be equipped with at least one reflector so maintained as to be plainly visible at night from all distances within 350 to 100 feet from the vehicle when directly in front of the lawful upper headlamp beams

(b) Every vehicle, other than a motorcycle, manufactured and first registered on or after January 1, 1965, shall be equipped with at least two reflectors meeting the visibility requirements of subdivision (a).

(c) Every motortruck having an unladen weight of more than 5,000 pounds, every trailer coach, every camp trailer, every vehicle or vehicle at the end of a combination of vehicles subject to subdivision (a) of Section 22406, and every

vehicle 80 or more inches in width manufactured on or after January 1, 1969, shall be equipped with at least two reflectors maintained so as to be plainly visible at night from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful upper headlamp beams.

(d) When more than one reflector is required, at least one shall be mounted at the left side and one at the right side respectively, at the same level. Reflectors shall be mounted not lower than 15 inches nor higher than 60 inches.

(e) Reflectors on truck tractors may be mounted on the rear of the cab. Any reflector installed on a vehicle as part of its original equipment prior to January 1, 1941, need not be of an approved type provided it meets the visibility requirements of subdivision (a).

SEC. 5. Section 24950 of the Vehicle Code is amended to read:

24950. Whenever any motor vehicle is towing a trailer coach or a camp trailer the combination of vehicles shall be equipped with a lamp-type turn signal system.

SEC. 6. Section 25101 of the Vehicle Code is amended to read:

25101. A trailer coach or a camp trailer having a total outside width of less than 80 inches shall be equipped with one red combination side marker and clearance lamp on each side near the rear.

SEC. 7. Section 25500 of the Vehicle Code is amended to read:

25500. (a) Area reflectorizing material may be displayed on any vehicle, provided: the color red is not displayed on the front; designs do not tend to distort the length or width of the vehicle; and designs do not resemble official traffic control devices, except that alternate striping resembling a barricade pattern may be used.

No vehicle shall be equipped with area reflectorizing material contrary to these provisions.

(b) The provisions of this section shall not apply to license plate stickers or tabs affixed to license plates as authorized by the Department of Motor Vehicles.

SEC. 8. Section 26303 of the Vehicle Code is amended to read:

26303. Every trailer coach and every camp trailer having a gross weight of 1,500 pounds or more, but exclusive of passengers, shall be equipped with brakes on at least two wheels which are 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. 9. Section 35112 of the Vehicle Code is amended to read:

35112. Notwithstanding the limitations of this chapter, and in addition to the provisions of this chapter, drip rails, awning rails, drip caps, rub rails, grab rails, electrical receptacles, bumper guards, window louvers, window frames,

exhaust fans, and similar necessary appendages may extend two inches on each side of the main portion of the body of a trailer coach or a camp trailer; provided, that the maximum width of body and any or all of such appendages does not exceed 100 inches. Enactment of the foregoing provisions shall not be construed as a change in the existing law, but rather as declaratory thereof under the provisions of this chapter.

This section shall have no application to the national system of interstate and defense highways as described in Section 108 of the Federal-Aid Highway Act of 1956, and on such system the provisions of this chapter shall govern the permissible width of trailer coaches unless and until it be determined by the Attorney General of the State of California that the application of this section to trailer coaches using the national system of interstate and defense highways would not prevent the apportionments of federal funds to this state for expenditure upon said system of highways by reason of the provisions of the Federal Highway Act of 1956, relating to the use of public highways by vehicles having a width not exceeding the maximums permitted under laws or regulations established by appropriate state authorities in effect on July 1, 1956.

It is further provided, that regardless of the opinion of the Attorney General of the State of California, in the event of a determination by the Secretary of Commerce, or other officer of the federal government authorized to rule on this subject, that the application of this section to the national system of interstate and defense highways would result in the withholding of any apportionment of federal funds to this state, then this section shall forthwith become inoperative.

---

## CHAPTER 1537

*An act to add Section 29930 to the Government Code, relating to county borrowing.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 29930 is added to the Government Code, to read:

29930. When the board of supervisors deems it in the best interests of the county, it may authorize the county treasurer, upon such terms and conditions as may be fixed by the board of supervisors, to issue notes, on a competitive-bid basis, maturing within a period not to exceed one year, 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.

All notes issued and any renewal 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 county 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. There shall be only one renewal of such note or notes.

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 proceeds of the sale of bonds.

---

## CHAPTER 1538

*An act to amend Sections 3172 and 3210 of the Civil Code, relating to stop notices.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 3172 of the Civil Code is amended to read:

3172. An action against the owner or construction lender to enforce payment of the claim stated in the stop notice or bonded stop notice may be commenced at any time after 10 days from the date of the service of the stop notice upon either the owner or construction lender and shall be commenced not later than 90 days following the expiration of the period within which claims of lien must be recorded as prescribed in Chapter 2 (commencing with Section 3109). No such action shall be brought to trial or judgment entered until the expiration of said 90-day period. No money shall be withheld by reason of any such notice longer than the expiration of such 90-day period unless such action is commenced. If no such action is commenced, such notice shall cease to be effective and such moneys shall be paid or delivered to the contractor or other person to whom they are due. Notice of commencement of any such action shall be given within five days after commencement thereof to the same persons and in the same manner as provided for service of a stop notice or bonded stop notice.

SEC. 2. Section 3210 of the Civil Code is amended to read:

3210. An action against the original contractor and the public entity to enforce payment of the claim stated in the

stop notice may be commenced at any time after 10 days from the date of the service of the stop notice upon the public entity and shall be commenced not later than 90 days following the expiration of the period within which stop notices must be filed as provided in Section 3184. No such action shall be brought to trial or judgment entered until the expiration of said 90-day period. No money or bond shall be withheld by reason of any such notice longer than the expiration of such 90-day period unless proceedings be commenced in a proper court within that time by the claimant to enforce his claim, and if such proceedings have not been commenced such notice shall cease to be effective and the moneys or bonds withheld shall be paid or delivered to the contractor or other person to whom they are due.

SEC. 3. This act shall not apply to any action to enforce payment of a claim stated in a stop notice if the stop notice was served or filed prior to the effective date of this act.

---

## CHAPTER 1539

*An act to amend Sections 10150.5 and 10153.4 of, and to add Section 10209 to, the Business and Professions Code, relating to real estate.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 10150.5 of the Business and Professions Code is amended to read:

10150.5. The commissioner shall not grant a real estate broker license to any person who is not either a citizen of the United States or a legally registered alien in the process of applying for citizenship.

SEC. 2. Section 10153.4 of the Business and Professions Code is amended to read:

10153.4. An applicant for a real estate broker license shall also submit evidence, satisfactory to the commissioner, of successful completion at an accredited institution of higher learning of a three-semester unit course or the quarter equivalent thereof in the legal aspects of real estate and a three-semester unit course or the quarter equivalent thereof in real estate practice. The commissioner shall waive the requirements of this section if the applicant presents evidence of admission to the California State Bar or completion of a course of study equivalent to that required herein.

As used in this section and in Section 10153.5, an equivalent course of study includes courses at a private vocational school or a supervised course of study, either of which, after prior application and approval thereof by the commissioner,

is equivalent in quality to the real estate courses offered by the colleges and universities accredited by the Western Association of Schools and Colleges.

As used in this section herein and in Section 10153.5, "accredited institution" shall mean a college or university which either:

(a) Is accredited by the Western Association of Schools and Colleges or by any other regional accrediting agency recognized by the United States Department of Health, Education and Welfare, Office of Education.

(b) In the judgment of the commissioner, has a real estate curriculum equivalent in quality to that of the institutions accredited pursuant to subdivision (a).

SEC. 3. Section 10209 is added to the Business and Professions Code, to read:

10209. The commissioner shall, by regulation, establish fees for applications for approval of courses at a private vocational school or for the approval of supervised courses of study as authorized by Section 10153.4 in an amount sufficient to cover the cost of administration. Such fees shall not exceed the amounts specified in the following:

(a) Application for approval of each supervised course of study, fifty dollars ($50).

(b) Application for approval of each course given by a private vocational school, one hundred fifty dollars ($150).

(c) Application for approval of each course given by each branch of a private vocational school, seventy-five dollars ($75).

(d) Application for annual renewal of each course given by a private vocational school and for each branch of a private vocational school, seventy-five dollars ($75).

The commissioner shall notify every applicant of his decision on the application no later than 60 days after receipt by the commissioner of a completed application. The application shall be on a form to be supplied by the commissioner.

---

## CHAPTER 1540

*An act to amend Sections 890 and 904.5 of the Penal Code, relating to grand juries.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 890 of the Penal Code is amended to read:

890. Unless a higher fee or rate of mileage is otherwise provided by law, the fees for grand jurors are ten dollars ($10) a day for each day's attendance as a grand juror, and fifteen

cents ($0.15) a mile, in going only, for each mile actually traveled in attending court as a grand juror.

SEC. 2. Section 904.5 of the Penal Code is amended to read:

904.5. In any county whose population is more than 6,000,000, the presiding judge of the superior court, either upon application by the Attorney General or district attorney setting forth the need for one additional grand jury and after a finding by the court, for good cause shown, that the existing grand jury is unable for any reason to inquire into matters which are subject to grand jury inquiry or upon the motion of the court, may order and direct the drawing and impanelment at any time of one additional grand jury. Any such additional grand jury may serve for a period of one year from the date of impanelment, but may be discharged at any time within such period by order of the presiding judge.

Upon the impanelment of such additional grand jury and during the term of its existence, it shall have exclusive jurisdiction to inquire into public offenses. However, the original grand jury shall retain jurisdiction over those public offenses where inquiry has been initiated before the impanelment of such additional grand jury. Upon discharge of such additional grand jury, the original grand jury shall regain original jurisdiction to inquire into public offenses and complete all other grand jury responsibilities.

---

## CHAPTER 1541

*An act to amend Section 25827 of, and to add Section 25828 to, the Government Code, relating to county sanitation.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 25827 of the Government Code is amended to read:

25827. The board of supervisors of each county may collect or contract for the collection, or both, of garbage, waste, refuse, rubbish, offal, trimmings, or other refuse matter under such terms and conditions as may be prescribed by the board of supervisors by resolution or ordinance. For such purposes the board of supervisors may either levy a yearly tax on property within the unincorporated area of the county or impose a reasonable charge against the real property benefited for the services provided. The tax or charge shall not be applicable to property within existing garbage disposal districts.

SEC. 2. Section 25828 is added to the Government Code, to read:

25828. If services are provided by a county pursuant to Section 25827, and if such service is provided at the request

of the property owner, the cost of such service which remains unpaid for a period of 60 or more days after the close of the period for which they were billed may be collected by the county as provided herein

(a) Once a year the board of supervisors shall cause to be prepared a report of delinquent charges. Upon receipt of the report the board shall fix a time, date, and place for hearing the report and any protests or objections thereto.

(b) The board shall cause notice of the hearing to be mailed to the owners of property listed on the report not less than 10 days prior to the date of the hearing.

(c) At the hearing the board shall hear any objections or protests of property owners liable to be assessed for delinquent charges. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent charges set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent charges. A certified copy of the confirmed report shall be filed with the county auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of county ad valorem taxes shall be applicable to such assessment.

---

## CHAPTER 1542

*An act to repeal Section 110 of, and to add Section 110 to, the Revenue and Taxation Code, relating to property taxation.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 110 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 110 is added to the Revenue and Taxation Code, to read:

110. "Full cash value" or, "market value" or, "value" means the amount of cash or its equivalent which property would bring if exposed for sale in the open market under conditions in which neither buyer nor seller could take advan-

tage of the exigencies of the other and both with knowledge of all of the uses and purposes to which the property is adapted and for which it is capable of being used and of the enforceable restrictions upon those uses and purposes.

SEC. 3. This act shall become operative on the lien date in 1972.

---

## CHAPTER 1543

*An act to amend Sections 631 and 737 of the Welfare and Institutions Code, relating to wards of juvenile courts.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

*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. (a) 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.

(b) Whenever a minor who has been held in custody for more than six hours by the probation officer is subsequently released and no petition is filed, the probation officer shall prepare a written explanation of why the minor was held in custody for more than six hours. The written explanation shall be prepared within 72 hours after the minor is released from custody and filed in the record of the case. A copy of the written explanation shall be sent to the parents, guardian, or other person having care or custody of the minor.

SEC. 2. Section 737 of the Welfare and Institutions Code is amended to read:

737. (a) Whenever a person has been adjudged a ward or dependent child of the juvenile court and has been committed or otherwise disposed of as provided in this chapter for the care of wards or dependent children of the juvenile court, the court may order that said ward or dependent child be detained in the detention home, or in the case of a ward of the age of 18 years or more, in the county jail or otherwise as to the court seems fit until the execution of the order of commitment or of other disposition.

(b) In any case in which a minor is detained for more than 15 days pending the execution of the order of commitment or of any other disposition, the court shall periodically review

the case to determine whether the delay is reasonable. Such periodic reviews shall be held at least every 15 days, commencing from the time the minor was initially detained pending the execution of the order of commitment or of any other disposition, and during the course of each review the court shall inquire regarding the action taken by the probation department to carry out its order, the reasons for the delay, and the effect of the delay upon the minor.

---

## CHAPTER 1544

*An act to amend Section 8571 of the Education Code, relating to courses of study.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. 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 on man's place in ecological systems, 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 consumer and homemaking education, industrial arts, general business education, or general agriculture.

(i) Vocational-technical education designed and conducted for the purpose of preparing youth for gainful employment in such occupations and in such numbers as appropriate to the manpower needs of the state and the community served and relevant to the career desires and needs of the students.

(j) 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. A course in automobile driver education shall include education in the safe operation of motorcycles

(k) Such other studies as may be prescribed by the governing board.

---

## CHAPTER 1545

*An act to add Section 4986.7 to the Revenue and Taxation Code, relating to property taxation.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 4986.7 is added to the Revenue and Taxation Code, to read:

4986.7. Whenever a public agency proposes to acquire private property or properties for public use, and where such public use will make the property or properties exempt from taxation, the public agency shall notify the county tax collector and any other public agencies whose taxes are not collected by the county tax collector but who at that time exercise the right of assessment and taxation of the approximate extent of the proposed public project and the estimated time of completion of all acquisitions necessary therefor. Said notice shall be provided within a reasonable period of time following the initial budgeting of funds for the proposed acquisition or acquisitions.

The provisions of this section create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

## CHAPTER 1546

*An act to add Section 3149.5 to the Education Code, relating to county committees on school district organization, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 16, 1971 Filed with Secretary of State November 16, 1971 ]

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

SECTION 1. Section 3149.5 is added to the Education Code, to read:

3149.5. Legal services shall be provided to the county committee by the county counsel, or the district attorney if there is no county counsel. In the event that the county counsel or district attorney is unable to provide such services, the board of supervisors shall provide the county committee with private legal services.

This section shall remain in effect until June 30, 1973, 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:

A lawsuit is presently pending in the state in which a county committee on school district organization is a defendant. The law is unclear as to who is required to represent the committee, and as to how such representation should be paid, if the employment of private counsel is necessary. In order to clarify the law at the earliest possible time, it is necessary that this act take effect immediately.

---

## CHAPTER 1547

*An act to amend Sections 29007.3 and 29007.6 of the Education Code, relating to private schools.*

[Approved by Governor November 16, 1971 Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 29007.3 of the Education Code is amended to read:

29007.3. No person, either on his own behalf or as the representative of any privately conducted correspondence school or of any private person, firm, association, partnership, or corporation whatever, shall, by personal contact, in California, solicit the sale of or solicit and sell any correspondence course of study beyond high school, of high school level, or

below high school level, for a remuneration or other consideration to be provided for such course, unless he holds a valid permit to engage in such activity issued by the State Board of Education. The State Board of Education may delegate its authority to issue this permit to the State Superintendent of Public Instruction.

The State Board of Education, or the State Superintendent of Public Instruction, if such authority has been delegated by the State Board of Education, shall promptly cause to be prepared, and shall, pursuant to this section, issue appropriate permits authorizing the holder to engage in the solicitation of sales and the selling of such courses of study.

No person shall be issued a permit except upon the submission of satisfactory evidence of good moral character.

A permit shall be valid for the calendar year in which it is issued unless sooner revoked or suspended by the State Board of Education for fraud or misrepresentation in connection with the solicitation for the sale or the sale of any course of study, or for the existence of any condition in respect to the permittee or the school he represents which, if in existence at the time the permit was issued would have been ground for denial of the permit.

The application for a permit shall be made by the person who proposes to engage in the activities of soliciting or selling in those cases where such activities are to be conducted in the person's own behalf. Where the person for whom the issuance of a permit is sought is to engage in the activities as a representative, the application shall be made by the correspondence school or other person, firm, association, partnership, or corporation for and on behalf of the person to serve as its representative. Applications shall be submitted on forms to be furnished by the Department of Education. The original application shall be accompanied by an application fee of twenty dollars ($20), renewal applications when renewed on a continuous basis and applications for additional sales permits shall be accompanied by an application fee of fifteen dollars ($15). Fees required by this section are hereby appropriated in augmentation of the appropriation for support of the Department of Education current at the date of issuance of the State Controller's receipt thereof as may be designated by the Department of Education prior to their deposit in the State Treasury and shall be nonrefundable irrespective of whether or not a permit is subsequently issued.

The application shall be accompanied by a bond executed by good and sufficient sureties making provision for full indemnification of any person for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study. The term of the bond shall extend over the period of the permit. The bond may be supplied by the correspondence school or other person, firm, association, partnership, or corpo-

ration, or by the person for whom issuance of the permit is sought, and may extend to cover either an individual such person or to provide blanket coverage for all persons to be engaged as representatives of a correspondence school or other person, firm, association, partnership or corporation in the solicitation for sale or the sale of correspondence courses of study in California. Any bond shall provide for liability in the penal sum of one thousand dollars ($1,000) for each representative to whom coverage is extended by its terms. Neither the principal nor surety on a bond may terminate the coverage of the bond except upon giving 30 days' prior written notice to the State Board of Education.

The permittee shall carry the permit with him for identification purposes when engaged in the solicitation of sales and the selling of correspondence courses of study.

Any contract for or in connection with a course of study with a correspondence school, or representative thereof, shall be voidable at the option of the purchaser if the representative of any person selling or administering such course of study, or the representative of such firm, association, partnership or corporation was not the holder of a permit as required by this section at the time that such representative negotiated the contract for or sold such course.

The judgment rendered in any action maintained for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study shall, if the plaintiff is the prevailing party, include court costs including a reasonable attorney's fee fixed by the court.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the State Board of Education made pursuant to this section.

The issuance of a permit pursuant to this section shall not be interpreted as, and it shall be unlawful for any individual holding any such permit to expressly or impliedly represent by any means whatever that the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education has made, any evaluation, recognition, accreditation or endorsement of any correspondence course of study being offered for sale by the individual.

It shall be unlawful for any individual holding a permit under this section to expressly or impliedly represent by any means whatever that the issuance of the permit constitutes an assurance by the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education that any correspondence course of study being offered for sale by the individual will provide and require of the student a course of education or training necessary to reach a professional, educational, or vocational objective, or will result in employment or personal earnings for the student.

The issuance of a permit under this section, and the possession thereof, by an individual, shall be evidence only that the surety bond prescribed by this section has been issued with respect to the possessor and that he has submitted satisfactory evidence of good moral character.

SEC. 2. Section 29007.6 of the Education Code is amended to read:

29007.6. An original application by a person, firm, association, partnership or corporation for approval to grant degrees under paragraph (2) of subdivision (a) of Section 29007 shall be accompanied by an application fee of two hundred fifty dollars ($250), or for approval of courses under the requirements of Section 29007.5, shall be accompanied by an application fee of one hundred fifty dollars ($150). Applications for renewal for a period of three years shall be accompanied by a fee of two hundred twenty-five dollars ($225). The Department of Education, with respect to the first renewals, is authorized to initiate renewals on a schedule of one-third for one year, one-third for two years, and one-third for three years at a renewal fee of seventy-five dollars ($75) per year. Applications for approval of a change of ownership of a school shall be accompanied by a fee of one hundred fifty dollars ($150). Requests for approval of a change of location, approval of additional facilities in a new location, approval of a course or curriculum revision, approval of additional courses, approval to grant additional degrees and applications for major changes in curriculum and courses, shall be accompanied by a fee of seventy-five dollars ($75).

Applications for evaluation and approval of directors, administrators and instructors in schools with courses approved under paragraph (2) of subdivision (a) of Section 29007 and 29007.5 shall be accompanied by a fee of eight dollars ($8). This fee shall apply to evaluations and approvals made subsequent to the original application of a school.

Corporations filing an original affidavit and appraisal under paragraph (3) of subdivision (a) of Section 29007 shall accompany the filing with one hundred fifty dollars ($150). Corporations meeting the requirements of paragraph (3) of subdivision (a) of Section 29007 shall accompany the annual report required by Section 29009 with a seventy-five-dollar ($75) annual filing fee.

Fees required by this section are hereby appropriated in augmentation of the appropriation for support of the Department of Education current at the date of issuance of the State Controller's receipt thereof as may be designated and shall be nonrefundable irrespective of whether or not approval is granted.

SEC. 3. This act shall not become operative if Senate Bill No. 1574 is enacted and amends and renumbers Sections 29007.3 and 29007.6 of the Education Code.

## CHAPTER 1548

*An act to amend Sections 15409 and 15951 of the Education Code, relating to contracts.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 15409 of the Education Code is amended to read:

15409. The governing board of each school district, except districts governed by a city board of education, before letting any contract or contracts totaling seven thousand five hundred dollars ($7,500) or more, for the erection of any new school building, or for any addition to, or alteration of, an existing school building, shall submit plans therefor to the State Department of Education, and obtain the written approval of the plans by the department. No contract for building made by any governing board of a school district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to, or altering any school building in contravention of this section.

SEC. 2. 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 four thousand dollars ($4,000) for work to be done or more than eight thousand dollars ($8,000) 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.

---

## CHAPTER 1549

*An act to add Section 20335 to, and to amend Section 20361 of, the Government Code, relating to the Public Employees' Retirement System.*

[Approved by Governor November 16, 1971. Filed with Secretary of State November 16, 1971.]

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

SECTION 1. Section 20335 is added to the Government Code, to read:

20335. Persons rendering professional legal services to a city, other than the person holding the office of city attorney or an established position of deputy city attorney, are excluded from membership.

SEC. 2. Section 20361 of the Government Code is amended to read:

20361. An elective officer is excluded from membership in this system unless he files with the board an election in writing to become a member. He may so elect at any time, and has the option of making contributions to this system in the amount which he would have contributed had he not been so excluded, plus an amount equal to the interest, to the date or dates of his payment, which would have been credited to those contributions had he not been so excluded. Such contributions and interest shall be paid to this system at times, in amounts, and in a manner fixed by the board. If he affirmatively exercises the option:

(a) He shall receive credit for prior service in the same manner as if he had not been excluded, and

(b) The contributions of the state, or the contracting agency because of his membership, shall be the same as they would have been had he not been excluded, and

(c) His rate of contributions shall be based on the nearest age at the time he first was excluded.

As used in this part, "elective officer" includes any officer of the Senate or Assembly who is elected by vote of the members of either or both of such houses of the Legislature, and any appointive officer of a city or county occupying a fixed term of office, and any person holding the office of city attorney, as well as officers of the state or contracting agencies elected by the people.

The amendments to this section at the 1971 Regular Session shall not apply to a member who on the effective date of such amendments is the incumbent of the office of city attorney in two or more contracting agencies, while he continues in all of such offices.

---

## CHAPTER 1550

*An act to add Chapter 1.1 (commencing with Section 68115) to Title 8 of, and to repeal Sections 68099 and 68150 of, the Government Code, relating to courts.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 68099 of the Government Code is repealed.

SEC. 2. Chapter 1.1 (commencing with Section 68115) is added to Title 8 of the Government Code, to read:

### CHAPTER 1.1. JUDICIAL EMERGENCIES

68115. When war, insurrection, pestilence, or other public calamity, or the danger thereof, or the destruction of or danger

to the building appointed for holding the court, renders it necessary, or when a large influx of criminal cases resulting from a large number of arrests within a short period of time threatens the orderly operation of a court within a specified county or judicial district, the presiding judge, or if there is none, the sole judge of the superior, municipal or justice court, may request and the Chairman of the Judicial Council may, notwithstanding any other provision of law, by order authorize the court to do one or more of the following:

(a) Hold sessions anywhere within the county.

(b) Transfer civil cases pending in the court to another court in the county which has jurisdiction of the subject matter.

(c) Transfer civil cases pending trial in the court to a court having jurisdiction of the subject matter in an adjacent county. No such transfer shall be made pursuant to this subdivision except with the consent of all parties to the case or upon a showing by a party that extreme or undue hardship would result unless the case is transferred for trial. Any civil case so transferred shall be integrated into the existing caseload of the court to which it is transferred pursuant to rules to be provided by the Judicial Council.

(d) Suspend subdivisions (d), (e), and (f) of Section 199 of the Code of Civil Procedure relating to competency to act as a juror when such suspension is necessary to obtain a sufficient number of jurors.

(e) After exhausting its own jury panel, draw jurors who reside within the judicial district from the jury panel of the superior court in the county, and thereafter, after exhausting that source, draw jurors from the remainder of the jury panel of the superior court in the county or from jury panels of any other municipal or justice court in the county.

(f) Extend the time period provided in Section 859b of the Penal Code for the holding of a preliminary examination from 10 days to not more than 15 days.

(g) Extend the time period provided in Section 1382 of the Penal Code within which the trial must be held by not more than 30 days, but the trial of a defendant in custody whose time is so extended shall be given precedence over all other cases.

68116. Any order of the Chairman of the Judicial Council pursuant to this chapter shall take effect immediately upon its issuance and shall be filed as soon thereafter as possible in the office of the Secretary of State. The Chairman of the Judicial Council may at any time revoke or terminate his order or any part thereof. The order of revocation or termination shall be filed with the Secretary of State, but shall not affect the status or validity of any transfer made prior thereto or of trials in progress, and the judges presiding in such trials shall continue doing so until the trials have concluded.

68117. The Chairman of the Judicial Council may pursuant to this chapter direct the payment of the costs of assigned

judges, court facilities and other costs or expenses required by reason of the judicial emergency to be paid from funds appropriated to the Judicial Council for this purpose.

68118. Nothing contained in this chapter shall be construed to curtail the right of a defendant in a criminal case to a fair and speedy trial or authorize the trial of such a defendant by jurors drawn from a jury panel of a court outside the county of trial.

SEC. 3. Section 68150 of the Government Code is repealed.

---

## CHAPTER 1551

*An act to amend Sections 1055, 3031, 3704, 4332, 7149, and 7150 of the Fish and Game Code, and to amend Section 2 of Chapter 1582 of the Statutes of 1970, relating to fishing and hunting, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 1055 of the Fish and Game Code is amended to read:

1055. The department may issue and may authorize any person except a commissioner or a person employed in the department to sell licenses and license tags. It may deliver licenses and license tags to persons so authorized without receiving full payment therefor, upon application of such person, and upon the giving of a bond as provided in this article.

Such person shall be allowed as compensation 5 percent of the amount collected and accounted for by him on the sales of such licenses or tags; however, such compensation shall not exceed twenty cents ($0.20) per sport fishing or hunting license, fifty cents ($0.50) per commercial fishing license, or fifteen cents ($0.15) per hunting license tag or hunting stamp or permit. He may retain the compensation out of the fees received by him for sales of licenses or tags, and shall remit the balance of such fees to the department within 10 days following the last day of each calendar month.

The amendments to this section enacted at the 1971 Regular Session of the Legislature shall become operative January 1, 1972, for fishing licenses, and July 1, 1972, for hunting licenses, tags, stamps, and permits.

SEC. 2. Section 3031 of the Fish and Game Code is amended to read:

3031. A hunting license, granting the privilege to take birds and mammals, shall be issued:

(a) To any resident of this state, over the age of 16 years, upon the payment of six dollars ($6).

(b) To any resident of this state, under the age of 16 years, upon the payment of two dollars ($2).

(c) To any person not a resident of this state, upon the payment of thirty-five dollars ($35).

(d) To any person not a resident of this state, valid for one day and only for the taking of domesticated game birds and pheasants while on the premises of a licensed pheasant club, or for the taking of domesticated migratory game birds on areas licensed for shooting such birds, upon the payment of five dollars ($5).

(e) To any person not a resident of this state, valid only at an organizational field trial under the provisions of Section 3510, upon the payment of five dollars ($5).

(f) To the wife of any veteran, as defined in Section 980 of the Military and Veterans Code, upon payment of the fee specified in subdivision (a), even though she be an alien.

The amendments to this section enacted at the 1971 Regular Session of the Legislature shall become operative July 1, 1972.

SEC. 2.5. Section 3704 of the Fish and Game Code is amended to read:

3704. At least 80 percent of the funds shall be allocated by the commission for the preservation of waterfowl habitat in those areas of Canada from which come substantial numbers of waterfowl migrating to or through California. The available balance of the funds, if any exist, may be used to preserve waterfowl habitat in other areas of the Pacific Flyway.

SEC. 3. Section 4332 of the Fish and Game Code is amended to read:

4332. Any resident of this state 12 years of age or over who possesses a valid hunting license may, upon payment of three dollars ($3), procure the number of license tags corresponding to the number of deer that may legally be taken by one person during the current license year.

Any nonresident of this state, 12 years of age or over, who possesses a valid hunting license, may, upon payment of twenty-five dollars ($25), procure the number of license tags corresponding to the number of deer that may legally be taken by one person during the current license year.

The amendments to this section enacted at the 1971 Regular Session of the Legislature shall become operative July 1, 1972.

SEC. 4. Section 7149 of the Fish and Game Code is amended to read:

7149. A sport fishing license granting the privilege to take any fish from the ocean waters of this state and amphibia anywhere in this state for purposes other than profit shall be issued:

(a) To any resident of this state, over the age of 16 years, upon the payment of four dollars ($4) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(b) To any nonresident, over the age of 16 years, upon the payment of fifteen dollars ($15) for the period of a calendar

year, or, if issued after the beginning of the year, for the remainder thereof.

(c) To any person, over the age of 16 years, not a resident of this state, upon the payment of five dollars ($5), for a period of 10 days from the date of issue.

On payment of one dollar ($1) a sport fishing licensee may obtain an inland water license stamp which if permanently affixed to his license authorizes him to take all fish, other than trout, steelhead trout, and salmon, anywhere in this state for purposes other than profit.

On payment of two dollars ($2) a sport fishing licensee may obtain a trout and salmon license stamp which if permanently affixed to his license together with the inland water license stamp authorizes him to take all fish anywhere in this state for purposes other than profit.

Any person receiving aid to the aged under the provisions of the State Old Age Security Law on application to the Department of Fish and Game, Headquarters Office, Sacramento, shall be issued a renewable sport fishing license authorizing the licensee to take any fish and amphibia anywhere in this state for purposes other than profit, free of charge.

Any woman over 62 years of age and any man over 65 years of age who has been a resident of this state for the five years immediately preceding and whose total monthly income from all sources, including any old-age assistance payments, does not exceed one hundred forty dollars ($140) on application to the department shall be issued a sport fishing license, which may be renewable, authorizing the licensee to take fish from the ocean waters of this state and amphibia anywhere in this state for purposes other than profit, free of charge.

Sport fishing license stamps shall be sold by license agents in the same manner as sport fishing licenses except that the compensation provided in Section 1055 shall not be paid to the license agent for sale of such stamps.

Reference in this code or any other law to a sport fishing license to be issued to disabled veterans, blind persons, or resident Indians without payment of a license fee means a renewable sport fishing license authorizing the licensee to take any fish and amphibia anywhere in this state for purposes other than profit. All other references to a sport fishing license mean such a license with or without license stamps as may be appropriate for the type of fishing involved.

The amendments to this section enacted at the 1971 Regular Session of the Legislature shall become operative January 1, 1972.

SEC. 5. Section 7150 of the Fish and Game Code is amended to read:

7150 A sport fishing license granting the privilege of taking fish from ocean waters of this state may be issued to any person over the age of 16 years, upon payment of a fee of two dollars ($2), for a period of three days from the date of issue. A sport fishing license stamp may not be purchased for this license.

For the purpose of this section and Section 7149, ocean waters in the San Francisco Bay area are those waters bounded by U.S. Highway 101 commencing at the Golden Gate Bridge, thence northerly toward the City of Petaluma to the junction of U.S. Highway 101 and State Highway Legislative Route 104; thence easterly on State Highway Legislative Route 104 to its junction with State Highway sign route 12; thence southerly on State Highway sign route 12 to its junction with State Highway sign route 37 near the Town of Schellville; thence easterly along State Highway sign route 12 and 37 to its junction with State Highway sign route 29 near the City of Napa; thence southerly along State Highway sign route 29 to its junction with U.S. Highway 40; thence southerly along U.S. Highway 40 to its junction with State Highway sign route 17; thence southerly and westerly on State Highway sign route 17 to its junction with Bypass U.S. 101 near the City of San Jose; thence northerly on Bypass U.S. 101 to the point of beginning.

The amendments to this section enacted at the 1971 Regular Session of the Legislature shall become operative January 1, 1972.

SEC. 6. Section 2 of Chapter 1582 of the Statutes of 1970 is amended to read:

Sec. 2. This act shall be operative July 1, 1971.

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

In order that the changes made by this act may go into operation at the most administratively feasible and practical time which is January 1, 1972, it is necessary that this act take effect immediately.

---

## CHAPTER 1552

*An act to add Sections 7455.5 and 7459.3 to the Education Code, and to repeal Sections 7455.5 and 7459.3 of the Education Code, as added by Assembly Bill No. 635, relating to regional occupational centers, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 7455.5 is added to the Education Code, to read:

7455.5. Any pupil enrolled in grade 10, 11, or 12, and who is also attending a regional occupational center or regional occupational program may be excused from attending courses

in physical education by the governing board of the school district maintaining grade 10, 11, or 12, and in which the pupil is enrolled, if attendance upon such classes results in hardship because of travel time involved.

If a pupil is excused from physical education classes pursuant to this section, the minimum schoolday for him in his regular high school is 180 minutes.

SEC. 2. Section 7455 5 of the Education Code, as added by Assembly Bill No. 635, is repealed

SEC. 3. Section 7459.3 is added to the Education Code, to read:

7459.3. The State Board of Education shall make provision in allocating any funds received from the federal government pursuant to Public Law 576 of the 90th Congress to include regional occupational centers and programs that comply with the requirements of this chapter.

SEC. 4. Section 7459.3 of the Education Code, is added by Assembly Bill No. 635, is repealed.

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 present local and state funding provisions limit the scope of the operation of desperately needed vocational education programs which are intended to supply the needs of not only the citizenry, but also state and national manpower needs. In order to meet these urgent needs it is necessary that this act be in effect during the 1971–1972 fiscal year. It is necessary, therefore, that this act go into immediate effect.

---

## CHAPTER 1553

*An act to amend Sections 100.12, 104, and 105.5 of, and to add Section 105.7 to, the Streets and Highways Code, relating to state highways.*

[Approved by Governor November 17, 1971 Filed with Secretary of State November 17, 1971 ]

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

SECTION 1. Section 100.12 of the Streets and Highways Code is amended to read:

100.12. The department shall also incorporate pedestrian and bicycle facilities in the design of freeways on the state highway system along corridors where such pedestrian and bicycle routes do not exist, upon a finding, following a public hearing, that such facilities would conform to the master plans of local agencies for the development of such facilities and would not duplicate existing or proposed routes, and that

community interests would be enhanced by the construction of such facilities.

If the department finds further as a result of a public hearing that there is no highway purpose, as specified in subdivision (a) of Section 105.7, served by the incorporation of such facilities in the design of a freeway which would justify the use of highway funds and the exercise of the power of eminent domain for their construction, the cost for construction of such facilities, other than design costs, shall be contributed by local agencies or by others.

SEC. 2. Section 104 of the Streets and Highways Code is amended to read:

104. The department may acquire, either in fee or in any lesser estate or interest, any real property which it considers necessary for state highway purposes. Real property for such purposes includes, but is not limited to, real property considered necessary for any of the following purposes:

(a) For rights-of-way, including those necessary for state highways within cities.

(b) For the purposes of exchanging the same for other real property to be used for rights-of-way.

(c) For rock quarries, gravel pits, or sand or earth borrow pits.

(d) For offices, shops, or storage yards.

(e) For parks adjoining or near any state highway.

(f) For the culture and support of trees which benefit any state highway by aiding in the maintenance and preservation of the roadbed, or which aid in the maintenance of the attractiveness of the scenic beauties of such highway.

(g) For drainage in connection with any state highway.

(h) For the maintenance of an unobstructed view of any portion of a state highway so as to promote the safety of the traveling public.

(i) For the construction and maintenance of stock trails.

(j) For the construction and maintenance of bicycle lanes and paths.

SEC. 3. Section 105.5 of the Streets and Highways Code is amended to read:

105.5. Upon the request of a public agency, as defined by Section 6500 of the Government Code, the department may enter into an agreement with such agency for the construction and maintenance of facilities for pedestrian, bicycle and other nonmotorized traffic which generally follow a state highway right-of-way where no other suitable facility for such traffic exists and where the department has determined that such facility will not constitute a safety hazard or interfere with the normal flow of traffic.

SEC. 4. Section 105.7 is added to the Streets and Highways Code, to read:

105.7. (a) The department may construct and maintain separate bicycle lanes and paths approximately paralleling

any state highway where the separation of bicycle traffic from motor vehicle traffic will increase the traffic capacity or safety of the highway.

(b) Where the separation of bicycle traffic from motor vehicle traffic will increase the traffic capacity or safety of the highway, the department shall pay for the construction and maintenance of separate bicycle lanes and paths approximately paralleling the highway.

(c) The Legislature finds and declares that the construction and the maintenance of such bicycle lanes and paths constitute a highway purpose under Article XXVI of the California Constitution, and justify the expenditure of highway funds and the exercise of the power of eminent domain therefor.

## CHAPTER 1554

*An act to add Section 1714.7 to the Civil Code, relating to trespass.*

[Approved by Governor November 17, 1971 Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 1714.7 is added to the Civil Code, to read:

1714.7. No person who is injured while getting on, or attempting to get on, a moving locomotive or railroad car, without authority from the owner or operator of the railroad, or who, having gotten on a locomotive or railroad car while in motion without such authority, is injured while so riding or getting off, shall recover any damages from the owner or operator thereof for such injuries unless proximately caused by an intentional act of such owner or operator with knowledge that serious injury is the probable result of such act, or with a wanton and reckless disregard of the probable result of such act.

SEC. 2. This act shall apply only to causes of action arising on or after the operative date of this act.

## CHAPTER 1555

*An act to amend Section 1 of, and to add Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 to, Chapter 57 of the Statutes of 1915, relating to tidelands and submerged lands.*

[Approved by Governor November 17, 1971 Filed with Secretary of State November 17, 1971.]

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

SECTION 1. The Legislature makes the following findings and determinations:

(a) By Chapter 57 of the Statutes of 1915, the Legislature conveyed certain tide and submerged lands in trust to the City of Redondo Beach for the purposes therein stated, primarily for the promotion and accommodation of commerce, navigation, and fisheries.

(b) A portion of such tide and submerged lands has been filled and reclaimed in accordance with a master plan of improvement of said granted tide and submerged lands, including the development of a harbor facility.

(c) The City of Redondo Beach, through development of its harbor, has caused to be made available approximately 1,500 boat slips, boat fuel docks, boat service yards, boat hoists, boat rental facilities, and free fishing from three different piers, has constructed two breakwaters, is in the process of providing public parking facilities and will provide parking for in excess of 1,000 cars, and will provide numerous recreational amenities including, but not limited to, nautical museums, restaurants, motels, and other tourists facilities.

(d) The City of Redondo Beach has made available, by the development of access facilities and other recreational amenities, an additional three miles of shoreline providing access to the ocean for recreational, commercial, and navigational purposes.

(e) The City of Redondo Beach is currently undergoing a large scale redevelopment project which has revitalized the waterfront areas fronting the city.

(f) In accordance with the master plan of the City of Redondo Beach for the development of the tide and submerged lands granted to it in trust pursuant to Chapter 57 of the Statutes of 1915, Parcels 1 through 4, inclusive, as described in Section 5 of said act, being a relatively small portion of such granted tide and submerged lands, were filled, reclaimed, and optioned for lease or leased, and are producing income to support the statutory trusts under which such tide and submerged lands are held by said city and, except for the production of income to support said trusts are, under such master plan, no longer required or needed for the promotion of said trusts.

(g) Said Parcels 1 through 4, inclusive, are no longer needed or required for purposes of navigation, commerce, and fisheries and should be freed of the public trust for navigation, commerce, and fisheries but should continue to be held in trust by the City of Redondo Beach subject to the terms and provisions of Chapter 57 of the Statutes of 1915, as amended and supplemented by this act, and to other laws applicable to the tide and submerged lands included in such grant to the City of Redondo Beach, but subject to no condition of use other than the uses set forth in the existing options to lease

and leases of said Parcels 1 through 4, inclusive, and subject to the condition that the revenues derived from the leasing or administration of said Parcels 1 through 4, inclusive, shall be used in furtherance of the purposes of the trust under which other tide and submerged lands are held by the City of Redondo Beach as expressed in Chapter 57 of the Statutes of 1915, as amended and supplemented by this act.

(h) The release of said Parcels 1 through 4, inclusive, from the public trust for navigation, commerce, and fisheries to the extent expressed in subdivision (g) of this section is in the best interests of the people of the State of California.

SEC. 2. Section 1 of Chapter 57 of the Statutes of 1915 is amended to read:

Section 1. There is hereby granted and conveyed in trust to the City of Redondo Beach, hereinafter referred to as the "city," all of the right, title, and interest of the State of California, held by the state by virtue of its sovereignty in and to all of the tide and submerged lands within the present boundaries of the city and situated below the mean high tide line of the Pacific Ocean, which lands, except for the lands described in Section 5 of this act, are to be forever held by the city and its successors in trust for the uses and purposes and upon the express conditions following, to wit:

(a) For the establishment, improvement, and conduct of harbors, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation.

(b) For all marine-oriented commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of marine-oriented commercial and industrial buildings, plans, and facilities.

(c) For the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section.

(d) For the construction, reconstruction, repair, maintenance, and operation of public parks, public playgrounds, public bathhouses, and public bathing facilities, public recreation and public fishing piers, including, but not limited to, all facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any such marine-oriented uses in the statewide interest.

(e) For the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, nec-

essary, or convenient for the promotion and accommodation of any of such uses, including, but not limited to, snackbars, cafes, cocktail lounges, restaurants, motels, hotels, and other forms of transient living accommodations open to the public, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas, and other compatible commercial and recreational activities and uses.

(f) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the area, control of dredging or filling of the area, or both, and prevention of pollution of the area.

SEC. 3. Section 2 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 2. The city, or its successors, shall not at any time grant, convey, give, or alienate said lands, or any part thereof, to any individual, firm, or corporation for any purpose whatsoever; provided, that the city, or its successors, may grant franchises thereon for limited periods for those uses and purposes set forth in Section 1 of this act and may lease said lands, or any part thereof, for limited periods for purposes consistent with the trusts upon which said lands are held by the State of California and with the requirements of commerce or navigation.

SEC. 4. Section 3 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 3. The harbor established pursuant to subdivision (a) of Section 1 of this act shall be improved by the city without expense to the state, and shall always remain a public harbor for all purposes of commerce and navigation, and the state shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad owned or operated by the state.

SEC. 5. Section 4 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 4. In the management, conduct, or operation of said harbor, or of any of the utilities, structures, or appliances mentioned in subdivision (a) of Section 1 of this act, no discrimination in rates, tolls, charges, or in facilities for any use or service in connection therewith shall ever be made, authorized, or permitted by the city or by its successors. The absolute right to fish in the waters of said harbor, with the right of convenient access to such waters over said lands for such purpose, is hereby reserved to the people of the State of California.

SEC. 6. Section 5 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 5. The following four described parcels of land conveyed in trust to the city under the provisions of Section 1 of this act are freed of the public trust for navigation, commerce, and fisheries, but shall continue to be held in trust by the city subject to the terms and provisions of this act and to other laws applicable to tide and submerged lands included in such grant to the city, subject to no condition of use other than the uses set forth in the existing options to lease and leases of such parcels, and subject to the condition that the revenues derived from the leasing or administration of such parcels shall be used in furtherance of the purposes of the trust under which other tide and submerged lands are held by the city in accordance with this act:

Parcel 1

That area of Tidelands and Submerged land lying within the City of Redondo Beach, County of Los Angeles, State of California, described as follows:

Beginning at a survey monument designated as 'H-12' on Map of Record of Survey filed in Book 78, Page 100 of Record of Surveys of said County; thence S 86° 06′ 15″ W 58.33 ft. to the True Point of Beginning; thence S 32° 44′ 55″ W 180.15 ft.; thence N 57° 15′ 05″ W 53.75 ft.; thence N. 32° 44′ 55″ E 180.15 ft.; thence S 57° 15′ 05″ E 53.75 ft. to the True Point of Beginning.

Containing 0.222 acres.

Parcel 2

That area of Tidelands and Submerged land lying within the City of Redondo Beach, County of Los Angeles, State of California, described as follows:

Beginning at a survey monument designated as 'H-16' on Map of Record of Survey filed in Book 78, Page 100 of Record of Surveys of said County, thence along a line extending from said monument to survey monument 'H-17' as shown on said map, S 67° 06′ 03″ W 155.69 ft. to a point in the Mean High Tide Line as shown on map of the Grant to the City of Redondo Beach by the State Lands Commission and recorded as O.R.M. 2259, Page 111 and filed with the County Recorder of said County as F-1916; thence along said line N 20° 24′ 43″ W 188.39 ft. to the True Point of Beginning; thence continuing along said line N 20° 24′ 43″ W 295.84 ft. to a point in the northerly boundary line of said City of Redondo Beach; thence along said line S 68° 42′ 44″ W 303.57 ft.; thence S 21° 18′ 03″ E 295.88 ft.; thence N 68° 41′ 57″ E 298.98 ft. to the True Point of Beginning.

Containing 2.046 acres.

Parcel 3

That area of Tidelands and Submerged land lying within the City of Redondo Beach, County of Los Angeles, State of California, described as follows:

Beginning at a survey monument designated as 'H-15' on Map of Record of Survey filed in Book 78, Page 100 of Record of Surveys of said County, thence along a line extending from said monument to survey monument 'H-14' as shown on said map, S 73° 21′ 28″ W 148.10 ft.; thence N 16° 38′ 32″ W 88.00 ft. to the True Point of Beginning; thence S 73° 21′ 28″ W 624.27 ft.; thence S 16° 38′ 32″ E 23.00 ft.; thence S 73° 21′ 28″ W 164.35 ft. to the beginning of a tangent curve concave southeasterly having a radius of 60.27 ft.; thence southwesterly along the arc of said curve 110.56 ft.; thence tangent to said curve, S 31° 44′ 59″ E 454.48 ft. to the beginning of a tangent curve concave northerly having a radius of 59.98 ft ; thence southerly and easterly along the arc of said curve 110.62 ft. to a point to which a radial line bears S 55° 51′ 29″ E.; thence along a non-tangent line N 73° 21′ 28″ E 45.11 ft.; thence N 16° 42′ 10″ W 392.59 ft.; thence N 73° 21′ 28″ E 587.83 ft.; thence N 16° 38′ 32″ W 176.00 ft. to the True Point of Beginning.

Containing 4.949 acres.

Parcel 4

That area of Tidelands and Submerged land lying within the City of Redondo Beach, County of Los Angeles, State of California, described as follows·

Beginning at a survey monument designated as 'H-16' on Map of Record of Survey filed in Book 78, Page 100 of Record of Surveys of said County, thence along a line extending from said monument to survey monument 'H-17' as shown on said map, S 67° 06′ 03″ W 155 69 ft to a point in the Mean High Tide Line as shown in map of the Grant to the City of Redondo Beach by the State Lands Commission, and recorded as O.R.M 2259, Page 111 and filed with the County Recorder of said County as F-1916; thence along said line N 20° 24′ 43″ W 23.82 ft. to the True Point of Beginning; thence continuing along said line N 20° 24′ 43″ W 90.09 ft.; thence S 67° 06′ 03″ W 386.83 ft ; thence S 22° 53′ 57″ E 90.00 ft.; thence N 67° 06′ 03″ E 382.92 ft. to the True Point of Beginning.

Containing 0.795 acres.

SEC. 7. Section 6 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 6. The city shall maintain records identifying all revenues from all lands granted pursuant to this act and shall file annual reports of such revenues with the State Lands Commission.

SEC. 8. Section 7 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 7. For purposes of this act, the retirement of bonds issued by the city for the construction of said harbor facilities constitutes the use of revenues in accordance with the terms of said trusts.

SEC. 9. Section 8 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 8. The city shall establish a separate trust fund or funds on or before December 31, 1972, for deposit of all of the following:

(a) All moneys or proceeds derived from the granted tide and submerged lands in the city, including all net income and revenues derived from the production or sale of oil, gas, or other hydrocarbon substances derived from the granted tide and submerged lands.

(b) All revenues derived from those certain lands of the city, hereafter referred to as "uplands," and described as follows:

Those certain uplands in the City of Redondo Beach, County of Los Angeles, State of California, more particularly described as follows:

Beginning at a point, said point being on the mean high tideline of October 1935 as established by the State of California and shown on map of the grant to the City of Redondo Beach recorded on June 17, 1966 and filed as Instrument No. 2886, Book F1916 in the Office of the Los Angeles County Recorder, said point being also the westerly terminus of a line shown on the map of record of survey filed in Book 84, Page 36 through 39 inclusive in the Office of the Los Angeles County Recorder, said line having a bearing of North 66°, 29 minutes, 26 seconds East and a length of 154.99 feet, said line being a course in the westerly boundary of said record of survey, thence easterly along said line and northerly along said westerly boundary of record of survey on its various courses to its intersection with the westerly line of Harbor Drive, thence northerly along said westerly line of Harbor Drive on its various courses to its intersection with the northerly boundary of the City of Redondo Beach, thence westerly on said city boundary to its intersection with said mean high tideline, thence southerly along said mean high tideline on its various courses to the point of beginning.

Commencing on September 30, 1974, a statement of financial condition and operation shall be submitted by the city to the Auditor General annually on or before September 30 of each year for the preceding fiscal year.

SEC. 10. Section 9 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 9. Notwithstanding any other provision of law, the city, acting either alone or jointly with another local or state agency, may use revenues accruing from or out of the use of the granted tidelands and submerged lands for any or all of the following purposes; provided, that they comply with the

terms of the trust and are matters of statewide, as distinguished from local or purely private, interest and benefit:

(a) For the establishment, improvement, and conduct of harbors, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation.

(b) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities.

(c) For the establishment, improvement, and conduct of airport and heliport or aviation facilities, including, but not limited to, approach, takeoff, and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance, and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of air commerce and air navigation.

(d) For the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, beltline railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this act.

(e) For the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, public parks, public playgrounds, public bathhouses and public bathing facilities, public recreation and fishing piers, public recreation facilities including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any such uses.

(f) For the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of such uses including, but not limited to, snackbars, cafes, cocktail lounges, restaurants, motels, hotels, and other forms of transient living accommodations open to the public, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas, and other compatible commercial and recreational activities and uses.

(g) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the area, control of dredging or filling of the area, or both, and prevention of pollution of the area.

(h) For the promotion, by advertising and such other means as may be reasonable and appropriate, of maximum public use of such granted tidelands and submerged lands or to encourage private investment in development of such granted tidelands or submerged lands for the highest and best use in the public interest.

(i) For any other uses or purposes of statewide, as distinguished from purely local or private, interest and benefit which are in fulfillment of those trust uses and purposes described in this act.

(j) For the acquisition of property and the rendition of services reasonably necessary to the carrying out of the uses and purposes described in this section, including the amortization or debt service of any capital improvement funding program which is consistent with the terms and conditions set forth in this act.

SEC. 11. Section 10 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 10. Such revenues may be deposited in one or more reserve funds for use in accordance with the terms and conditions set forth in this act.

SEC. 12. Section 11 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 11. As to the accumulation and expenditure of revenues for any single capital improvement on the granted tidelands and submerged lands involving an amount in excess of two hundred fifty thousand dollars ($250,000) in the aggregate, the city shall file with the State Lands Commission a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, excepting preliminary planning. The State Lands Commission may, within 90 days after the time of such filing, determine and notify the city that such capital improvement is not in the statewide interest and benefit or is not authorized by the provisions of Sections 1 and 9 of this act. The State Lands Commission may request the opinion of the Attorney General on the matter, and if it does so, a copy of such opinion shall be delivered to the city with the notice of its determination. In the event the State Lands Commission notifies the city that such capital improvement is not authorized, the city shall not disburse any revenue for, or in connection with, such capital improvement, unless and until it is determined to be authorized by a final order or judgment of a court of competent jurisdiction. The city is authorized to bring suit against the state for the purpose of securing such

an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the Executive Officer of the State Lands Commission and the Attorney General, and the Attorney General shall defend the state in such suit. Each party shall bear its own costs of suit and no such costs shall be recovered from the other party.

SEC. 13. Section 12 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 12. At the end of each fiscal year, beginning September 30, 1976, that portion of trust revenues in excess of two hundred fifty thousand dollars ($250,000) remaining after current and accrued operating costs and expenditures directly related to the operation or the maintenance of beaches, harbors, and other tidelands trust activities have been paid, shall be deemed excess revenue; provided, that any funds deposited in a reserve fund for future capital expenditures, or any funds required to service or retire general obligation or revenue bond issues, or special funds required to be maintained for the payment of contractual obligations owing to the state on account of harbor improvements authorized by the provisions of Article 3 (commencing with Section 70) of Chapter 2 of Division 1 of the Harbors and Navigation Code, the moneys from which have been, or will be, used for purposes authorized by law, shall not be deemed excess revenue. Amortization payments made subsequent to the effective date of the enactment of this section at the 1971 Regular Session of the Legislature for capital improvements of the granted tidelands and submerged lands for purposes authorized by the terms of the grant may be considered as expenditures for the purpose of determining net revenues. The excess revenue, as determined pursuant to this section, shall be divided as follows: 85 percent to the General Fund in the State Treasury, and 15 percent to the city to be deposited in the city's trust fund and used for any purpose authorized by Sections 1 and 9 of this act.

SEC. 14. Section 13 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 13. The State Lands Commission, at the request of the city, shall grant an extension of time for filing any report or statement required by this act which was not filed due to mistake or inadvertence not to exceed 30 calendar days after service upon the city by the State Lands Commission of written notice of violation.

SEC. 15. Section 14 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 14. In the event that the city fails or refuses to file with the State Lands Commission or with the Auditor General any report, statement, or document required by any provision of this act within the time period specified by this act, or any extension period granted pursuant to this act, within 30 days after written notice to the city, or fails or refuses to carry out the terms of the grant within 30 days after written notice to the city, the State Lands Commission or the Auditor Gen-

eral shall within 60 days notify the Chief Clerk of the Assembly and the Secretary of the Senate.

The Attorney General shall, upon request of the State Lands Commission, after the city has been given such notice and after such failure or refusal by the city, bring such judicial proceedings for correction and enforcement as are appropriate, and shall act to protect any properties and assets situated on the granted tidelands or derived therefrom.

SEC. 16. Section 15 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 15. The State Lands Commission may from time to time, at the request of the Legislature, institute a formal inquiry to determine that the terms and conditions of the grant and amendments and supplements thereto have been complied with, and that all other applicable provisions of law concerning these specific granted tidelands and submerged lands are being complied with in good faith.

SEC 17. Section 16 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 16. The Auditor General shall, on or before March 30 of each year, commencing on March 30, 1975, report to the Chief Clerk of the Assembly, to the Secretary of the Senate, and to the State Lands Commission, the full details of any transaction or condition reported to him pursuant to this act which he deems in probable conflict with the requirements of this act, or with any other applicable provision of law concerning these specific granted tidelands and submerged lands.

SEC. 18. Section 17 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 17. The Attorney General shall bring an action in the Superior Court of the County of Los Angeles to declare that the grant under which the city holds such tidelands and submerged lands is revoked for gross and willful violation of the terms of the grant or other applicable provisions of law concerning these specific granted tidelands and submerged lands, or to compel compliance with the terms and conditions of the grant, or the provisions of such other applicable law, upon request by concurrent resolution of either house of the Legislature or upon formal request of the State Lands Commission. Such request shall be made only after a finding that the city has grossly and willfully violated the terms of the grant or other applicable provisions of law concerning these specific granted tidelands and submerged lands.

Such finding shall be supported by substantial evidence and shall be made only at the conclusion of a noticed public hearing at which the city has been given an opportunity to present evidence to fully describe conditions and extenuating circumstances and to present facts to disprove the alleged violation.

SEC. 19. Section 18 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 18. In the event the grant of tidelands and submerged lands in trust to the city is revoked pursuant to Section 17 of this act, such revocation shall not impair or affect the security of leases or the rights or obligations of third parties, including lessees, lenders for value, or others who are parties to contracts which, except for such revocation, would be lawful and binding contracts.

SEC. 20. Section 19 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 19. The provisions of Sections 8 through 13 of this act relating to the deposit, accounting, and use of revenues derived from the uplands described in subdivision (b) of Section 8 of this act shall no longer be of any force and effect as to such uplands upon the payment of the bonded debt incurred by the city in connection with the development of the Redondo Beach King Harbor or the payment of any refinancing thereof, up to a maximum sum of ten million dollars ($10,000,000), whichever occurs last. Upon the happening of the latter of such events, all revenues derived from the uplands may be utilized by the city for any lawful municipal purpose.

SEC. 21. Section 20 is added to Chapter 57 of the Statutes of 1915, to read:

Sec. 20. Nothing contained in this act shall in any way impair or affect the rights or obligations of third parties, including, but not limited to, optionees, lessees, lenders for value, and holders of contracts conferring the right to the use and occupation of, or the right to conduct operations upon, lands described in this act arising from options, leases, contracts, or other instruments entered into by the city in good faith prior to the effective date of this section enacted at the 1971 Regular Session of the Legislature.

---

## CHAPTER 1556

*An act to amend Sections 1381 and 1381.5 of the Penal Code, relating to trial and sentencing of prisoners.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 1381 of the Penal Code is amended to read:

1381. Whenever a defendant has been convicted, in any court of this state, of the commission of a felony or misdemeanor and has been sentenced to and has entered upon a

term of imprisonment in a state prison or has been sentenced to and has entered upon a term of imprisonment in a county jail for a period of more than 90 days or has been committed to and placed in a county jail for more than 90 days as a condition of probation or has been committed to and placed in an institution subject to the jurisdiction of the Department of the Youth Authority or whenever any person has been committed to the custody of the Director of Corrections pursuant to Chapter 1 (commencing with Section 3000) of Division 3 of the Welfare and Institutions Code and has entered upon his term of commitment, and at the time of the entry upon such term of imprisonment or commitment there is pending, in any court of this state, any other indictment, information, complaint, or any criminal proceeding wherein the defendant remains to be sentenced, the district attorney of the county in which such matters are pending shall bring the same defendant to trial or for sentencing within 90 days after such person shall have delivered to said district attorney written notice of the place of his imprisonment or commitment and his desire to be brought to trial or for sentencing unless a continuance beyond said 90 days is requested or consented to by such person, in open court, and such request or consent entered upon the minutes of the court in which event the 90-day period herein provided for shall commence to run anew from the date to which such consent or request continued the trial or sentencing. In the event that the defendant is not brought to trial or for sentencing within the 90 days as herein provided the court in which such charge or sentencing is pending must, on motion or suggestion of the district attorney, or of the defendant or person confined in the county jail or committed to the custody of the Director of Corrections or his counsel, or of the State Department of Corrections, or of the Department of the Youth Authority, or on its own motion, dismiss such action. If a charge is filed against a person during the time such person is serving a sentence in any state prison or county jail of this state or while detained by the Director of Corrections pursuant to Chapter 1 of Division 3 or while detained in any institution subject to the jurisdiction of the Department of the Youth Authority it is hereby made mandatory upon the district attorney of the county in which such charge is filed to bring the same to trial within 90 days after said person shall have delivered to said district attorney written notice of the place of his imprisonment or commitment and his desire to be brought to trial upon said charge, unless a continuance is requested or consented to by such person, in open court, and such request or consent entered upon the minutes of the court, in which event the 90-day period herein provided for shall commence to run anew from the date to which such request or consent continued the trial. In the event such action is not brought to trial

within the 90 days as herein provided the court in which such action is pending must, on motion or suggestion of the district attorney, or of the defendant or person committed to the custody of the Director of Corrections or to a county jail or his counsel, or of the State Department of Corrections, or of the Department of the Youth Authority, or on its own motion, dismiss such charge. The sheriff, custodian or jailer shall endorse upon the written notice of defendant's desire to be brought to trial or for sentencing the cause of commitment, the date of commitment and the date of release.

SEC. 2. Section 1381.5 of the Penal Code is amended to read:

1381.5. Whenever a defendant has been convicted of a crime and has entered upon a term of imprisonment therefor in a federal correctional institution, and at the time of entry upon such term of imprisonment or at any time during such term of imprisonment there is pending in any court of this state any criminal indictment, information, complaint, or any criminal proceeding wherein the defendant remains to be sentenced the district attorney of the county in which such matters are pending, upon receiving from such defendant a request that he be brought to trial or for sentencing, shall promptly inquire of the warden or other head of the federal correctional institution in which such defendant is confined whether and when such defendant can be released for trial or for sentencing. If an assent from authorized federal authorities for release of the defendant for trial or sentencing is received by the district attorney he shall bring him to trial or sentencing within 90 days after receipt of such assent, unless the federal authorities specify a date of release after 90 days, in which event the district attorney shall bring the prisoner to trial or sentencing at such specified time, or unless the defendant requests, in open court, and receives, or, in open court, consents to, a continuance, in which event he may be brought to trial or sentencing within 90 days from such request or consent.

If a defendant is not brought to trial or for sentencing as provided by this section, the court in which the action is pending shall, on motion or suggestion of the district attorney, or representative of the United States, or the defendant or his counsel, dismiss the action.

---

## CHAPTER 1557

*An act to add Chapter 4.5 (commencing with Section 2160) to Division 3 of the Streets and Highways Code, relating to highway funds, and making an appropriation therefor.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Chapter 4.5 (commencing with Section 2160) is added to Division 3 of the Streets and Highways Code, to read:

CHAPTER 4.5. STATE HIGHWAY USERS TAX STUDY COMMISSION

2160. The Legislature finds that current methods of allocating highway users tax revenues between governmental entities and geographical areas of the state are in need of comprehensive review to assure that maximum benefits consistent with statewide transportation needs are realized from existing revenues.

2161. The State Highway Users Tax Study Commission is hereby created. The members of the commission shall consist of two designees of the Governor who shall be representatives of councils of governments or transportation planning entities created by statute, a designee of the State Transportation Board, the Secretary of the Business and Transportation Agency or his designee, a designee of the County Supervisors' Association of California, and a designee of the League of California Cities. The President pro Tempore of the Senate or his designee and the Speaker of the Assembly or his designee shall also be members of the commission and together shall constitute a Joint Legislative Committee on Highway Users Tax Study, and shall participate in the activities of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. The members of the commission shall elect a chairman and shall receive their actual and necessary traveling expenses incurred in the performance of their duties.

2162. For the purpose of fulfilling its responsibilities, the State Highway Users Tax Study Commission shall contract with the Institute of Transportation and Traffic Engineering for technical assistance in making the study, and may also request and receive the assistance of other public and private entities.

2163. The State Highway Users Tax Study Commission may appoint an executive director who shall have charge of administering the affairs of the commission, subject to the direction of the commission, and may appoint such advisory committees as it deems appropriate.

2164. The State Highway Users Tax Study Commission shall report to the Legislature, by February 1, 1974, regarding its findings and recommendations of the desirability and the practicability of allocating funds in accordance with:

(a) Current methods of allocating highway users tax revenues:

(b) Modifications or revisions of current methods of allocating highway users tax revenues.

(c) The provisions of Assembly Bill 505 of the 1971 Regular Session of the Legislature, as introduced February 15, 1971.

2165. The State Highway Users Tax Study Commission shall consider highway functional classification studies, and shall correlate its activities with such studies and include relevant data and recommendations from such studies in the report required by Section 2164.

2166. The existence of the State Highway Users Tax Study Commission shall terminate on February 1, 1974.

SEC. 2. The sum of seventy-five thousand dollars ($75,000) is hereby appropriated from the Motor Vehicle Fund to the State Highway Users Tax Study Commission for expenditure, without regard to fiscal years, to finance its study pursuant to Chapter 4.5 (commencing with Section 2160) of Division 3 of the Streets and Highways Code.

---

## CHAPTER 1558

*An act to add Sections 4651.3 and 5410.1 to the Labor Code, relating to workmen's compensation.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 4651.3 is added to the Labor Code, to read:

4651.3. Where a petition is filed with the appeals board pursuant to the provisions of Section 4651.1, and is subsequently denied wholly by the appeals board, the board may determine the amount of attorney's fees reasonably incurred by the applicant in resisting the petition and may assess such reasonable attorney's fees as a cost upon the party filing the petition to decrease or terminate the award of the appeals board.

SEC. 2. Section 5410.1 is added to the Labor Code, to read:

5410.1. Should any party to a proceeding institute proceedings to reduce the amount of permanent disability awarded to an applicant by the appeals board and be unsuccessful in such proceeding, the board may make a finding as to the amount of a reasonable attorney's fee incurred by the applicant in resisting such proceeding to reduce permanent disability benefits previously awarded by the appeals board and assess the same as costs upon the party instituting the proceeding for the reduction of permanent disability benefits.

# CHAPTER 1559

*An act to amend Section 26636 of the Health and Safety Code, relating to drugs.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 26636 of the Health and Safety Code is amended to read:

26636. Any drug subject to Section 26660 is misbranded unless the manufacturer, packer, or distributor of the drug includes, in all advertisements and other descriptive matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that drug, a true statement of all of the following:

(a) The established name, printed prominently and in a type at least half as large as that used for any proprietary name of the drug.

(b) The formula showing quantitatively each ingredient of the drug to the extent required for labels under Section 26635.

(c) The name and place of business of the manufacturer that produced the finished dosage form of the drug, as prescribed by regulations issued by the State Department of Public Health. This subdivision shall apply only to advertisements or descriptive matter issued for drugs manufactured in finished dosage form on or after July 1, 1972.

(d) Such other information, in brief summary relating to side effects, contraindications, and effectiveness as shall be required by regulations promulgated by the department.

Regulations relating to side effects, contraindications, and effectiveness issued pursuant to Section 502(n) of the federal act (21 U.S.C. Sec. 352(n)) are the regulations establishing information requirements relating to side effects, contraindications and effectiveness in this state. The department may, by regulation, make other requirements relating to side effects, contraindications, and effectiveness whether or not in accordance with the regulations adopted under the federal act.

# CHAPTER 1560

*An act relating to sanitation agencies, and in this connection to create the Tahoe-Truckee Sanitation Agency for the collection, treatment, and disposal of sewage, industrial waste, and storm water within the agency, and prescribing its organization, powers, and duties, to repeal the North Lake Tahoe-Truckee River Sanitation Agency Act (Chapter 1503 of the Statutes of 1967), and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 17, 1971 Filed with Secretary of State November 17, 1971]

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

## PART 1. INTRODUCTORY PROVISIONS

SECTION 1. This act shall be known and may be cited as the Tahoe-Truckee Sanitation Agency Act.

### CHAPTER 2. DEFINITIONS

SEC. 2. Unless the context otherwise requires, the provisions of this chapter govern the construction of this act.

SEC. 3. The definition of a word applies to any of its variants.

SEC. 4. "Agency" means Tahoe-Truckee Sanitation Agency formed pursuant to this act.

SEC. 5. "Public entity" or "entity" means a city or county, any municipal water district, public utility district, sanitary district, sanitation district, county water district, or California water district, organized under the laws of the State of California, or any other public corporation or agency of the state having power to acquire, construct and operate facilities for the collection, treatment and disposal of sewage, industrial waste or storm water, or industrial waste and storm water of such entity and its inhabitants "Proposing public entity" means the first of the proposed member entities to adopt a resolution pursuant to Section 30.

SEC. 6. "Member entity" means a public entity which is a member of the agency The initial member entities shall be North Tahoe Public Utility District, Tahoe City Public Utility District, Alpine Springs County Water District, Squaw Valley County Water District, and Truckee Sanitary District, if each such district adopts a resolution pursuant to subdivision (a) of Section 38.

SEC. 7. "Board" means the board of directors of the agency.

SEC. 8. "Affected county" means any county in which any portion of the territory of the agency is situated.

SEC. 9. "President" means the president of the board of directors of the agency.

SEC. 10. "Secretary" means the secretary of the agency.

SEC. 11. "Assessed valuation" of any public entity, member entity, territory or the agency means (as indicated by the context) the assessed valuation of all real property situated within such entity or within the county in which such territory is located or within the agency, as shown on the last equalized assessment roll or rolls of the county or counties in which such property is located, as evidenced by a certificate or certificates of the auditor or auditors of such county or counties.

SEC. 12. "The giving of mailed notice" means mailing a printed copy of the resolution or notice referred to, by first-class mail, postage prepaid, to each person to whom land in the agency, inhabited improvement district, uninhabited improvement district, or territory proposed to be added to or formed into any thereof is assessed as shown on the last equalized county assessment roll, at his address as shown upon the roll, and to any person, whether owner in fee or having a lien upon, or legal or equitable interest in, any land within the agency, inhabited improvement district, uninhabited improvement district or territory proposed to be added to either thereof, whose name and address and a designation of the land in which he is interested is on file with the clerk of any affected county (in the case of the agency) or with the secretary (in the case of a proposed inhabited improvement district or uninhabited improvement district). Any such mailed notice may be accompanied with information describing the proposed agency, any proposed project and the costs of such project.

SEC. 13. "Territory" of or in the agency means only territory within member entities of the agency.

## CHAPTER 3. GENERAL PROVISIONS

SEC. 20. The inclusion in, or annexation or addition to, the agency of the territory of any public entity shall not destroy the identity or legal existence and powers of such public entity.

SEC. 21. Only proposals for annexations to (except for annexations pursuant to Article 1 (commencing with Section 375) of Chapter 1 of Part 8 of this act) the agency shall be subject to the jurisdiction of the local agency formation commission in Placer County pursuant to the provisions of

Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5 of the Government Code and Part 4 (commencing with Section 56250) of Division 1 of Title 6 of the Government Code. Proposals for the formation of inhabited or uninhabited improvement districts shall not be subject to such jurisdiction. Annexations pursuant to Article 1 of Chapter 1 of Part 8 of this act shall be subject to such jurisdiction only in each affected county and only to the extent that the annexation to the member entity in question is so subject.

## PART 2. FORMATION

### CHAPTER 1. TERRITORY; PURPOSES

SEC. 25. Any three or more public entities including at least three of the public entities named in Section 6 may form the agency under the provisions of this act consisting of the territory of such public entities.

SEC. 26. The agency may be formed for any purpose related to the collection, treatment and disposal of sewage, industrial waste or storm water, or industrial waste and storm water for which the member entities were formed.

### CHAPTER 2. RESOLUTION OF INTENTION

SEC. 30. The governing body of any public entity named in Section 6 may by majority vote of all of its members declare the intention of such public entity (the "proposing public entity") to form the agency with the other public entities named in Section 6. The resolution shall:

(a) State the name of the agency.

(b) State the name of each public entity proposed to be a member entity of the agency.

(c) State that the initial territory of the agency shall be the combined territory of all public entities which become member entities of the agency, if formed, as said territory exists in each such entity at the time of the adoption of such resolution.

(d) State the purpose or purposes for which the agency is proposed to be formed.

(e) Fix a time and place within the boundaries of the proposing entity when and where a hearing will be held before its governing body as to whether the agency should be formed and whether the proposing public entity should become a member entity. The date of the hearing shall be not less than 40 nor more than 90 days after the adoption of the resolution.

(f) Direct publication of the resolution in a newspaper of

general circulation circulated within the proposing public entity pursuant to Section 6061 of the Government Code at least two weeks prior to the date set for said hearing, or if there is no such newspaper, direct the posting of copies of said resolution at three public places within the proposing public entity at least two weeks prior to the date set for said hearing; and direct the giving of mailed notice at least two weeks prior to the date set for said hearing.

SEC. 31. The governing body of the proposing public entity adopting the resolution referred to in Section 30 shall forthwith forward a certified copy of said resolution to the governing body of each public entity named in said resolution as a proposed member entity of the agency; and the governing body of each proposed member entity may adopt an identical resolution (except for place of hearing and for provisions relating to publication or posting thereof and to the mailing thereof). The governing body of any proposed member entity shall, if it adopts such resolution, fix the time for the hearing on the same date and at the same hour fixed by the governing body of the proposing public entity.

## CHAPTER 3. FORMATION HEARING

SEC. 35. At the time and place specified in the resolutions provided for in Sections 30 and 31, the governing body of each public entity shall hold a public hearing on the questions of whether the agency should be formed, and if so, whether the public entity should be a member entity. At the hearing such governing body shall:

(a) Receive and file in its minutes an affidavit of publication or posting and an affidavit of mailing of the resolution provided for in Section 30 or 31.

(b) Hear and consider all relevant evidence presented on the question of whether the agency should be formed, and if so, whether the public entity should become a member entity.

(c) Receive written protests by the owners of record of real property situated within the public entity against the public entity being a member entity of the agency, if formed. Each protest shall describe the land owned within the public entity by the protestor and shall state the reason for such protest.

SEC. 36. As soon as practicable after completion of the hearings described in Section 35, the governing body of each public entity shall adopt a resolution which shall:

(a) Declare the finding of the governing body as to whether the agency should be formed and, if so, whether the public entity should become a member entity of the agency.

(b) Determine the total assessed valuation of the public entity, and the dollar amount of such assessed valuation

owned by persons who filed valid written protests to the inclusion of the public entity in the proposed agency as provided for in Section 35.

(c) If said valid written protests do not exceed 50 percent of the total assessed valuation of the public entity, either (1) declare that the public entity shall become a member entity of the agency and that the initial territory of the agency shall include the territory of such public entity, (2) declare that the public entity shall not become a member entity of the agency or (3) declare that an election shall be held in accordance with the provisions of Section 37.

(d) If said valid written protests exceed 50 percent of the total assessed valuation of the public entity, declare either that the public entity shall not become a member entity of the agency or that an election shall be held in accordance with the provisions of Section 37.

SEC. 37. The election shall be held not less than 30 days after completion of the hearing described in Section 35, and shall be held in accordance with the provisions of this act for the calling and holding of bond elections so far as possible, and otherwise in accordance with the provisions of the Elections Code. The board shall adopt the resolution referred to in Section 38 if from the returns of such election it appears that at least a majority of the votes cast at such election were in favor of and assented to the public entity's becoming a member entity of the agency.

SEC. 38. Upon canvassing the returns of the election held pursuant to Section 37, the governing board of the public entity shall adopt a resolution which shall declare either (a), if the measure was successful at such election, that the agency is formed and that the initial territory of the agency shall include the territory of such public entity or (b) if the measure does not pass at such election, declaring that the public entity shall not become a member entity of the agency.

SEC. 39. Upon adoption of the resolutions required by Section 36 or 38, or both, the governing body of each public entity shall cause a certified copy of such resolution or resolutions adopted by its governing body to be forwarded to the Board of Supervisors of Placer County.

## CHAPTER 4. ESTABLISHMENT OF AGENCY

SEC. 45. Within 14 days after receipt of all of the resolutions referred to in Section 39, the Board of Supervisors of Placer County shall determine whether or not each proposed member entity of the agency has adopted a resolution declaring the formation of the agency. If either North Tahoe Public Utility District or Tahoe City Public Utility District has not adopted a resolution declaring the

agency formed, such board of supervisors shall by order entered in its minutes find and determine that the agency has not been formed by reason of proceedings theretofore taken pursuant to this act. If three or more public entities, including North Tahoe Public Utility District and Tahoe City Public Utility District, have adopted resolutions declaring the agency is formed, such board of supervisors shall by order entered in its minutes declare that the territory of each such public entity as constituted at the time of the adoption of its resolution pursuant to Sections 30 and 31 is formed as the agency.

SEC. 46. The County Clerk of Placer County shall immediately cause to be recorded in the office of the County Recorder of Placer County and Nevada County, a certificate stating that the agency has been formed.

Such county clerk shall also immediately cause to be filed with the Secretary of State a certificate listing:

(a) The name of the agency.

(b) The affected counties, and a description of the boundaries of the agency, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the agency formed contains all of the information required to be in the last mentioned certificate, the clerk may file a copy of the order with the Secretary of State in lieu of the certificate.

SEC. 47. Upon the receipt of the county clerk's certificate, or a copy of the order declaring the agency formed, the Secretary of State shall, within 10 days, issue his certificate reciting that the agency has been duly formed under this act.

SEC. 48. A copy of the Secretary of State's certificate shall be transmitted to and filed with the county clerk of each affected county.

SEC. 49. From and after the date of filing the county clerk's certificate with the Secretary of State, the agency is formed with all the rights, privileges, and powers set forth in this act, and necessarily incident thereto.

SEC. 50. A certified copy of the county clerk's certificate provided for in Section 46 and a description of the boundaries of the agency shall be filed pursuant to Chapter 8 (commencing with Section 54900) of Part 1, Division 2, Title 5 of the Government Code.

SEC. 51. Any action or proceeding in which the validity of the formation of the agency or any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months from the date of the Secretary of State's certificate of formation; otherwise the formation and legal existence of the agency and all

proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

## PART 3. INTERNAL ORGANIZATION

### CHAPTER 1. BOARD OF DIRECTORS

SEC. 60. The board shall consist of representatives chosen as follows:

(1) One representative designated by the presiding officer of Tahoe City Public Utility District with the consent and approval by a majority vote of all of the members of the Board of Directors of Tahoe City Public Utility District.

(2) One representative designated by the presiding officer of North Tahoe Public Utility District with the consent and approval by a majority vote of all of the members of the Board of Directors of North Tahoe Public Utility District.

(3) One representative designated by the presiding officer of Alpine Springs County Water District with the approval by a majority vote of all of the members of the Board of Directors of Alpine Springs County Water District.

(4) One representative designated by the presiding officer of Squaw Valley County Water District with the approval by a majority vote of all of the members of the Board of Directors of Squaw Valley County Water District.

(5) One representative designated by the presiding officer of Truckee Sanitary District with the consent and approval by a majority vote of all of the members of the Board of Directors of Truckee Sanitary District.

If the appropriate appointing officer or governing board fails to appoint any of the representatives specified by subdivisions (1) through (4) and such failure continues for a period of 30 days from the date of entry of the order of the Board of Supervisors of Placer County specified in Section 45, then the Board of Supervisors of Placer County shall in place of the appropriate entity appoint a representative for such entity. If either or both of the districts specified in subdivision (3) and (4) do not become member entities, then the Board of Supervisors of Placer County shall in place of the appropriate entity appoint a member to the board in lieu of the specified appointment. If Truckee Sanitary District does not become a member entity, or if such district fails to appoint a representative in accordance with the provisions of subdivision (5) and such failure continues for a period of 30 days from the date of entry of said order, then one member of the board shall be appointed by the Board of Supervisors of Nevada County.

A member appointed by a board of supervisors because one of the above-named public entities has not become a member

entity shall not be deemed to represent an entity for purposes of Section 190.

Each member of the board shall hold office for a term of four years from the first day of September next succeeding the date of his appointment and until his successor has been appointed and qualified, except that the terms of office of the initial members appointed pursuant to subdivisions (1), (2), and (5), shall be for two years. Each member shall be subject to recall by a majority vote of all of the members of the governing body which appointed him.

SEC. 61. If at any time the governing board of (a) any three of the member entities, (b) any two of the member entities and the Board of Supervisors of either Placer County or Nevada County, or (c) any one member entity, and the Board of Supervisors of both Placer County and Nevada County, so declare by resolution, the board of the agency shall constitute itself a committee of the whole to study and take recommendations for legislation to change the composition of the board as set forth in Sections 60 and 63. If the resolutions referred to above all so declare, then the board of the agency shall take no action whatsoever (other than acts required by contracts theretofore entered into by the agency) until such recommendations have been made and have been approved by at least two of the three governing bodies adopting such resolutions.

SEC. 62. Any member of the board shall have the power to table any motion until the next succeeding meeting of the board. Such power may be exercised by the request of such member without a second, but such power shall expire as to any motion after one exercise.

SEC. 63. Each representative appointed pursuant to subdivisions (1), (2), and (5) of Section 60 shall have one vote. Each representative appointed pursuant to subdivisions (3) and (4) of Section 60 shall have one-half vote.

SEC. 64. The clerk or secretary of the governing body of each member entity shall advise the clerk of the Board of Supervisors of Placer County in writing of the name of each person appointed by such governing body to the first board. Such clerk of the board of supervisors shall thereupon convene the first meeting of the board in the meeting room of the Board of Supervisors of Placer County. At such meeting the board shall elect from its membership by a majority vote of all of the votes of the board a president and a vice president, shall fix the time and place or places for regular meetings of the board and may carry on any other business of the agency.

SEC. 65. At the first regular meeting of the board next succeeding September 1 of each odd-numbered year, the board shall elect from its membership a president and a vice president.

SEC. 66. A majority of all of the members of the board shall constitute a quorum for the transaction of business.

SEC. 67. The board shall act only by ordinance, resolution, or motion.

SEC. 68. On all ordinances the roll shall be called and ayes and noes recorded in the journal of the proceedings of the board.

SEC. 69. Resolutions and motions may be adopted by voice vote, but on demand of any member of the board the roll shall be called.

SEC. 70. Votes of the members of the board shall not be cast or exercised by proxy.

SEC. 71. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of Tahoe-Truckee Sanitation Agency as follows:"

SEC. 72. Any executive, administrative, and ministerial powers may be delegated by the board to any of the offices created by this part or by the board. Any such delegation may be withdrawn by the board.

SEC. 73. The board may fix the time and place or places at which its regular meetings will be held and shall provide for the calling and holding of special meetings.

SEC. 74. The board may fix the location of the principal place of business of the agency and the location of all offices and departments maintained under this act.

SEC. 75. The board may prescribe, by ordinance, a system of business administration.

SEC. 76. The board may create any necessary offices and establish and reestablish the powers, duties, and compensation of all officers and employees.

SEC. 77. The board may require and fix the amount of all official bonds of all officers and employees necessary for the protection of the funds and property of the agency.

SEC. 78. The board may prescribe, by ordinance, a system of civil service.

SEC. 79. The board may, by ordinance, delegate to any officer or officers of the agency the power to employ clerical, legal, financial, and engineering assistance and labor.

SEC. 80. The board may, by ordinance, delegate to any officer or officers of the agency, under such conditions and restrictions as shall be fixed by the board, the power to bind the agency by contract.

SEC. 81. The board may prescribe a method of auditing and allowing or rejecting claims and demands.

SEC. 82. The board shall designate a depository or depositories to have the custody of the funds of the agency. All funds of the agency deposited with any depository shall be secured as required by law. Each such depository shall pay the warrants drawn by the treasurer for demands against the

agency under such rules as the board may prescribe.

SEC. 83. The agency may issue bonds, borrow money, and incur indebtedness as authorized by law or this act, and may refund such bonds, loans, or indebtedness, by the issuance of refunding obligations following the same procedure if authorized by law or this act; and may retire any indebtedness or lien that validly exists against the agency or its property.

## CHAPTER 2. OFFICERS AND EMPLOYEES

SEC. 90. The board may appoint, by a majority vote of all of the votes of the board, a secretary, treasurer, attorney, general manager, and auditor, and shall define their duties and fix their compensation.

Each of said appointees shall serve at the pleasure of the board.

SEC. 91. The board may employ such additional assistants and employees as it deems necessary to efficiently maintain and operate the agency.

SEC. 92. The board may consolidate the offices of secretary and treasurer.

SEC. 93. The president, vice president and secretary, in addition to the duties imposed on them by law, shall perform such duties as may be imposed on them by the board.

SEC. 94. The treasurer, or such other person or persons as may be authorized by the board, shall draw warrants to pay demands when such demands have been audited and approved in the manner prescribed by the board.

SEC. 95. Subject to the approval of the board, the general manager shall have full charge and control of the maintenance, operation, and construction of the sewage, waste and storm water systems of the agency, with full power and authority to employ and discharge all employees and assistants, other than those referred to in Section 90, at pleasure, prescribe their duties, and fix their compensation.

SEC. 96. The general manager shall perform such duties as may be imposed on him by the board. He shall report to the board in accordance with such rules and regulations as it may adopt.

SEC. 97. The attorney shall be the legal adviser of the agency and shall perform such other duties as may be prescribed by the board.

SEC. 98. The general manager, secretary, and treasurer, together with such other employees or assistants of the agency as are designated by the board, shall give such bonds to the agency conditioned on the faithful performance of their duties as the board from time to time may provide. The premiums on the bonds shall be paid by the agency.

SEC. 99. Members of the board of directors may receive

reimbursement from the agency for travel expenses expended on behalf of the agency.

SEC. 100. No employee of any of the member entities may receive compensation as an employee of the agency.

### CHAPTER 3. PROHIBITED INTERESTS IN CONTRACTS

SEC. 105. Except as provided in Section 107, no director, officer or employee of the agency shall in any manner be interested, directly or indirectly, in any contract or instrument to which the agency is a party or in the benefits to be derived therefrom.

SEC. 106. For any violation of Section 105, a director or any officer or employee of the agency is guilty of a misdemeanor.

SEC. 107. The holding of an interest in a contract or instrument to which the agency is a party by a director, officer, or employee, or his derivation of benefit therefrom, shall not invalidate the contract or instrument, or constitute a violation of any law, in any of the following cases:

(a) If the director or other officer or employee owns or controls, directly or indirectly, not more than five percent of the outstanding stock or securities of any corporation which is a party to such contract or instrument.

(b) If the contract or instrument is entered into pursuant to the provisions of any ordinance or regulation of the agency of uniform application, and such ordinance or regulation was effective prior to the execution of such contract or instrument.

(c) If the contract is with a member entity and the director or other officer or employee of the agency is also a director, officer or employee of such member entity.

## PART 4. POWERS AND PURPOSES

### CHAPTER 1. POWERS GENERALLY

SEC. 120. The agency may exercise the powers which are expressly granted by this act or are necessarily implied.

SEC. 121. The agency shall:

(a) Have perpetual succession.

(b) Adopt a seal, and may alter it at pleasure.

SEC. 122. The agency may make contracts, employ labor, and do all acts necessary for the full exercise of its powers.

SEC. 123. The agency may provide, by ordinance, for the pensioning of officers or employees, 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.

SEC. 124. The agency may, in the ordinance providing for the pensioning of officers and employees, create a special fund for the purpose of paying such pensions and provide for the accumulation of contributions to this fund from revenues of the agency, wages of officers or employees, voluntary contributions, gifts, donations, or any source of revenue not inconsistent with the general powers of the board.

SEC. 125. The agency may contract with any insurance corporation or any other insurance carrier, including the State Employees Retirement System, for the maintenance of a service covering the pensioning of the agency officers or employees.

SEC. 126. The agency may disseminate information concerning the right, properties, and activities of the agency.

## CHAPTER 2. SEWAGE, WASTE AND STORM WATER DISPOSAL

SEC. 130. The agency may acquire, construct and operate, either inside or outside its boundaries, or both, facilities for the collection, treatment and disposal of sewage, industrial waste or storm water, or industrial waste and storm water delivered to it by any one or more of its member entities. It may prescribe, revise, and collect rates and other charges for the services and facilities furnished by it pursuant to this chapter, including charges for connecting to facilities of member entities and standby charges.

SEC. 131. The board of directors of any member entity may raise the funds necessary to make the payments required by any agreement with the agency, (a) by taxation as permitted by the act pursuant to which such member entity was formed, (b) by charging the users of the facilities of such member entity an amount sufficient to raise such funds, (c) by a combination of both, or (d) in any other method by which such member entity may legally raise such funds; provided, however, that if, to raise such funds by taxation along with all other taxes of such member entity, any member entity must (i) exceed any then applicable limit on the tax rate of such member entity, or (ii) levy a total tax which must by law be levied by ordinance subject to referendum, then such member entity shall raise a sufficient portion of such funds by method other than taxation so that the tax levied by such member does not come within clause (i) or (ii) of this section.

SEC. 132. Improvement districts may be formed within the agency as herein provided for the equitable distribution of costs of maintenance and operation of the facilities of the agency or of acquisition and construction of capital improvements.

SEC. 133. Facilities of the agency shall not be made directly available to the inhabitants of a member entity without the agreement of the board of directors of such member entity.

SEC. 134. Any member entity may contract with the agency for use by the agency of any capital improvements theretofore constructed by the member entity (hereinafter called "entity improvements") and required by the agency for any agency purpose. Each such contract may provide that the agency shall pay to the member entity owning the entity improvements an annual use charge on or before June 30 in each year of the use of the entity improvements by the agency. Such charge may be equal to the principal of and interest on bonds of the member entity issued to pay the cost of such entity improvements that will become due and payable in the 12 months beginning on the next succeeding July 1, and may include reimbursement to the member entity for the cost of such entity improvements paid from funds other than the proceeds of the sale of bonds, or a combination of both, and may take into consideration any other relevant factor.

## CHAPTER 3. PROPERTY

SEC. 140. The agency may, within or without the agency and within or without the State of California:

(a) Take real and personal property of every kind by grant, purchase, gift, devise, or lease.

(b) Hold, use, enjoy, lease, or dispose of real and personal property of every kind.

SEC. 141. The agency may exercise the right of eminent domain and, in the manner provided by law for the condemnation of private property for public use, may take any property, located either inside or outside its boundaries, necessary to carry out any powers of the agency; provided, however, that the agency shall not exercise such right to take any property located outside its boundaries unless it first obtains the consent thereto of the board of supervisors of the county in which such property is located. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a general law city; provided, the agency, in exercising such right, 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, railway, mains, pipes, conduits, wires, cables, or poles of any public utility which are required to be removed to a new location.

SEC. 142. The agency may construct works along and across any stream of water, watercourse, street, avenue,

21749320 51

highway, canal, ditch, flume or railway. Such works shall be constructed in such manner as to afford security for life and property, and the agency shall restore each crossing and intersection to its former state as near as may be.

SEC. 143. The owner of any right-of-way that is intersected or crossed by agency works shall join with the agency in designing the intersection or crossing and grant the rights therefor, subject to the provisions of Section 141.

SEC. 144. The agency may locate, construct, and maintain agency works along and across any street or public highway and on any lands which are now or hereafter owned by the state; and the agency shall have all of the rights, powers and privileges appertaining thereto of a general law city.

SEC. 145. Any use by the agency of a public highway now or hereafter constituted a state highway, shall be subject to the provisions of Chapter 3 (commencing with Section 660) of Division 1 of the Streets and Highways Code.

## CHAPTER 5. CONTRACTS

SEC. 155. As used in this chapter:

(a) "Public entity" means and includes the United States, the state and any county, city, public corporation, or public district of the state, and any department, entity agency or authority of any thereof.

(b) "Private corporation" means and includes any private corporation organized under the laws of the United States or of any state.

SEC. 156. The agency may join with one or more public entities, private corporations, or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose may contract with any such other public entity, private corporation or person to finance acquisitions, construction and operations.

SEC. 157. Any contract with any other public entity, private corporation or person may provide for contributions to be made by each party thereto, for the division and apportionment of the benefits, services and products thereof. Any such contract may also provide that the agency will effect any acquisition or carry on any operations, and may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof.

SEC. 158. The agency may prescribe methods for construction of works and for the letting of contracts for any of the following purposes:

(a) The construction of works, structures or equipment;

(b) The performance or furnishing of labor, materials, or supplies necessary or convenient for carrying out any of the purposes of this act; or

(c) The acquisition or disposal of any real or personal property.

SEC. 159. When any agency expenditure exceeds five thousand dollars ($5,000), it shall be contracted for and let to the lowest responsible bidder after notice.

SEC. 160. The board may establish the manner of calling for bids and letting contracts, and all contracts shall be entered into upon such terms and in such manner as the board may authorize.

SEC. 161. If no bids are received upon any call for bids, the board may let the contract without further complying with Section 159.

### CHAPTER 6. CONTROVERSIES

SEC. 162. The agency may sue and be sued, except as otherwise provided in this division or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

SEC. 163. Any action to determine the validity of any contract authorized by Chapter 5 (commencing with Section 155) of this part and any bonds, notes, or other evidences of indebtedness of an agency shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

## PART 5. FINANCIAL PROVISIONS

### CHAPTER 1. PROMISSORY NOTES

SEC. 180. The agency may, by resolution adopted by a vote of a majority of the votes of the board, issue negotiable promissory notes pursuant to this section to acquire funds for any agency purpose or purposes. Any issue of such promissory notes shall bear interest at a rate not exceeding 7 percent per year and shall mature over a period not exceeding five years from the date thereof. The aggregate principal amount of such notes outstanding at any one time shall not exceed the lesser of either one million dollars ($1,000,000) or 1 percent of the assessed valuation of the agency or, if the assessed valuation is not obtainable, 1 percent of the estimated assessed valuation of the agency.

SEC. 180.1. The agency may, by resolution adopted by vote of a majority of the votes of the board, issue negotiable promissory notes pursuant to this section (in addition to promissory notes issued pursuant to Section 180) to bear interest at a rate not exceeding 7 percent per year and to mature over a period not exceeding five years from the date thereof. Such notes may be issued only if all of the following

conditions precedent are met:

(a) Prior to the date of issuance of such notes the agency shall have entered into a contract or contracts with the United States of America or the State of California, or both, pursuant to which the United States of America or the State of California, or both, agree to grant or loan to the agency moneys to pay all or part of the costs of the project or projects for payment of the cost of construction of which such notes are issued.

(b) The agency or member entities, or both, shall have authorized bonds in an aggregate principal amount which, when added to such grants or loans, has been calculated to be sufficient to complete such project or projects; and such bonds shall have been authorized for the purpose of payment of the cost of contruction of such project or projects.

Such notes shall be issued to pay a portion of the costs of a project or projects specified in subdivision (a). The aggregate principal amount of such notes issued by the agency at any time shall not exceed 40 percent of the aggregate sums which the United States of America and the State of California, or both, have agreed to pay to the agency pursuant to the contracts upon which the agency relies for the issuance of such notes. Such notes shall be payable solely from sums paid to the agency by the United States of America or the State of California, or both, pursuant to such contracts, or in the absence of such sums, from the proceeds of the sale of refunding notes issued pursuant to Section 180.2.

SEC. 180.2. In the event that sums agreed to be paid by the United States of America or the State of California, or both, are not paid to the agency and received by it on or prior to a specified anniversary of the date of any notes issued pursuant to Section 180.1, which anniversary shall be specified in any notes issued pursuant to Section 180.1, and which anniversary shall be no less than six months prior to the date of maturity of such notes, the agency shall issue negotiable promissory notes pursuant to this section to refund such notes issued pursuant to Section 180.1. Any issue of such refunding promissory notes shall bear interest at a rate not exceeding 7 percent per year and shall mature in annual installments of principal calculated to result in approximately equal annual payments of principal and interest over a period not exceeding ten years from the date thereof. The aggregate principal amount of such notes at any time issued by the agency shall not exceed (a) the aggregate principal amount of notes issued pursuant to Section 180.1 for the payment of which no funds have been received from the United States of America or the State of California, or both, by said specified anniversary date, plus (b) the interest thereon from the date thereof to the date of payment thereof. If notes issued

pursuant to this section cannot be sold at public or private sale, such notes shall be delivered to the holder or holders of the notes issued pursuant to Section 180.. as payment in full thereof and shall bear interest at 7 percent per year.

SEC. 181. All notes issued pursuant to Sections 180 and 180.2 shall be general obligations of the agency and the principal thereof and interest thereon shall be payable from taxes levied and collected as provided in Part 7 (commencing with Section 350) of this act.

SEC. 182. The board shall, by resolution, provide for the form, terms and execution of the notes, and shall provide for the sale of the notes for not less than their par value and accrued interest thereon upon such notice inviting sealed bids in such manner as the board may prescribe, which shall be at least one publication of notice of such sale at least five days before such sale.

## PART 6. BONDS

### CHAPTER 1. INITIATION OF PROCEEDINGS FOR ISSUANCE OF BONDS OF AGENCY AS A WHOLE

SEC. 190. (a) Upon approval by a majority of the votes of the members of the board of any project for the acquisition, construction or completion of which it will be necessary for the agency to incur a bonded debt, the board shall by resolution submit the project to each member of the board to be approved or disapproved by each such member within 90 days from the date of the adoption of such resolution.

(b) Each such member shall within 90 days (i) approve such project in writing, (ii) disapprove such project in writing, (iii) fail to approve or disapprove such project in writing, or (iv) recommend to the board of directors of the member entity, if any, which he represents that an election be held in such member entity in accordance with the act pursuant to which such member entity is formed for approval or disapproval by the electorate of such member entity of such project. Such election shall be held within 90 days of adoption of the resolution submitting the project to the members for approval or disapproval. If a member disapproves such project in writing, or fails to approve or disapprove such project in writing, or if an election is held in the member entity and a majority of the voters of such member entity disapprove the project, then the entity which such member represents or the voters of which disapprove the project shall be automatically excluded from the agency, and the territory of such member entity shall be liable only for such debts and taxes as are provided for the territory of the entire agency upon the dissolution of the agency. Such

21749415 66

exclusion shall be automatic on the 91st day following the adoption of the resolutions submitting the project to the members and shall not require any election or any proceedings by any local agency formation commission or other public body, and the district Reorganization Act shall not apply.

(c) Whenever a project has been approved by all of the members of the board representing member entities which have not been excluded pursuant to subdivision (b), and whenever the board deems it necessary for the agency to incur a bonded debt for the acquisition, construction, completion or repair of any or all capital improvements, works or property mentioned in this act that will benefit the agency as then constituted, the board shall by resolution so declare and call an election to be held in the agency as then constituted for the purpose of submitting to the voters thereof the measure of incurring the debt by the issuance of bonds of the agency.

SEC. 191. The resolution calling the bond election shall state all of the following:

(a) A general description of the capital improvements for the acquisition, construction, completion or repair of which the proposed bonded debt is to be incurred, and of the method by which the agency and member entities will share the cost of such capital improvements.

(b) The amount of the principal of the debt to be incurred and the estimated cost of the capital improvements to be acquired, constructed, completed or repaired, which may include any or all of the following:

(i) Legal or other fees incidental to or connected with the authorization, issuance and sale of the bonds.

(ii) The costs of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of the bonds.

(iii) Interest on the bonds coming due during construction of the capital improvements and for a period not to exceed two years after completion of construction.

If such statement is made, the proceeds of the sale of the bonds may be used to pay such of the foregoing as are stated in the resolution.

(c) The maximum term the bonds or any series thereof proposed to be issued shall run before maturity, which shall not exceed 40 years from the date of the bonds or of such series thereof.

(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 after the date of the bonds may be made payable at or before the end of that year.

(e) The measure to be submitted to the voters.

21749460 69

(f) The date upon which an election shall be held for the purpose of authorizing the bonded debt 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.

(h) That all or any part of the bonds may be issued if at least a majority of the votes cast on the measure in the agency are in favor thereof.

(i) That taxes for the payment of the bonds and the interest thereon shall be levied without limitation as to rate or amount upon all real property in the agency subject to taxation by the agency, providing that revenues are not otherwise provided.

## CHAPTER 2. FORMATION OF INHABITED IMPROVEMENT DISTRICTS FOR ISSUANCE OF BONDS

### Article 1. Initiation of Proceedings

SEC. 200. Whenever the board deems it necessary to incur a bonded debt for the acquisition, construction, completion, or repair of any or all capital improvements, works, or property mentioned in this act and to provide for such bonded debt to be payable from taxes levied upon an inhabited portion of the territory of the agency, and whenever a project has been approved by the board for such capital improvements, the board shall, by resolution, declare its intention to form an inhabited improvement district in such portion of the agency and to incur such bonded debt.

SEC. 201. The resolution of intention shall state that the board intends to form an improvement district of that portion of the territory of the agency which in the opinion of the board will be benefited, and to call an election in such proposed improvement district, on a date to be fixed, for the purpose of submitting to the voters thereof the measure of incurring debt by the issuance of bonds of the agency for such improvement district.

SEC. 202. The resolution of intention shall also state:

(a) A general description of the capital improvements for the acquisition, construction, completion or repair of which the proposed bonded debt is to be incurred and that said capital improvements are for the benefit of the improvement district.

(b) The amount of the principal of the debt to be incurred and the estimated cost of the capital improvements to be acquired, constructed, completed or repaired, which may include any or all of the following:

(i) Legal or other fees incidental to or connected with the

21749475 72

authorization, issuance and sale of the bonds.

(ii) The costs of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of the bonds.

(iii) Interest on the bonds coming due during construction of the capital improvements and for a period not to exceed two years after completion of construction.

If such statement is made, the proceeds of the sale of the bonds may be used to pay such of the foregoing as are stated in the resolution.

(c) That taxes for the payment of the bonds and the interest thereon shall be levied without limitation as to rate or amount exclusively upon all real property in the improvement district subject to taxation for agency purposes.

SEC. 203. The resolution of intention shall also state that a general description of the proposed capital improvements, together with a map showing the exterior boundaries of the proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvements is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed improvement district.

SEC. 204. The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the questions of the formation and extent of the proposed improvement district, the proposed improvements, and the amount of bonded debt to be incurred.

(b) That at the time and place specified in the resolution any person interested, including any person who received mailed notice and any owner of record of real property situated within the agency or the proposed improvement district, will be heard.

SEC. 205. Notice of the hearing shall be given (a) by publishing a copy of the resolution of intention pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper of general circulation circulated in the agency, if there is such a newspaper; (b) by posting a copy of the resolution of intention in six public places within the proposed improvement district (at least two of which shall be in territory in each member entity any portion of which is included in the proposed improvement district) at least two weeks before the time fixed for the hearing; and (c) by the giving of mailed notice at least two weeks before the time fixed for the hearing.

## Article 2. Hearing and Modifications

SEC. 210. At the time and place fixed in the resolution of



21749515 75

intention, 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 who received mailed notice and any owner of record of real property situated within the agency or the proposed improvement district, may appear and present any matters material to the statements in the resolution of intention.

SEC. 211. The board may modify the purpose for which the proposed bonded debt is to be incurred or the amount of bonded debt to be incurred, or both. The board may also modify the boundaries of the proposed improvement district, but not so as to include any territory which will not, in its judgment, be benefited by the proposed improvement.

SEC. 212. The purpose or amount of bonded debt or the boundaries of the proposed improvement district shall not be modified by the board except after notice of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper of general circulation circulated in the agency, if there is such a newspaper, and by posting in six public places within the proposed improvement district. The boundaries of the proposed improvement district shall not be enlarged by the board except after the giving of mailed notice to all persons in the territory proposed to be added to the proposed improvement district. The notice shall state the modified purpose and bonded debt proposed and that the exterior boundaries as proposed to be modified are set forth on a map on file with the secretary which map shall govern for all details as to the extent of the proposed improvement district, and shall specify the time and place for hearing on such modifications which time shall be at least 10 days after posting, and after publication and mailing (if required), of the notice.

SEC. 213. At the time and place fixed in the notice of intention, 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 owner of record of real property situated within the agency or the proposed improvement district as proposed to be modified, may appear and present any matters material to the statements in the notice of intention.

## Article 3. Formation

SEC. 220. At the conclusion of the hearing, the board shall by resolution determine whether it is deemed necessary to form the proposed improvement district and to incur the bonded debt. If so, the resolution shall also state:

(a) The purpose for which the proposed bonded debt is to be incurred.

(b) The amount of the proposed bonded debt.

(c) The provisions for assessment as stated in the resolution of intention.

(d) 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, which map shall govern for all details as to the extent of the improvement district.

(e) That such portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District No. __ of Tahoe-Truckee Sanitation Agency."

SEC. 221. The determinations made in the resolution of formation shall be final and conclusive.

SEC. 222. A certified copy of the resolution and map and a description of the boundaries of the improvement district shall be recorded in the office of the county recorder of each affected county and shall also be filed pursuant to Chapter 8 (commencing with Section 54900) of Part 1, Division 2, Title 5 of the Government Code.

SEC. 223. After the formation of the improvement district pursuant to this chapter, 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 the bonds and the interest thereon and for claims against and charges, expenditures and expenses of the agency in respect of the improvement district shall be levied exclusively upon the real property in the improvement district subject to taxation for agency purposes.

SEC. 224. Any action or proceeding in which the validity of the formation of an improvement district or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months from the date of the resolution forming such district; otherwise the formation and legal existence of the improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

## Article 4. Calling of Bond Election

SEC. 230. After the board has made its determination of the matters required to be determined by the resolution of formation, and if the board deems it necessary to incur the bonded debt, the board shall by a further resolution call a special election in the improvement district for the purpose of submitting to the voters thereof the measure of incurring a debt by the issuance of bonds of the district for the improvement district.

SEC. 231. The resolution calling the bond election shall contain all of the statements required by subdivisions (b) to (h), inclusive, of Section 191 and by subdivisions (a) and (c)

of Section 202 and, in addition, shall state:

(a) That the board deems it necessary to incur the bonded debt.

(b) That the territory to be benefited by the bonded debt is the improvement district as described in the resolution of formation of the improvement district, and that a map showing the exterior boundaries of the improvement district is on file with the secretary, which map shall govern for all details as to the extent of the improvement district.

### Article 5. Advance of Funds

SEC. 240. The board may advance general funds of the agency to accomplish the purposes of an improvement district formed pursuant to this chapter.

SEC. 241. The board may repay the agency for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the improvement district.

## CHAPTER 3. FORMATION OF UNINHABITED IMPROVEMENT DISTRICT FOR ISSUANCE OF BONDS

### Article 1. Initiation of Proceedings

SEC. 250. Whenever the board deems it necessary to incur a bonded debt for the acquisition, construction, completion, or repair of any or all capital improvements, works, or property mentioned in this act and to provide for such bonded debt to be payable from taxes levied upon an uninhabited portion of the territory of the agency, and whenever a project has been approved by the board for such capital improvements, the board shall, by resolution, declare its intention to form an uninhabited improvement district in such portion of the agency and to incur such bonded debt.

SEC. 251. For the purposes of this chapter the portion of an agency formed into an uninhabited improvement district shall be deemed uninhabited if less than 12 registered voters reside therein at the time of the formation thereof.

SEC. 252. The resolution of intention shall state that the board intends to form an improvement district of an uninhabited portion of the agency which in the opinion of the board will be benefited, and to incur a debt by the issuance of bonds of the district for such uninhabited improvement district.

SEC. 253. The resolution of intention shall also state:

(a) A general description of the capital improvements for the acquisition, construction, completion or repair of which the proposed bonded debt is to be incurred and that said

capital improvements are for the benefit of the improvement district.

(b) The amount of the principal of the debt to be incurred and the estimated cost of the capital improvements to be acquired, constructed, completed or repaired, which may include any or all of the following:

(i) Legal or other fees incidental to or connected with the authorization, issuance and sale of the bonds.

(ii) The costs of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of the bonds.

(iii) Interest on the bonds coming due during construction of the capital improvements and for a period not to exceed two years after completion of construction.

If such statement is made, the proceeds of the sale of the bonds may be used to pay such of the foregoing as are stated in the resolution.

(c) That taxes for the payment of the bonds and the interest thereon shall be levied without limitation as to rate or amount exclusively upon all real property in the improvement district subject to taxation for agency purposes.

SEC. 254. The resolution of intention shall also state that a general description of the proposed capital improvements, together with a map showing the exterior boundaries of the proposed uninhabited improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed uninhabited improvement district.

SEC. 255. The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the question of the formation and extent of the proposed uninhabited improvement district, the proposed improvements, and the amount of bonded debt to be incurred.

(b) That at the time and place specified in the resolution any person interested will be heard, and that any owner of record of real property situated within the proposed uninhabited improvement district may file with the secretary at any time prior to the time set for the hearing thereon written protest to the formation of the proposed uninhabited improvement district.

SEC. 256. Notice of the hearing shall be given (a) by publishing a copy of the resolution of intention pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper of general circulation circulated in the agency, if there is such a newspaper; (b) by posting a copy of the resolution of intention in three public

places within the proposed uninhabited improvement district (at least one of which shall be in territory of each member entity any portion of which is included in the proposed uninhabited improvement district) for at least two weeks before the time fixed for the hearing; and (c) by the giving of mailed notice at least two weeks before the time fixed for the hearing.

## Article 2. Hearing and Formation

SEC. 265. At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested including any person who received mailed notice and any owner of record of real property situated within the proposed uninhabited improvement district may appear and present any matters material to the statements in the resolution of intention. Also at the hearing the board shall hear and pass upon all written protests filed by the owners of record of real property situated within the proposed uninhabited improvement district.

SEC. 266. If written protests are filed by the owners of record of one-half of the assessed valuation of the real property situated within the proposed uninhabited improvement district, as shown by the last equalized assessment roll of the affected county or counties further proceedings shall not be taken. If such protests are not made the board shall by resolution determine whether it is necessary to form the proposed uninhabited improvement district and to incur the bonded debt and if so, the resolution shall also state:

(a) The purpose for which the proposed bonded debt is to be incurred.

(b) The amount of the proposed bonded debt.

(c) The provisions for taxation as stated in the resolution of intention.

(d) 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, which map shall govern for all details as to the extent of the uninhabited improvement district.

(e) That such portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District No. U__ of Tahoe-Truckee Sanitation Agency."

SEC. 267. The determinations made in the resolution of formation shall be final and conclusive.

SEC. 268. After the formation of the uninhabited improvement district pursuant to this chapter the board may, by resolution, at such time or times as it deems proper, issue bonds of the agency, pursuant to Chapter 5 (commencing

with Section 310) of this part, for the whole or any part of the amount of the bonded debt authorized by the resolution of formation. All taxes levied for the payment of the bonds and the interest thereon and for claims against and charges, expenditures and expenses of the agency in respect of the uninhabited improvement district shall be levied as provided in the proceedings for the formation of the uninhabited improvement district.

SEC. 269. Any action or proceeding in which the validity of the formation of an uninhabited improvement district or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months from the date of the resolution forming such district; otherwise the formation and legal existence of the uninhabited improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

### Article 3. Advance of Funds

SEC. 280. The board may advance general funds of the agency to accomplish the purposes of an uninhabited improvement district formed pursuant to this chapter.

SEC. 281. The board may repay the agency for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the uninhabited improvement district.

## CHAPTER 4. BOND ELECTIONS IN THE AGENCY OR INHABITED IMPROVEMENT DISTRICTS

SEC. 290. The board shall provide for holding the bond election on the day fixed in the resolution calling the bond election and in accordance with the provisions of the Elections Code, so far as they shall be applicable, except as otherwise provided in this act.

SEC. 291. If the bond election is to be held in the agency, notice of the holding of such election shall be given by publishing, pursuant to Section 6066 of the Government Code, the resolution calling the bond election in at least one newspaper of general circulation printed and published in the agency. The last publication shall be made not less than two weeks prior to the date of the election. If there is no newspaper of general circulation published in the agency, then the resolution shall be posted in three public places in the agency not less than two weeks prior to the date of the election. The secretary of the agency shall mail sample ballots, polling place cards, arguments and tax rate statements in the forms and in the time and manner provided in the Elections

21749635 94

Code for general municipal elections. No other notice of the election need be given.

SEC. 292. If the bond election is to be held in an inhabited improvement district, notice of the holding of such election shall be given by publishing, pursuant to Section 6066 of the Government Code, the resolution calling the bond election in at least one newspaper of general circulation printed and published in the agency, if there is such a newspaper. Such resolution shall also be posted in three public places in the improvement district (at least one of which shall be in territory in each member entity any portion of which is included in the improvement district) not less than two weeks prior to the date of the proposed election. The secretary of the agency shall mail sample ballots, polling place cards, arguments and tax rate statements in the forms and in the time and manner provided in the Elections Code for general municipal elections. No other notice of the election need be given.

SEC. 293. The returns of the bond election shall be made, the votes canvassed and the results thereof ascertained and declared by the board not more than seven days after the election, in accordance with the provisions of the Elections Code, so far as they may be applicable, except as otherwise provided in this act.

SEC. 295. The secretary, as soon as the results of the bond election are declared, shall enter in the records of the board a statement of such results.

SEC. 296. No irregularities or informalities in conducting the bond election shall invalidate it, if the election has otherwise been fairly conducted.

## CHAPTER 5. ISSUANCE AND SALE OF BONDS

### Article 1. Issuance and Terms

SEC. 310. If from the bond election returns it appears that at least a majority of the votes cast in the agency in such election were in favor of and assented to the incurring of the bonded debt, the board may, by resolution, at such time or times as it deems proper, provide for the issuance of all or any part of the bonds of the agency so authorized, until the full amount of the authorized bonded debt has been issued.

SEC. 311. The full amount of the authorized bonds may be divided into two or more series and different dates fixed for the bonds of each series. The maximum term which the bonds or any series thereof shall run before maturity shall not exceed 40 years from the date of the bonds or of such series thereof.

SEC. 312. The board shall, by resolution, prescribe the

21749665 93

form of the bonds and 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 of the bonds or any series thereof may be deferred for a period of not more than 10 years from the date of such bonds or series of bonds.

SEC. 313. 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 or before the end of that year.

SEC. 314. The board may provide for the 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.

SEC. 315. The denomination of the bonds shall be stated in the resolution providing for their issuance.

SEC. 316. The principal and interest on the bonds shall be payable in lawful money of the United States at the office of the treasurer of the agency or such other place or places as may be designated therein, or at any such place or places at the option of the holder of the bond.

SEC. 317. The bonds shall be dated, numbered consecutively, signed by the president and the treasurer of the agency and countersigned by the secretary with the official seal of the agency attached. The interest coupons attached to the bonds shall be signed by the treasurer of the agency. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of the signatures or countersignatures on each of the bonds shall be manually affixed. Said seal may be printed, engraved, stamped, or otherwise placed in facsimile.

SEC. 318. If the bond election proceedings have been limited to and have applied only to an improvement district, the bonds are bonds of the agency, shall be issued in the name of the agency, shall be designated "Bonds of Tahoe-Truckee Sanitation Agency for Improvement District No. __" and shall state that taxes for the payment of the principal thereof and interest thereon will be levied exclusively upon the real property in the improvement district subject to taxation for agency purposes to the extent and in the manner provided in the proceedings for the formation of the improvement district.

SEC. 319. Any bonds issued by the agency are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the state.

SEC. 320. The board may sell the bonds of any authorized

issue, or any part thereof, at not less than 97 percent of the par value thereof and interest thereon accrued from the date of such bonds to the date of delivery to the purchaser thereof. Before selling any bonds, 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, it may reject all bids received, if any, and either advertise or sell the bonds at private sale.

SEC. 321. The proceeds from the sale of bonds shall be paid into the treasury of the agency, placed to the credit of a special improvement fund, and expended only for the purpose for which the indebtedness was created. When such purpose has been accomplished, any moneys remaining in the special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds, or, if Section 322 is complied with, may be used for any other purpose of the agency; provided that such moneys remaining from the sale of bonds of the agency for an improvement district therein may be used, if Section 322 is complied with, only for any purpose which will benefit the improvement district.

SEC. 322. Such moneys may not be used (a) for such other agency purpose or inhabited improvement district purpose until a majority of the qualified voters of the agency or improvement district have consented thereto at a special election called by the board in the agency or improvement district, or (b) for such other uninhabited improvement district purpose until after a hearing held by the board in the manner provided in Section 265 and noticed as provided in Section 256 and failure of the owners of record of one-half of the assessed valuation of the real property situated in such improvement district to protest against such use. Notice of the election shall be given in the manner provided for bond elections in the agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency bond elections.

SEC. 323. The proceeds from the sale of bonds of the agency for an improvement district thereof may be expended for the purpose for which the indebtedness was created in any territory annexed to the improvement district after the authorization of the bonds.

## CHAPTER 7. REVENUE BONDS

SEC. 335. The agency may issue revenue bonds for any purpose for which general obligation bonds may be issued.

Such revenue bonds may be issued pursuant to the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to the agency. The agency is hereby determined to be a "local agency" as that term is defined in Government Code Section 54307.

## PART 7. TAXATION AND ASSESSMENT

### CHAPTER 1. TAXES AND ASSESSMENTS GENERALLY

SEC. 350. The agency has power to cause to be levied, and to cause to be collected, for the purposes stated in this section, taxes on all real property in the agency subject to taxation for county purposes. The agency may cause taxes to be levied and may cause taxes to be collected, in the manner provided in this part, for the purpose of paying (a) administrative and general overhead expenses of the agency and any other expenses or claims against the agency (except expenses of maintenance and operation of the facilities of the agency), (b) the principal of and interest on promissory notes of the agency issued pursuant to Sections 180 and 180.2, and (c) the principal of and interest on bonds of the agency or of any improvement district therein.

SEC. 351. If the agency has no revenue or if the revenues of the agency are, or in the judgment of the board are likely to be, inadequate to pay the interest on or principal of any promissory notes or bonded debt as it becomes due, or any other expenses or claims against the agency, the board shall, at least 15 days before the first day of the month in which the board of supervisors of the county in which the agency or any part thereof is situated is required by law to levy the amount of taxes required for county purposes, furnish to the board of supervisors and to the auditor of each county, respectively, in writing:

(a) An estimate of the minimum amount of money required to be raised by taxes on property within each member entity in the county subject to taxation for agency purposes for the payment of (1) administrative and general overhead expenses of the agency and any other expenses or claims against the agency (except expenses of maintenance and operation of the facilities of the agency) (2) the principal of or interest on any promissory notes of the agency issued pursuant to Sections 180 and 180.2, and (3) the principal of or interest on any bonded debt of the agency or of an improvement district therein as it becomes due.

(b) A description of the improvement district benefited by the purposes of the bonded debt as stated in the resolution of the board forming such improvement district, or, if the whole agency was benefited by incurring it, a statement of that fact.

SEC. 353. After the board has furnished the estimates as required in Section 351, the board of supervisors of each county, annually, at the time and in the manner of levying other county taxes, shall:

(a) Until all promissory notes of the agency issued pursuant to Sections 180 and 180.2 are fully paid, levy upon all the property within the agency in the county subject to taxation for agency purposes and cause to be collected a tax sufficient to pay the amount required to pay the principal of and interest on such promissory notes, to be known as the "Tahoe-Truckee Sanitation Agency note tax."

(b) Until all administrative and general overhead expenses of the agency and any other expenses or claims against the agency (except expenses of maintenance and operation of the facilities of the agency) are fully paid, levy upon all property within the agency in the county subject to taxation for agency purposes and cause to be collected a tax, not exceeding in any year fifteen cents ($0.15) per one hundred dollars ($100) of assessed valuation, sufficient to pay the amount required to pay said expenses, to be known as the "Tahoe-Truckee Sanitation Agency administration tax."

(c) Until all bonded debt is fully paid, levy upon all property within the agency or territory thereof included in an improvement district in the county, benefited by the bonded debt, and cause to be collected a tax sufficient to pay the principal of and interest on the bonded debt, to be known as the "Tahoe-Truckee Sanitation Agency bond tax."

SEC. 355. All agency taxes shall be collected at the same time and in the same manner and form as county taxes and shall be paid to the agency.

SEC. 357. All taxes are a lien on all real property in the agency subject to taxation for agency purposes.

SEC. 358. Agency taxes are of the same force and effect as county taxes, and their collection shall be enforced by the same means as provided for the collection of county taxes.

## PART 8. ANNEXATION

### CHAPTER 1. TERRITORY OF A MEMBER ENTITY

#### Article 1. Territory Annexed to a Member Entity Subject to Conditions

SEC. 375. Territory of a member entity annexed thereto after the formation of the agency shall be deemed to be annexed to the agency upon completion of proceedings to annex such territory to such member entity upon compliance with the provisions of this article

SEC. 376. The governing body of a member entity shall

file with the board of the agency and with the county clerk of the principal county a certificate containing the following:

(a) A statement that territory has been annexed to such member entity after the date of formation of the agency and that such annexation has been completed in accordance with the provisions of all applicable laws, including the act under which such member entity is organized, and the District Reorganization Act of 1965, if applicable.

(b) A statement that at each hearing and at any election held and conducted for the purpose of determining whether such territory should be annexed, one of the terms and conditions of such annexation was that such territory, from and after the date of annexation to such member entity, should be annexed to, and be subject to liability for taxes levied and assessments assessed by, the agency.

SEC. 377. Upon receipt of the certificate provided for in Section 376, the board shall adopt a resolution which shall declare that such territory is annexed to the agency, and which shall set forth as the date of such annexation the date of annexation to such member entity. Thereafter, the secretary of the agency shall prepare, record and file the certificate required by Section 383 and Article 3 (commencing with Section 395) of this chapter shall be complied with.

### Article 2. Territory Annexed to an Entity Without Conditions

SEC. 378. The governing body of a member entity may from time to time petition the board that territory of the member entity annexed thereto after formation of the agency but not in the agency, be annexed to the agency. Said petition shall state the boundaries of the proposed annexation and request the board to advise the governing body whether the board will consent to the annexation, and, if so, on what conditions.

SEC. 379. The board shall promptly consider a petition by a member entity that the agency annex territory of the member entity and accept or reject the petition. If the petition is accepted, the board shall adopt a resolution which shall (a) declare its consent to annexation of the territory, provided it is accomplished by a specified date, which shall not be later than 120 days after the adoption of the resolution, and (b) fix terms and conditions for the proposed annexation. The terms and conditions may provide, among other things,

(i) For the levy by the agency of special taxes or assessments upon real property within the annexed area or areas to be subject to taxation or assessment for the purposes of the agency in addition to the taxes and assessments that the

agency is otherwise authorized to levy or assess; and if such provision is made, the board shall specify the aggregate amount to be so raised, the number of years prescribed for raising such aggregate amount, and that substantially equal annual levies or assessments will be made for the purpose of raising such amount over the period so prescribed;

(ii) For a special sewage rate or rates to be fixed for the area or areas proposed to be annexed for any specified number of years; and

(iii) That the real property in the annexed area shall be subject to taxation and assessment, to the extent set forth in said terms and conditions, for the purpose of the payment of bonds and other obligations of the agency or of an improvement district therein authorized or outstanding at the time of annexation.

SEC. 380. A certified copy of the resolution provided for in the preceding section shall be forwarded to the governing body of the member entity requesting annexation.

SEC. 381. The governing body of the petitioning member entity may call a hearing to be held before it for the purpose of determining whether the territory involved should be annexed to the agency subject to the terms and conditions set forth in the resolution of the board. If decision is reached to hold a hearing, the governing body shall fix a time and place for the holding of a hearing before it on the question of annexation. The date shall be not less than 30 or more than 100 days after the adoption of the board's resolution. The governing body shall cause notice of said hearing to be given by publication in a newspaper of general circulation printed and published within the member entity pursuant to Section 6061 of the Government Code, or by posting in three public places within the area sought to be annexed if there is no such newspaper, and by the giving of mailed notice at least 15 days prior to the hearing. Such notice shall state:

(a) The boundaries of the area proposed to be annexed to the agency, naming it.

(b) The time and place fixed for the hearing.

(c) A brief description of the terms and conditions set forth in the board's resolution.

(d) Where a copy of the board's resolution may be inspected within the boundaries of the member entity at reasonable times and intervals.

(e) That owners of real property proposed to be annexed may file their written protest to the annexation with the governing body prior to or at the hearing.

(f) That upon completion of said hearing the governing body may order the annexation of the territory to the agency subject to the terms and conditions set forth in the board's resolution unless written protests to such annexation is not

received at or prior to the hearing from the owners of 50 percent or more of the taxable real property, as shown on the last equalized assessment rolls, within the territory proposed to be annexed.

SEC. 382. At the time and place fixed, the governing body shall hold a hearing as to whether the territory should be annexed to the agency subject to the terms and conditions fixed by the board. At said hearing the governing body shall receive and consider all relevant evidence on the question of whether the territory should be annexed to the agency subject to the terms and conditions fixed by the board and receive written protests by owners of real property with the territory proposed to be annexed to such annexation. If written protests are received by the governing body at or prior to the hearing to such annexation representing 50 percent or more of the assessed valuation of the territory proposed to be annexed, the governing body shall so find at the close of the hearing and shall declare that the subject territory shall not be annexed to the agency by virtue of annexation procedures theretofore initiated. If a 50-percent or more written protest is not received, the governing body may adopt its resolution in ordering the annexation of the territory to the agency subject to the terms and conditions fixed by the board. A certified copy of the resolution shall thereupon be filed with the secretary of the agency.

SEC. 383. Upon receipt of the resolution of the governing body of a member entity ordering the annexation of territory to an agency, the secretary of the agency shall prepare a certificate which states:

(a) The name of the agency.

(b) The name of the member entity whose territory is being annexed.

(c) The date of the resolution of annexation of the member entity.

(d) The county or counties in which the annexed territory is situated, and a description of the boundaries of such annexed territory, or refers to a map showing such boundaries, which map shall be attached to the certificate, or referenced to the county recorder's office where a description of said boundaries has been recorded.

(e) The terms and conditions of annexation prescribed by the board.

The secretary shall immediately cause to be recorded in the office of the county recorder of each affected county a copy of the certificate and cause it to be filed with the Secretary of State.

## Article 3. Further Proceedings

SEC. 395. Upon receipt of the secretary's certificate, the Secretary of State shall, within 10 days, issue his certificate reciting that the territory has been duly annexed to the agency under the laws of the state, and shall forward copies of said certificate to the county clerk of each affected county for filing.

SEC. 396. From and after the date of the Secretary of State's certificate the area or areas named therein are added to and form a part of the agency, and taxable property in the annexed area or areas shall be subject to taxation for the purposes of the agency. A certified copy of the secretary's certificate provided for in Section 383 and a description of the boundaries of the annexed territory shall be filed pursuant to Chapter 8 (commencing with Section 54900) of Part 1, Division 2, Title 5 of the Government Code.

SEC. 397. No informality in any proceeding not substantially affecting the legal rights of any citizen shall invalidate the annexation of territory to the agency.

SEC. 398. Any proceeding wherein the validity of any annexation to the agency is denied shall be commenced within three months from the date of the Secretary of State's certificate of annexation, otherwise the annexation and all proceedings in respect thereto, shall be held valid and incontestable.

### CHAPTER 2. ANNEXATION OF A PUBLIC ENTITY

SEC. 410. Proceedings for annexation of all of the territory comprising a public entity which is not a member entity may be commenced by the governing body of the public entity and the procedure for annexation shall in all respects be the same as annexation of territory of a member entity as set forth in Chapter 1 (commencing with Section 375) of this part except that the territory sought to be annexed shall not include territory of a member entity.

## PART 9. CHANGES IN ORGANIZATION OF IMPROVEMENT DISTRICTS

### CHAPTER 1. INCLUSION OF TERRITORY

#### Article 1. Inclusion Proceedings Initiated by Petition

SEC. 430. Any portion of a member entity, whether contiguous or not to an improvement district thereof, may be annexed to such improvement district in the manner provided in this chapter.

SEC. 431. Annexation proceedings may be initiated by petition. A petition, which may consist of any number of

separate instruments, shall be filed with the secretary.

SEC. 432. The petition shall be signed by the holders of title to at least 60 percent of the land in the portion proposed to be annexed, which land shall have an assessed valuation of not less than 50 percent of the land proposed to be annexed.

SEC. 433. The petition for annexation shall contain all of the following:

(a) A description of the area proposed to be annexed. Such description may be made by reference to a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the area proposed to be annexed, or may be made in any other definite manner.

(b) The terms and conditions upon which the proposed area may be annexed.

(c) A prayer that the board declare such area to be annexed to the improvement district.

SEC. 434. The petition for annexation shall be accompanied by a certified check payable to the order of the agency in a sufficient amount to reimburse the agency for the expenses of processing and publishing the petition and preparing and making the filings required by law.

SEC. 435. Within 10 days of the filing of the petition for annexation, the secretary shall examine the petition and determine whether it is signed by the required number of property owners. Upon request of the secretary, the board shall authorize him to employ persons specially for this purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation.

SEC. 436. When the secretary has completed his examination of the petition for annexation, he shall attach to it his certificate, properly dated, showing the result of such examination.

SEC. 437. If the secretary finds from the examination that the petition for annexation is signed by the requisite number of property owners he shall certify that the petition is sufficient. If he finds it is not so signed, he shall certify that the petition is insufficient.

SEC. 438. If the secretary certifies in his certificate that the petition for annexation is insufficient, the petition may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate.

SEC. 439. Within 10 days after the filing of any supplemental petition or petitions, the secretary shall examine them and certify to the result of such examination as provided in Sections 435 to 437, inclusive.

SEC. 440. After the time for filing supplemental petitions has expired and all supplemental petitions have been examined, if the secretary's certificate shows that the petition for annexation is sufficient, the secretary shall cause notice of

hearing on the petition to be published and posted without delay.

SEC. 441. The text of the petition for annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time at which it is to be presented to the board, in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in the agency, together with a notice stating the time and place of the meeting at which the petition will be presented. If the petition is contained upon one or more instruments, only one copy of the petition need be published.

SEC. 442. No more than five of the names attached to the petition for annexation need appear in the publication of the petition and notice, but the number of signers shall be stated.

SEC. 443. The petition and notice shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing and shall be mailed in accordance with the requirements for the giving of mailed notice.

SEC. 444. The board shall proceed to hear the petition at the time and place fixed therefor, and any person residing within the agency or improvement district or owning taxable property in the agency or improvement district may appear and be heard at such hearing. Such hearing may be continued from time to time by the board.

SEC. 445. At the conclusion of the hearing, if the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district to which the area proposed to be annexed will be benefited thereby, the board may, by resolution, approve the annexation.

The resolution shall describe the annexed territory, which may be made by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area, or may be made in any other definite manner. The resolution shall also state the terms and conditions of annexation.

SEC. 446. From and after the date of the adoption of the resolution approving the annexation, the area named therein is added to and forms a part of the improvement district. A certified copy of such resolution, a description of the boundaries of the annexed area and a description of the boundaries of the improvement district as changed by such annexation shall be filed with the county clerk of each affected county and pursuant to Chapter 8 (commencing with Section 54900) of Part 1, Division 2, Title 5 of the Government Code.

SEC. 447. The real property in the annexed area shall be subject to taxation and assessment after the annexation

21749880 129

thereof for all purposes of the improvement district, including the payment of the principal of and interest on all bonds and other obligations of the improvement district authorized or outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district.

SEC. 448. The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

SEC. 449. Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this article is contested, questioned, or denied shall be commenced within three months after the date of the resolution approving such annexation; otherwise the annexation shall be held to be valid and in every respect legal and incontestable.

Article 2. Inclusion Proceedings Initiated by the Board

SEC. 460. The board, by resolution, may initiate proceedings for the annexation of territory within a member entity contiguous to an improvement district to such improvement district.

SEC. 461. The resolution proposing annexation shall:

(a) Declare that proceedings have been initiated by the board pursuant to this article.

(b) State the reason for proposing the annexation.

(c) Set forth a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency which map shall govern for all details as to the extent of the area proposed to be annexed.

(d) State the terms and conditions of the annexation.

(e) State that the holders of title to any of the land sought to be annexed may file written protests with the secretary to the annexation or the annexation upon such terms and conditions.

(f) Fix the time and place of a meeting at which the board will receive written protests theretofore filed with the secretary, receive additional written protests, and hear from any and all persons interested in the annexation.

SEC. 462. The text of the resolution proposing annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time of hearing in at least one newspaper published and printed in the agency, if there is a newspaper printed and published in the agency.

SEC. 463. A copy of the resolution proposing annexation shall also be posted in three public places within the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing and shall be mailed in accordance with the

requirements for the giving of mailed notice.

SEC. 464. The board shall proceed with the hearing at the time and place fixed therefor and may continue the hearing, if need be, from time to time. All interested persons will be heard at the hearing.

SEC. 465. If written protests are filed by the holders of title of one-half of the assessed valuation of the territory proposed to be annexed, further proceedings shall not be taken, and the board shall refuse the annexation by a resolution so stating.

SEC. 466. If written protest is not made by the owners of one-half of the assessed valuation of the territory proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve such annexation.

The resolution shall describe the territory annexed, which may be by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area. The resolution shall also state the terms and conditions of annexation as theretofore determined by resolution of the board.

SEC. 467. If the board finds and determines that either the area proposed to be annexed to the improvement district will not be benefited thereby or that the improvement district to which the area is proposed to be annexed will not be benefited thereby and will be injured thereby, the board shall by resolution disapprove such annexation.

SEC. 468. From and after the date of the adoption of the resolution approving the annexation, the area described therein is added to and forms a part of the improvement district. A certified copy of such resolution, a description of the boundaries of the annexed area and a description of the boundaries of the improvement district as changed by such annexation shall be filed with the county clerk of each affected county and pursuant to Chapter 8 (commencing with Section 54900) of Part 1, Division 2, Title 5 of the Government Code.

SEC. 469. The real property in the annexed area shall be subject to taxation and assessment after the annexation thereof for all purposes of the improvement district, including the payment of the principal of and interest on all bonds and other obligations of the improvement district authorized or outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district.

21749910 135

SEC. 470. The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

SEC. 471. Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this article is contested, questioned, or denied shall be commenced within three months after date of the resolution of the board approving the annexation of the territory to an improvement district; otherwise, the annexation shall be held valid and in every respect legal and incontestable.

## CHAPTER 2. DISSOLUTION OF IMPROVEMENT DISTRICTS

SEC. 480. Whenever the board deems it necessary for any improvement district formed pursuant to this division to be dissolved and if the requirements of subdivision (b) of Section 481 can be met, the board shall by resolution declare its intention to dissolve the improvement district.

SEC. 481. The resolution of intention shall state:

(a) The reason why the improvement district should be dissolved.

(b) That no bonds have been issued for the improvement district or are outstanding and that the improvement district has no other outstanding obligations to the agency or otherwise.

(c) That a map showing the exterior boundaries of the improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary and is available for inspection by any person or persons interested.

(d) The time and place for a hearing by the board on the question of the dissolution of the improvement district.

(e) That at such time and place any person interested, including all persons owning property in the agency or in the improvement district will be heard.

SEC. 482. Notice of the 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 circulated in the agency, if there is a newspaper circulated in the agency. Such notice shall also be given by posting a copy of the resolution in three public places within the improvement district for at least two weeks before the time fixed for the hearing.

SEC. 483. At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including all persons owning property in the agency, or in the improvement district, may appear and present any matters material to the proposed

dissolution.

SEC. 484. At the conclusion of the hearing, the board shall by ordinance determine whether it is necessary to dissolve the improvement district. If so, the ordinance shall state that the exterior boundaries of the improvement district are set forth on a map on file with the secretary and shall declare the improvement district dissolved. The determinations made in the ordinance shall be final and conclusive.

SEC. 485. When the ordinance declaring an improvement district dissolved becomes effective, the dissolution of such improvement district is complete.

SEC. 486. Any action or proceeding in which the validity of the dissolution of an improvement district, or of any of the proceedings in relation thereto, is contested, questioned, or denied shall be commenced within three months from the effective date of the ordinance dissolving the improvement district; otherwise, the dissolution of the improvement district and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 487. If a bond election has been held in an improvement district and less than a majority of the votes cast in such election were in favor of the measure, the board may within one year of the date of such election call and hold another election as provided in Part 6 (commencing with Section 190) of this act for the purpose of resubmitting the measure to the electors of said improvement district. If the measure is not so resubmitted, said improvement district, on the anniversary date of the election, is dissolved without further action by the board. If said measure is resubmitted and fails to receive a majority of the votes cast in such election in favor of said measure, said improvement district is dissolved following the canvass of the election returns without further action by the board.

## PART 10. DISSOLUTION

SEC. 500. The agency may be dissolved at any time upon the vote of a majority of the qualified electors of the agency at an election called by the board upon the question of dissolution.

SEC. 501. The election shall be called and conducted in the same manner as agency elections.

SEC. 502. Upon the dissolution of the agency, the property of the agency lying within a city shall vest in the city and the property of the agency lying within the unincorporated area of a county shall vest in the respective member entities or their successors.

SEC. 503. If the agency has any outstanding promissory notes or bonded debt or other obligations at the time of the

21749940 141

election for dissolution, the vote to dissolve the agency shall dissolve it for all purposes except for the levying and collection of taxes or assessments for the payment of such promissory notes or bonded debt or other obligations the payment of the expenses of assessing, levying, and collecting the taxes or assessments.

SEC. 504. Until the promissory notes or bonded debt or other obligations are fully paid the legislative agency of the city, when the property of the agency lies wholly within the city, and in all other cases the Board of Supervisors of Placer County, is ex officio the board of directors of the agency. The board or legislative agency shall levy the taxes and assess the assessments and perform such other acts as are necessary to raise money for the payment of the promissory notes or bonded debt or other obligations, and for the purpose of maintaining the property of the agency in good order and repair. The board or legislative agency shall fulfill and compel fulfillment of all contracts made by the agency and shall maintain and protect all rights acquired by the agency.

## PART 11. REPEALS

SEC. 600. Chapter 1503 of the Statutes of 1967 is repealed.

SEC. 601. This act is an urgency statute necessary for the immediate preservation of the public peace, 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 remedy the pollution and sanitation problems of the North Lake Tahoe area at the earliest possible time it is necessary that this act take effect immediately.

---

## CHAPTER 1561

*An act to amend Section 13715 of the Education Code, relating to school classified employees.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 13715 of the Education Code is amended to read:

13715. (a) The rules of the commission and copies of this article (commencing with Section 13701) shall be printed and given to each permanent employee in the classified service. The data given to employees shall also be made available to the

public and those concerned with the enforcement of this article (commencing with Section 13701).

(b) In a school district which has more than 1,000 classified employees the commission may, in lieu of subdivision (a) of this section: (1) establish a library of at least five copies of the complete rules for loan to employees, plus one additional loan copy for each 500 permanent employees in the classified service, and (2) distribute copies of its rules to each school, office, and worksite where they shall be available to permanent employees in the classified service, the public, and those concerned with the enforcement of this article (commencing with Section 13701), and (3) give to each new regular employee a handbook which summarizes the basic rules and working conditions for classified employees and provides information regarding access to copies of the complete rules and the merit system.

---

## CHAPTER 1562

*An act to amend Section 3255 of, and to add Section 3296.6 to, the Education Code, relating to the reorganization of school districts.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

*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.

Notwithstanding any provision of the preceding paragraph, the county committee may increase the maximum tax rate established thereunder, to reflect increases occurring in the fiscal year in which the election is held, in the salaries of certificated and classified employees, of any of the component districts.

The maximum tax rate of the proposed new district shall be printed on the ballot.

SEC. 1.5. Section 3296.6 is added to the Education Code, to read:

3296.6. The statement of official information and statistics prepared and distributed pursuant to Section 3296.5 in connection with proposals including the provisions specified in Section 3255 shall contain a statement by the county committee, of the amount by which the maximum tax rate, as shown on the ballot, of the new district, would be required to be increased in order to produce an amount of revenue equal to the sum of the revenues of each of the districts proposed to be partially or wholly included therein produced by all of the taxes levied, pursuant to statutes authorizing taxes to be levied for particular purposes without compliance with Sections 20751 and 20803, in such districts during the school year prior to the fiscal year in which the election for reorganization was held.

SEC. 2. 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.

In community college district reorganization proposals, the tax rates for non-community-college district territory included in the reorganization shall be the maximum tax rate for community college districts as specified in Section 20751. Such territory shall not be considered in computation of state equalization aid for purposes of this section. If a portion of a community college district is included in the recommended reorganization, the tax rate and equalization aid shall be at the same rate as the district as a whole 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.

Notwithstanding any provision of the preceding paragraph, the county committee may increase the maximum tax rate established thereunder, to reflect increases occurring in the fiscal year in which the election is held, in the salaries of certificated and classified employees, of any of the component districts.

The maximum tax rate of the proposed new district shall be printed on the ballot.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 2135 are both chaptered and amend Section 3255 of the Education Code, and this bill is chaptered after Assembly Bill No. 2135, that Section 3255 of the Education

Code, as amended by Section 8 of Assembly Bill No. 2135, be further amended on the effective date of this act in the form set forth in Section 2 proposed by this bill. Therefore, if Assembly Bill No. 2135 is chaptered before this bill and amends Section 3255 of the Education Code, Section 2 of this act shall become operative on the effective date of this act and Section 1 of this act shall not become operative.

---

## CHAPTER 1563

*An act to amend Section 11007 of, and to add Section 9115 to, the Unemployment Insurance Code, relating to manpower development.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 9115 is added to the Unemployment Insurance Code, to read:

9115. "Economically displaced persons" means those persons who have been subjected to an involuntary layoff or separation from their employment, and who have not quit voluntarily or been dismissed for disciplinary reasons.

SEC. 2. Section 11007 of the Unemployment Insurance Code is amended to read:

11007. (a) The director shall make every effort to secure to the fullest extent possible federal funds available for participation under this part and shall provide that effective and comprehensive placement and manpower information services are made available to eligible persons, both youth and adults, who are served by the division, using funds available to the department under Title III and Title IX of the Social Security Act, in accordance with a plan of service developed by the division and approved by the director and the United States Department of Labor as required by federal law and regulations.

(b) Under a plan of service developed by the division, funds under Title III and Title IX used for the administration of employment service offices and funds under the Manpower Development and Training Act shall be used to administer programs designed to find employment for economically displaced personnel toward the end of meeting the following goals:

(1) Developing a broad inventory of skills of displaced workers.

(2) Establishing labor market information systems necessary to satisfy the need for skills in waste disposal, power, water reclamation, sea water conversion, communications, biomedical techniques, air pollution control, and transportation systems.

# CHAPTER 1564

*An act to amend Sections 2071, 2074.5, 11580.1 and 11580.2 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 2071 of the Insurance Code is amended to read:

2071. The following is adopted as the standard form of fire insurance policy for this state:

California Standard Form Fire Insurance Policy

No.

[Space for insertion of name of company or companies issuing the policy and other matter permitted to be stated at the head of the policy.]

[Space for listing amounts of insurance, rates and premiums for the basic coverages insured under the standard form of policy and for additional coverages or perils insured under endorsements attached.]

In consideration of the provisions and stipulations herein or added hereto and of _____ dollars premium this company, for the term of _____ from the _____ day of _____, 19____ {at 12:01 a.m., standard time, at location} to the _____ day of _____, 19____ of property involved, to an amount not exceeding _____ _____ dollars, does insure _____ and legal representatives, to the extent of the actual cash value of the property at the time of loss, but not exceeding the amount which it would cost to repair or replace the property with material of like kind and quality within a reasonable time after such loss, without allowance for any increased cost of repair or reconstruction by reason of any ordinance or law regulating construction or repair, and without compensation for loss resulting from interruption of business or manufacture, nor in any event for more than the interest of the insured, against all LOSS BY FIRE, LIGHTNING AND BY REMOVAL FROM PREMISES ENDANGERED BY THE PERILS INSURED AGAINST IN THIS POLICY, EXCEPT AS HEREINAFTER PROVIDED, to the property described hereinafter while located or contained as described in this policy, or pro rata for five days at each proper place to which any of the property shall necessarily be removed for preservation from the perils insured against in this policy, but not elsewhere.

Assignment of this policy shall not be valid except with the written consent of this company.

This policy is made and accepted subject to the foregoing provisions and stipulations and those hereinafter stated, which are hereby made a part of this policy, together with such other provisions, stipulations and agreements as may be added hereto, as provided in this policy.

IN WITNESS WHEREOF, this company has executed and attested these presents; but this policy shall not be valid unless countersigned by the duly authorized agent of this company at

Secretary. President.

Countersigned this _____ day of _____, 19_____

_____Agent

Concealment, fraud

This entire policy shall be void if, whether before or after a loss, the insured has willfully concealed or misrepresented any material fact or circumstance concerning this insurance or the subject thereof, or the interest of the insured therein, or in case of any fraud or false swearing by the insured relating thereto.

Uninsurable and excepted property

This policy shall not cover accounts, bills, currency, deeds, evidences of debt, money or securities; nor, unless specifically named hereon in writing, bullion or manuscripts.

Perils not included

This company shall not be liable for loss by fire or other perils insured against in this policy caused, directly or indirectly, by: (a) enemy attack by armed forces, including action taken by military, naval or air forces in resisting an actual or an immediately impending enemy attack; (b) invasion; (c) insurrection; (d) rebellion; (e) revolution; (f) civil war; (g) usurped power; (h) order of any civil authority except acts of destruction at the time of and for the purpose of preventing the spread of fire, provided that such fire did not originate from any of the perils excluded by this policy; (i) neglect of the insured to use all reasonable means to save and preserve the property at and after a loss, or when the property is endangered by fire in neighboring premises; (j) nor shall this company be liable for loss by theft.

Other insurance

Other insurance may be prohibited or the amount of insurance may be limited by endorsement attached hereto.

Conditions suspending or restricting insurance

Unless otherwise provided in writing added hereto this company shall not be liable for loss occurring (a) while the

hazard is increased by any means within the control or knowledge of the insured; or (b) while a described building, whether intended for occupancy by owner or tenant, is vacant or unoccupied beyond a period of 60 consecutive days; or (c) as a result of explosion or riot, unless fire ensue, and in that event for loss by fire only.

Other perils or subjects

Any other peril to be insured against or subject of insurance to be covered in this policy shall be by endorsement in writing hereon or added hereto.

Added provisions

The extent of the application of insurance under this policy and of the contribution to be made by this company in case of loss, and any other provision or agreement not inconsistent with the provisions of this policy, may be provided for in writing added hereto, but no provision may be waived except such as by the terms of this policy or by statute is subject to change.

Waiver provisions

No permission affecting this insurance shall exist, or waiver of any provision be valid, unless granted herein or expressed in writing added hereto. No provision, stipulation or forfeiture shall be held to be waived by any requirement or proceeding on the part of this company relating to appraisal or to any examination provided for herein.

Cancellation of policy

This policy shall be canceled at any time at the request of the insured, in which case this company shall, upon demand and surrender of this policy, refund the excess of paid premium above the customary short rates for the expired time. This policy may be canceled at any time by this company by giving to the insured a five days' written notice of cancellation with or without tender of the excess of paid premium above the pro rata premium for the expired time, which excess, if not tendered, shall be refunded on demand. Notice of cancellation shall state that said excess premium (if not tendered) will be refunded on demand.

Mortgagee interests and obligations

If loss hereunder is made payable, in whole or in part, to a designated mortgagee not named herein as the insured, such interest in this policy may be canceled by giving to such mortgagee a 10 days' written notice of cancellation.

If the insured fails to render proof of loss such mortgagee, upon notice, shall render proof of loss in the form herein specified within sixty (60) days thereafter and shall be subject to

the provisions hereof relating to appraisal and time of payment and of bringing suit. If this company shall claim that no liability existed as to the mortgagor or owner, it shall, to the extent of payment of loss to the mortgagee, be subrogated to all the mortgagee's rights of recovery, but without impairing mortgagee's right to sue; or it may pay off the mortgage debt and require an assignment thereof and of the mortgage. Other provisions relating to the interests and obligations of such mortgagee may be added hereto by agreement in writing.

Pro rata liability

This company shall not be liable for a greater proportion of any loss than the amount hereby insured shall bear to the whole insurance covering the property against the peril involved, whether collectible or not.

Requirements in case loss occurs

The insured shall give written notice to this company of any loss without unnecessary delay, protect the property from further damage, forthwith separate the damaged and undamaged personal property, put it in the best possible order, furnish a complete inventory of the destroyed, damaged and undamaged property, showing in detail quantities, costs, actual cash value and amount of loss claimed; and within 60 days after the loss, unless such time is extended in writing by this company, the insured shall render to this company a proof of loss, signed and sworn to by the insured, stating the knowledge and belief of the insured as to the following: the time and origin of the loss, the interest of the insured and of all others in the property, the actual cash value of each item thereof and the amount of loss thereto, all encumbrances thereon, all other contracts of insurance, whether valid or not, covering any of said property, any changes in the title, use, occupation, location, possession or exposures of said property since the issuing of this policy, by whom and for what purpose any building herein described and the several parts thereof were occupied at the time of loss and whether or not it then stood on leased ground, and shall furnish a copy of all the descriptions and schedules in all policies and, if required and obtainable, verified plans and specifications of any building, fixtures or machinery destroyed or damaged. The insured, as often as may be reasonably required, shall exhibit to any person designated by this company all that remains of any property herein described, and submit to examinations under oath by any person named by this company, and subscribe the same; and, as often as may be reasonably required, shall produce for examination all books of account, bills, invoices and other vouchers, or certified copies thereof if originals be lost, at such reasonable time and place as may be designated by this company or its representative, and shall permit extracts and copies thereof to be made.

Appraisal

In case the insured and this company shall fail to agree as to the actual cash value or the amount of loss, then, on the written demand of either, each shall select a competent and disinterested appraiser and notify the other of the appraiser selected within 20 days of such demand. The appraisers shall first select a competent and disinterested umpire; and failing for 15 days to agree upon such umpire, then, on request of the insured or this company, such umpire shall be selected by a judge of a court of record in the state in which the property covered is located. The appraisers shall then appraise the loss, stating separately actual cash value and loss to each item; and, failing to agree, shall submit their differences, only, to the umpire. An award in writing, so itemized, of any two when filed with this company shall determine the amount of actual cash value and loss. Each appraiser shall be paid by the party selecting him and the expenses of appraisal and umpire shall be paid by the parties equally.

Company's options

It shall be optional with this company to take all, or any part, of the property at the agreed or appraised value, and also to repair, rebuild or replace the property destroyed or damaged with other of like kind and quality within a reasonable time, on giving notice of its intention so to do within 30 days after the receipt of the proof of loss herein required.

Abandonment

There can be no abandonment to this company of any property.

When loss payable

The amount of loss for which this company may be liable shall be payable 60 days after proof of loss, as herein provided, is received by this company and ascertainment of the loss is made either by agreement between the insured and this company expressed in writing or by the filing with this company of an award as herein provided.

Suit

No suit or action on this policy for the recovery of any claim shall be sustainable in any court of law or equity unless all the requirements of this policy shall have been complied with, and unless commenced within 12 months next after inception of the loss.

Subrogation

This company may require from the insured an assignment of all right of recovery against any party for loss to the extent that payment therefor is made by this company.

SEC. 2. Section 2074.5 of the Insurance Code is amended to read:

2074.5. In lieu of showing the term of coverage in the form set forth in Section 2071, the standard form policy may show the term in any form which clearly states the period during which the insurance is to continue. The period shall begin and end on specified dates at 12:01 a.m. standard time, at the location of the property involved. An example of a permissible method of showing the term is:

"_____for the term of

from At 12:01 a.m. (Standard Time) to At 12:01 a.m. (Standard Time)

at location of property involved, _____"

SEC. 3. Section 11580.1 of the Insurance Code is amended to read:

11580.1. (a) No policy of automobile liability insurance described 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 on or after the effective date of this section unless it contains the provisions set forth in subdivision (b). However, none of the requirements of subdivision (b) shall apply to the insurance afforded under any such policy (1) to the extent that such insurance exceeds the limits specified in subdivision (a) of Section 16059 of the Vehicle Code, or (2) if such policy contains an underlying insurance requirement, or provides for a retained limit of self-insurance, equal to or greater than the limits specified in subdivision (a) of Section 16059 of the Vehicle Code.

(b) Every policy of automobile liability insurance to which subdivision (a) applies shall contain all of the following provisions:

(1) Coverage limits not less than the limits specified in subdivision (a) of Section 16059 of the Vehicle Code.

(2) Designation by explicit description of, or appropriate reference to, the motor vehicles or class of motor vehicles to which coverage is specifically granted.

(3) Designation by explicit description of the purposes for which coverage for such motor vehicles is specifically excluded.

(4) Provision affording insurance to the named insured with respect to any motor vehicle covered by such policy, and to the same extent that insurance is afforded to the named insured, to any other person using, or legally responsible for the use of, such motor vehicle, provided such use is by the named insured or with his permission, express or implied, and within the scope of such permission, except that: (i) with regard to insurance afforded for the loading or unloading of any such

motor vehicle, the insurance may be limited to apply only to the named insured, a relative of the named insured who is a resident of the named insured's household, a lessee or bailee of the motor vehicle, or an employee of any such person; and (ii) the insurance afforded to any person other than the named insured need not apply to: (A) any employee with respect to bodily injury sustained by a fellow employee injured in the scope and course of his employment, or (B) any person, or to any agent or employee thereof, employed or otherwise engaged in the business of selling, repairing, servicing, delivering, testing, road-testing, parking, or storing automobiles with respect to any accident arising out of the maintenance or use of a motor vehicle in connection therewith.

(c) In addition to any exclusion as provided in paragraph (3) of subdivision (b), the insurance afforded by any such policy of automobile liability insurance to which subdivision (a) applies may, by appropriate policy provision, be made inapplicable to any or all of the following:

(1) Liability assumed by the insured under contract.

(2) Liability for bodily injury or property damage caused intentionally by or at the direction of the insured.

(3) Liability imposed upon or assumed by the insured under any workmen's compensation law.

(4) Liability for bodily injury to any employee of the insured arising out of and in the course of his employment.

(5) Liability for bodily injury to an insured.

(6) Liability for damage to property owned, rented to, transported by, or in charge of, an insured.

(7) Liability for any bodily injury or property damage with respect to which insurance is or can be afforded under a nuclear energy liability policy.

(8) Any motor vehicle or class of motor vehicles, as described or designated in the policy, with respect to which coverage is explicitly excluded, in whole or in part.

The term "the insured" as used in paragraphs (1), (2), (3), and (4) of this subdivision shall mean only that insured under the policy against whom the particular claim is made or suit brought. The term "an insured" as used in paragraphs (5) and (6) of this subdivision shall mean any insured under the policy.

(d) Notwithstanding the provisions of paragraph (4) of subdivision (b), or the provisions of Article 2 (commencing with Section 16450) of Chapter 3 of Division 7, or Article 2 (commencing with Section 17150) of Chapter 1 of Division 9, of the Vehicle Code, the insurer and any named insured may, by the terms of any policy of automobile liability insurance to which subdivision (a) applies, or by a separate writing relating thereto, agree as to either or both of the following limitations, such agreement to be binding upon every insured to whom such policy applies and upon every third party claimant:

(1) That coverage under such policy shall not apply nor accrue to the benefit of any insured or any third party claimant while any insured motor vehicle is being used or operated by a natural person or persons designated by name. Such agreement shall remain in force as long as the policy remains in force, and shall apply to any continuation, renewal, or replacement of such policy by the named insured, or reinstatement of such policy within 30 days of any lapse thereof.

(2) That with regard to any such policy issued to a named insured engaged in the business of selling, repairing, servicing, delivering, testing, road-testing, parking, or storing automobiles, coverage shall not apply to any person other than the named insured or his agent or employee, except to the extent that the limits of liability of any other valid and collectible insurance available to such person are not equal to the limits of liability specified in subdivision (a) of Section 16059 of the Vehicle Code.

(e) Nothing in this section or in Section 16057 or 16450 of the Vehicle Code shall be construed to constitute a homeowner's policy, personal and residence liability policy, personal and farm liability policy, general liability policy, comprehensive personal liability policy, manufacturers' and contractors' policy, premises liability policy, special multiperil policy, or any policy or endorsement where automobile liability coverage is offered as incidental to some other basic coverage as an "automobile liability policy" within the meaning of Section 16057 of the Vehicle Code, or as a "motor vehicle liability policy" within the meaning of Section 16450 of the Vehicle Code, notwithstanding that any such policy may provide automobile or motor vehicle liability coverage on insured premises or the ways immediately adjoining.

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, prior to or subsequent to the issuance or renewal of a policy, may, by agreement in writing, delete the provision covering damage caused by an uninsured motor vehicle (1) completely, or (2) with respect to a natural person or persons designated by name when operating

a motor vehicle. Either of such deletions by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply while such policy is in force, and shall continue to be so binding with respect to any continuation, renewal, or replacement of such policy by the named insured, or with respect to reinstatement of such policy within 30 days of any lapse thereof. A policy shall be excluded from the application of this section if the only coverage with respect to the use of any motor vehicle is limited to the contingent liability arising out of the use of nonowned motor vehicles.

(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 tortfeasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(c) The insurance coverage provided for in this section does not apply:

(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 endorsement added thereto may provide that if the insured has valid and collectible automobile medical payment insurance available to him, the damages which he shall be entitled to recover from the owner or operator of an uninsured motor vehicle shall be reduced for purposes of uninsured motorist coverage by the amounts paid or due to be paid under such automobile medical payment insurance. This subdivision shall become operative on January 1, 1971.

(f) The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the insured and the insurer or, in the event of disagreement, by arbitration. The arbitration shall be conducted by a single neutral arbitrator. An award or a judgment confirming an award shall not be conclusive on any party in any action or proceeding between (i) the insured, his insurer, his legal representative, or his heirs and (ii) the uninsured motorist to recover damages arising out of the accident upon which the award is based. 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.

(g) The insurer paying a claim under an uninsured motorist endorsement or coverage shall be entitled to be subrogated to the rights of the insured to whom such claim was paid against any person causing such injury or death to the extent that payment was made. Such action may be brought within three years from the date that payment was made hereunder.

(h) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver 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. This paragraph shall remain in effect until December 31, 1970, and shall have no force or effect after that date.

(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.

(i) No cause of action shall accrue to the insured under any policy or endorsement provision issued pursuant to this section unless within one year from the date of the accident:

(1) Suit for bodily injury has been filed against the uninsured motorist, in a court of competent jurisdiction, or

(2) Agreement as to the amount due under the policy has been concluded, or

(3) The insured has formally instituted arbitration proceedings.

(j) Notwithstanding the provisions of subdivisions (b) and (i), in the event the accident occurs in any other state or foreign jurisdiction to which coverage is extended under the policy and the insurer of the tortfeasor becomes insolvent, any action authorized pursuant to the provisions of this section may be maintained within three months of the insolvency of the tortfeasor's insurer, but in no event later than the pertinent period of limitation of the jurisdiction in which the accident occurred.

(k) Notwithstanding the provisions of subdivision (i), any insurer whose insured has made a claim under his or her uninsured motorist coverage, and such claim is pending, shall, at least 30 days before the expiration of the applicable statute of limitation, notify its insured in writing of the statute of limitation applicable to such injury or death. Failure of the insurer to provide such written notice shall operate to toll any applicable statute of limitation or other time limitation for a period of 30 days from the date such written notice is actually given.

SEC. 5. The changes to Sections 2071 and 2074.5 of the Insurance Code made by this act shall become operative on January 1, 1972.

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 changes to Sections 2071 and 2074.5 of the Insurance Code made by this act must go into effect immediately to avoid conflicts with Section 460 of the Insurance Code, since Section 460 of the Insurance Code, relating to the time of inception to be specified in insurance contracts generally, becomes operative on January 1, 1972.

# CHAPTER 1565

*An act to add Section 10203.10 to the Insurance Code, relating to insurance.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 10203.10 is added to the Insurance Code, to read:

10203.10. (a) Life insurance conforming to all of the following conditions is another form of group life insurance:

(1) Written under a policy issued and delivered in connection with the payment of benefits against the risk of loss in the value of redeemable securities of the insured investor issued by an investment company or companies operating under the Investment Company Act of 1940, as amended, and whose redeemable securities are registered under the Securities Act of 1933, as amended. For the purposes of this section, such benefits shall be referred to as group investment return assurance.

(2) Covering the lives of every eligible member of a group of persons who are or become investors in an investment company or companies.

(3) The group numbers not less than 100 investors yearly.

(4) The amount of insurance on any one investor does not exceed the amount of his investment, and does not exceed twenty thousand dollars ($20,000) on any one life.

(5) The period of assurance for each investor shall not extend over a period exceeding the life of such investor.

(6) The policy is issued upon the application of the investment company or companies, and the premiums are paid by the investment company, the investor, or jointly by the investment company and the investor.

Such insurance may be issued with or without medical examination.

(7) The policy provides a benefit equal to the difference between the amount paid for such redeemable securities and the value of such redeemable securities at the earlier of either (A) the end of the certificate period, or (B) the date of death of the insured.

(8) To protect the public and policyholders located in this state from hazardous operation by domestic, foreign, or alien companies, and to further the purpose and provision of this part, no domestic, foreign, or alien insurance company shall undertake the issuance of any policy providing for group investment return assurance until such company has satisfied the commissioner that its condition or method of operation in connection with the issuance of such policies shall not be such as to render its operation hazardous to the public, or its policyholders in this state, and, whether domestic, foreign, or

alien, that it meets the conditions prescribed in Section 717 for the issuance of a certificate of authority. In the determination of the qualification of a company requesting authority to issue policies providing for group investment return assurance within this state, the commissioner shall consider, in addition to the requirements of Section 717, all of the following: (A) the history of the company, (B) the character, responsibility, and general fitness of the officers and directors of the company, (C) the regulation of a foreign company by its state of domicile, (D) the adequacy of the investment management which the company is providing, and (E) the company's arrangements for the supervision of the marketing of such policies. No company may provide group investment return assurance in its policies unless it is an admitted insurer having and maintaining a combined capital and surplus of at least two million dollars ($2,000,000).

(9) In addition to the requirements of paragraph (8), no admitted insurer may provide group investment return assurance in its policies unless it establishes a special contingency fund of not less than one million dollars ($1,000,000). This fund shall be deemed to constitute a reserve liability in addition to other reserves of such insurer. In the event an insurer issues both group and individual investment return assurance, such special contingency fund shall not be less than one million dollars ($1,000,000) for both group and individual assurance.

(b) The commissioner shall require the payment of two hundred fifty dollars ($250) as a fee for the determination of qualification required by this section. Upon completion of the determination of qualification, and whether authorization to issue policies providing group investment return benefits is granted or denied, the commissioner shall require the payment of such additional amounts from the requesting insurer as may be necessary to defray all administrative costs in excess of two hundred fifty dollars ($250) incurred by the commissioner in making such determination.

(c) On and after the effective date of this section, a group investment return assurance policy, or certificate evidencing such insurance, shall not be issued or delivered in this state until a copy of the form thereof is filed with the commissioner, the fees required by Section 12973 9 are paid, and the commissioner has given written approval of such form.

(d) No certificate of group investment return assurance shall be delivered or issued for delivery to any person in this state unless each such certificate does all of the following:

(1) Includes a statement on the first page thereof, in boldface type, that in the event that the value of the redeemable securities covered by the contract exceeds the amount paid for such securities, there shall be no benefit.

(2) Provides that the reserves for all group investment return assurance policies shall be computed and maintained on a basis which shall place an actuarially sound value on the liabilities under such policies. To provide a basis for the deter-

mination of such actuarially sound values, the commissioner, from time to time, shall adopt rules requiring the use of appropriate tables of morbidity, mortality, interest rates, and valuation methods for such reserves.

(e) In furtherance of the purpose of this section, 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) of Part 1 of Division 3 of Title 2 of the Government Code.

---

## CHAPTER 1566

*An act to add Article 6 (commencing with Section 10507) to Chapter 5 of Part 2 of Division 2 of the Insurance Code, relating to investment return assurance.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Article 6 (commencing with Section 10507) is added to Chapter 5 of Part 2 of Division 2 of the Insurance Code, to read:

### Article 6. Investment Return Assurance

10507. (a) Any life insurance company authorized to do business in this state shall be permitted to issue and deliver individual policies in connection with the payment of benefits against the risk of loss in the value of redeemable securities of the insured investor issued by investment companies regulated by the federal Investment Company Act of 1940, as amended, and whose redeemable securities are registered under the federal Securities Act of 1933, as amended. For purposes of this article, such benefits shall be referred to as "investment return assurance."

(b) Policies providing such investment return assurance shall provide a benefit equal to the difference between the amount paid for such redeemable securities and the value of such redeemable securities at the earlier of either (1) the end of the policy period, or (2) the date of death of the insured.

(c) To protect the public and policyholders located in this state from hazardous operation by domestic, foreign, or alien companies, and to further the purpose and provision of this part, no domestic, foreign, or alien insurance company shall undertake the issuance of any policy providing for investment return assurance until such company has satisfied the commissioner that its condition or method of operation in connection with the issuance of such policies shall not be such as to render its operation hazardous to the public, or its policy-

holders in this state, and, whether domestic, foreign, or alien, that it meets the conditions prescribed in Section 717 for the issuance of a certificate of authority. In the determination of the qualification of a company requesting authority to issue policies providing for investment return assurance within this state, the commissioner shall consider, in addition to the requirements of Section 717, (1) the history of the company, (2) the character, responsibility, and general fitness of the officers and directors of the company, (3) the regulation of a foreign or alien company by its state of domicile, (4) the adequacy of the investment management which the company is providing, and (5) the company's arrangements for the supervision of the marketing of such policies. No company may provide investment return assurance in its policies unless it is an admitted insurer having and maintaining a combined capital and surplus of at least two million dollars ($2,000,000).

(d) In addition to the requirements of subdivision (c), no admitted insurer may provide investment return assurance in its policies unless it establishes a special contingency fund of not less than one million dollars ($1,000,000) This fund shall be deemed to constitute a reserve liability in addition to other reserves of such insurer. In the event such insurer writes investment return assurance both on an individual and a group basis, the special contingency fund shall be one million dollars ($1,000,000) for both.

10507.1. The commissioner shall require the payment of two hundred fifty dollars ($250) as a fee for the determination of qualification required by Section 10507. Upon completion of the determination of qualification, and whether authorization to issue policies providing investment return benefits is granted or denied, the commissioner shall require the payment of such additional amounts from the requesting insurer as may be necessary to defray all administrative costs in excess of two hundred fifty dollars ($250) incurred by the commissioner in making such determination.

10507.2. On and after the effective date of this article, an investment return assurance policy evidencing such insurance, shall not be issued or delivered in this state until a copy of the form thereof is filed with the commissioner, the fees required by Section 12973.9 are paid, and the commissioner has given written approval of such form.

10507.3. No policy of investment return assurance shall be delivered or issued for delivery to any person in this state unless each such policy does all of the following:

(a) Includes a statement on the first page thereof in boldface type that, in the event that the investment covered by the policy exceeds the benefit provided under the policy, there shall be no benefit.

(b) Provides for both of the following:

(1) The reserves for all investment return assurance policies shall be computed and maintained on a basis which shall place an actuarially sound value on the liabilities under such policies.

To provide a basis for the determination of such actuarially sound values, the commissioner, from time to time, shall adopt rules requiring the use of appropriate tables of morbidity, mortality, interest rates, and valuation methods for such reserves.

(2) Any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the ratio of the number of years the policy has been in force to the total premium-paying period times the present value of benefits payable had the policy been kept in full force and effect for the total premium-paying period.

10507.4. In furtherance of the purpose of this article, 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) of Part 1 of Division 3 of Title 2 of the Government Code.

---

## CHAPTER 1567

*An act to amend Section 11655.6 of the Health and Safety Code, and to repeal Section 2.5 of Chapter 1304 of the Statutes of 1968, relating to drug research, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 2.5 of Chapter 1304 of the Statutes of 1968 is repealed.

SEC. 2. Section 11655.6 of the Health and Safety Code is amended to read:

11655.6. The Research Advisory Panel may hold hearings on, and in other ways study, research projects concerning the treatment of narcotic abuse.

The panel may approve research projects concerning the treatment of narcotic abuse and shall inform the Chief of the Bureau of Narcotic Enforcement of such approval. The panel may withdraw approval of a research project at any time and when approval is withdrawn shall so notify the Chief of the Bureau of Narcotic Enforcement.

The panel shall, annually and in the manner determined by the panel, report to the Legislature and the Governor those research projects approved by the panel, the nature of each research project, and where available, the conclusions of the research project.

This section shall remain in effect until the 91st day after the final adjournment of the 1976 Regular Session of the Legislature, and as of that date 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 statutory authority for the Research Advisory Panel to hold hearings on, and in other ways study, research projects concerning the treatment of narcotic abuse will have no force or effect after November 13, 1971. In order to eliminate the unnecessary confusion, work, and effort which would result if the effective date of this act to extend such authority occurs later than November 13, 1971, it is necessary that this statute take immediate effect.

## CHAPTER 1568

*An act to amend Section 650 of the Business and Professions Code, relating to rebates, refunds, and discounts.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 650 of the Business and Professions Code is amended to read:

650. The offer, delivery, receipt or acceptance, by any person licensed under this division of any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person, irrespective of any membership, proprietary interest or co-ownership in or with any person to whom such patients, clients or customers are referred is unlawful.

It shall not be unlawful for any person licensed under this division to refer a person to any laboratory, pharmacy, clinic, or health care facility solely because such licensee has a proprietary interest or co-ownership in such laboratory, pharmacy, clinic, or health care facility; but such referral shall be unlawful if the prosecutor proves that there was no valid medical need for such referral.

"Health care facility" means a hospital, nursing home, medical care facility, or private mental institution licensed by the Department of Public Health or the Department of Mental Hygiene.

## CHAPTER 1569

*An act to add Section 337.15 to the Code of Civil Procedure, relating to limitation of actions.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 337.15 is added to the Code of Civil Procedure, to read:

337.15. (a) No action may be brought to recover damages from any person who develops real property or performs or furnishes the design, specifications, surveying, planning, supervision, testing, or observation of construction or construction of an improvement to real property more than 10 years after the substantial completion of such development or improvement for any of the following:

(1) Any latent deficiency in the design, specification, surveying, planning, supervision, or observation of construction or construction of an improvement to, or survey of, real property.

(2) Injury to property, real or personal, arising out of any such latent deficiency.

(b) As used in this section, "latent deficiency" means a deficiency which is not apparent by reasonable inspection.

(c) As used in this section, "action" includes an action for indemnity brought against a person arising out of his performance or furnishing of services or materials referred to in this section, except that a cross-complaint for indemnity may be filed pursuant to Section 442 in an action which has been brought within the time period set forth in subdivision (a) of this section.

(d) Nothing in this section shall be construed as extending the period prescribed by the laws of this state for bringing any action.

(e) The limitation prescribed by this section shall not be asserted by way of defense by any person in actual possession or the control, as owner, tenant or otherwise, of such an improvement, at the time any deficiency in such improvement constitutes the proximate cause for which it is proposed to bring an action.

(f) This section shall not apply to actions based on willful misconduct or fraudulent concealment.

---

## CHAPTER 1570

*An act to add Section 65040.1 to the Government Code, relating to aviation.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 65040.1 is added to the Government Code, to read:

65040.1. In developing a land use policy for the state, the Office of Planning and Research shall cooperate with the De-

partment of Aeronautics and other federal, state, regional, and local agencies in their development of a viable, feasible and attainable long-range master plan for aviation that will provide a framework for discussions, a program of accomplishments, and a means to resolve the complex problems of air transportation in California. Such policy and plan shall be guided by the environmental goals and policies of the State Environmental Goals and Policy Report (Section 65041, Government Code).

The office shall advise the Legislature from time to time of long-range budgetary projections of the state's share of the costs relating to the development of new airports and related communities. The projections and information relating to airports shall be provided by the Department of Aeronautics.

It is the intent of the Legislature that society not be compelled to tolerate environmental pollution and that there be provided a level of air service acceptable to society without unacceptable costs in terms of pollution, congestion, or dollars.

---

## CHAPTER 1571

*An act to add Section 612.5 to the Code of Civil Procedure, relating to trials.*

[Approved by Governor November 17, 1971. Filed with Secretary of State November 17, 1971.]

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

SECTION 1. Section 612.5 is added to the Code of Civil Procedure, to read:

612.5. Upon retiring for deliberation the jury may take with them a copy of the written instructions given.

SEC. 2. Section 612.5 of the Code of Civil Procedure, as added by Section 1 of this act, shall remain in effect until December 31, 1974, and as of that date is repealed.

---

## CHAPTER 1572

*An act to amend Sections 10219 and 10301 of the Elections Code, relating to elections.*

[Approved by Governor November 18, 1971. Filed with Secretary of State November 18, 1971.]

SECTION 1. Section 10219 of the Elections Code is amended to read:

10219. Except in cases provided for by subdivision (d) of Section 16, of Article VI of the Constitution, immediately under the name of each candidate and not separated from the

name by any line, may appear, at the option of the candidate, one of the following designations:

(a) Words designating the elective city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers to which he was elected by vote of the people or to which he was appointed to fill a vacancy; provided, however, if his term of office expires 59 days or more prior to the general election, and he is not reelected or reappointed, he may not designate that office on the general election ballot.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature," or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent," except that with respect to Members of the State Senate and Assembly, there may appear, in addition to the word "incumbent," one of the applicable designations in subdivision (a).

(c) No more than three words designating the principal professions, vocations or occupations of the candidate.

The designation shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper, the officer in charge of the election finds the wording to be different than that upon the registration affidavit, he shall notify the candidate by registered mail, return receipt requested. The candidate, shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days, the officer shall leave the designation under his name blank (no designation). No candidate shall assume a designation which would mislead the voters.

The Secretary of State shall not permit a designation which would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

SEC. 2. Section 10301 of the Elections Code is amended to read:

10301. Immediately under the name of each candidate and not separated from the name by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the elective city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers to which he was elected by vote of the people or to which he was appointed to fill a vacancy; provided, however, if his term of office expires 59 days or more prior to the general election, and he is not reelected or reappointed, he may not designate that office on the general election ballot.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature" or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent," except that with respect to Members of the State Senate and Assembly, there may appear, in addition to the word "incumbent," one of the applicable designations in subdivision (a).

(c) No more than three words designating the principal professions, vocations or occupations of the candidate.

The designation shall be the same as appears in the affidavit or registration of the candidate. If upon checking the nomination paper the officer in charge of the election finds the wording to be different than that upon the registration affidavit of the candidate, he shall notify the candidate by registered mail, return receipt requested. The candidate shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days the officer shall leave the designation under his name blank (no designation). The Secretary of State shall not permit a designation which would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.

No candidate shall assume a designation which would mislead the voters. The designation shall remain the same for all purposes of both primary and general elections unless the candidate, at least 59 days prior to the general election, requests in writing a different designation which he then has the option to use under Section 10219.

Any candidate at the direct primary election who is elected at a special election held to fill a vacancy in the office for which he is a candidate or in any other office, and who receives his certificate of election and takes his oath of office, may use

any appropriate designation as set forth in Section 10219 on the general election ballot, regardless of the designation he may have used on the direct primary election ballot.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

## CHAPTER 1573

*An act to amend Section 27504 of the Government Code, relating to coroners.*

[Approved by Governor November 18, 1971. Filed with Secretary of State November 18, 1971.]

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

SECTION 1. Section 27504 of the Government Code is amended to read:

27504. After hearing the testimony, the jury shall render its verdict and certify it by an inquisition in writing signed by the members of the jury, or the coroner shall render his decision if the inquest is by the coroner sitting without a jury, setting forth the name of the deceased, the time and place of death, the medical cause of death and whether the death was by (1) natural causes, (2) suicide, (3) accident, or (4) the hands of another person other than by accident. Such findings shall not include nor shall they make any reference to civil or criminal responsibility on the part of the deceased or any other person.

## CHAPTER 1574

*An act to add Sections 1246.3 and 1246.4 to the Code of Civil Procedure, to repeal Section 814.5 of the Evidence Code, as proposed by Assembly Bill No. 2888 of the 1971 Regular Session of the Legislature, to amend Sections 7260, 7261, 7262, 7263, 7264, 7265, and 7268 of, to amend and renumber Section 7267 of, to add Sections 7261.5, 7264.5, 7265.3, 7265.4, 7267, 7267.1, 7267.2, 7267.3, 7267.4, 7267.5, 7267.6, 7267.7, 7272, 7272.3, 7272.5, and 7274 to, and to repeal Section 7272 of, the Government Code, to amend Section 33415 of, and to add Section 34320.5 to, the Health and Safety Code, to amend Section 600 of, and to repeal Article 4.5 (commencing with Section 21690.5) of Chapter 4 of Part 1 of Division 9 and Article 9 (commencing with Section 29110) of Chapter 6 of Part 2 of Division 10 of, the Public Utilities Code, and to repeal Article 3.5 (commencing with Section 156) of Chapter 1 of Division 1, and Article 4.5 (commencing with Section 170) of Chapter 1 of Division 1, as proposed by Assembly Bill No. 2888 of the 1971 Regular*

*Session of the Legislature, of the Streets and Highways Code, relating to property acquisitions by public entities and public utilities.*

[Approved by Governor November 18, 1971. Filed with Secretary of State November 18, 1971.]

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

SECTION 1. Section 1246.3 is added to the Code of Civil Procedure, to read:

1246.3. In any inverse condemnation proceeding brought for the taking of any interest in real property, the court rendering judgment for the plaintiff by awarding compensation for such taking, or the attorney representing the public entity who effects a settlement of such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will, in the opinion of the court or such attorney, reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

SEC. 1.3. Section 1246.4 is added to the Code of Civil Procedure, to read:

1246.4. In any condemnation proceeding in which the final judgment is that the public entity cannot acquire the real property, the owner shall be awarded such an amount, as determined by the court, which will reimburse him for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

SEC. 1.4. Section 814.5 of the Evidence Code, as proposed by Assembly Bill No. 2888 of the 1971 Regular Session of the Legislature, is repealed.

SEC. 1.8. Section 7260 of the Government Code is amended to read:

7260. As used in this chapter:

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

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

(c) "Displaced person" means any person who moves from real property, or who moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of a written order from a public entity to vacate the real property, for public use.

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

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

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

(3) By a nonprofit organization; or

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

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

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

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

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

SEC. 2. Section 7261 of the Government Code is amended to read:

7261. (a) A public entity shall provide relocation advisory assistance to any person, business, or farm operation displaced because of the acquisition of real property by that public entity for public use.

(b) In giving such assistance, the public entity may establish local relocation advisory assistance offices to assist in obtaining replacement facilities for persons, businesses, and farm operations which find that it is necessary to relocate because of the acquisition of real property by the public entity.

(c) Such advisory assistance shall include:

(1) Determining the need, if any, of displaced persons for relocation assistance.

(2) Providing current and continuing information on the availability, prices, and rentals of comparable decent, safe, and sanitary housing for displaced persons, and of comparable commercial properties and locations for displaced businesses.

(3) Assuring that, within a reasonable period of time, prior to displacement, to the extent that it can be reasonably accomplished, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within the financial

means of the families and individuals displaced, decent, safe, and sanitary dwellings, equal in number to the number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment, except that, in the case of a federally funded project, a waiver may be obtained from the federal government.

(4) Assisting a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location.

(5) Supplying information concerning federal and state housing programs, disaster loan programs, and other federal or state programs offering assistance to displaced persons.

(6) Providing other advisory services to displaced persons in order to minimize hardships to such persons.

(d) The public entity shall coordinate its relocation assistance program with the project work necessitating the displacement and with other planned or proposed activities of other public entities in the community or nearby areas which may affect the implementation of its relocation assistance program.

SEC. 2.5. Section 7261.5 is added to the Government Code, to read:

7261.5. In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons under this chapter, a public entity may enter into a contract with any individual, firm, association, or corporation for services in connection with such program, or may carry out its functions under this chapter through any federal, state, or local governmental agency having an established organization for conducting relocation assistance programs. Any public entity may, in carrying out its relocation assistance activities, utilize the services of state or local housing agencies or other agencies having experience in the administration or conduct of similar housing assistance activities.

SEC. 3. Section 7262 of the Government Code is amended to read:

7262. (a) As a part of the cost of acquisition of real property for a public use, a public entity shall compensate a displaced person for his:

(1) Actual and reasonable expense in moving himself, family, business, or farm operation, including moving personal property.

(2) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the public entity.

(3) Actual and reasonable expenses in searching for a replacement business or farm.

(b) Any displaced person who moves from a dwelling who elects to accept payments authorized by this subdivision in lieu

of the payments authorized by subdivision (a) shall receive a moving expense allowance, determined according to a schedule established by the public entity, not to exceed three hundred dollars ($300), and in addition a dislocation allowance of two hundred dollars ($200).

(c) Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this subdivision in lieu of the payment authorized by subdivision (a), shall receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than two thousand five hundred dollars ($2,500) nor more than ten thousand dollars ($10,000). In the case of a business, no payment shall be made under this subdivision, unless the public entity is satisfied that the business cannot be relocated without a substantial loss of patronage and is not a part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business. For purposes of this subdivision, the term "average annual net earnings" means one-half of any net earnings of the business, or farm operation, before federal, state, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property being acquired, or during such other period as the public entity determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two-year or such other period. To be eligible for the payment authorized by this subdivision, the business or farm operation shall make available its state income tax records, and its financial statements and accounting records, for audit for confidential use to determine the payment authorized by this subdivision. In the case of an outdoor advertising display, the payment shall be limited to the amount necessary to physically move or replace such display.

(d) Whenever the acquisition of real property used for a business or farm operation causes the person conducting the business or farm operation to move from other real property, or to move his personal property from other real property, such person shall receive payments for moving and related expenses under subdivision (a) or (b) and relocation advisory assistance under Section 7261 for moving from such other property.

SEC. 4. Section 7263 of the Government Code is amended to read:

7263. (a) In addition to the payments required by Section 7262, the public entity, as a part of the cost of acquisition, shall make a payment to the owner of real property acquired for public use which is improved with a dwelling actually owned and occupied by the owner for not less than

180 days prior to the initiation of negotiation for the acquisition of such property.

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

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

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

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

(c) Such payment shall be made only to a displaced owner who purchases and occupies a replacement dwelling that meets standards established by the public entity within one year subsequent to the date on which he moves from the dwelling acquired by the public entity or the date on which he receives from the public entity final payment of all costs of the dwelling acquired by the public entity, whichever is the later date.

SEC. 5. Section 7264 of the Government Code is amended to read:

7264. (a) In addition to the payments required by Section 7262, as a part of the cost of acquisition, the public entity shall make a payment to any displaced person displaced from any dwelling not eligible to receive a payment under Section 7263 which was actually and lawfully occupied by such person for not less than 90 days prior to the initiation of negotiation by the public entity for the acquisition of such property.

(b) Such payment, not to exceed four thousand dollars ($4,000), shall be the additional amount which is necessary to enable such person to lease or rent for a period not to exceed

four years, or to make the downpayment on the purchase of, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities.

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

SEC. 6. Section 7264.5 is added to the Government Code, to read:

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

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

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

SEC. 7. Section 7265 of the Government Code is amended to read:

7265. (a) In addition to the payments required by Section 7262, as a cost of acquisition, the public entity shall make a payment to any affected property owner meeting the requirements of this section.

(b) Such affected property is immediately contiguous to property acquired for airport purposes and the owner shall have owned the property affected by acquisition by the public entity not less than 180 days prior to the initiation of negotiation for acquisition of the acquired property.

(c) Such payment, not to exceed fifteen thousand dollars ($15,000), shall be the amount, if any, which equals the actual decline in the fair market value of the property of the affected property owner caused by the acquisition by the public entity for airport purposes of other real property and a change in the use of such property.

(d) The amount, if any, of actual decline in fair market value of affected property shall be determined according to rules and regulations adopted by the public entity pursuant to this chapter. Such rules and regulations shall limit payment under this section only to such circumstances in which the decline in fair market value of affected property is reasonably related to objective physical change in the use of acquired property.

SEC. 7.5. Section 7265.3 is added to the Government Code, to read:

7265.3. A public entity may make payments in the amounts prescribed in this chapter, and may provide advisory assistance under this chapter, to a person who moves from a dwelling, or who moves or discontinues his business, as a result of a rehabilitation or demolition program, or enforcement of building codes, by the public entity.

SEC. 8. Section 7265.4 is added to the Government Code, to read:

7265.4. In addition to the payments required by Section 7262, as a cost of acquisition, the public entity, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the public entity deems fair and reasonable, for expenses the owner necessarily incurred for recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the public entity.

SEC. 9. Section 7267 of the Government Code is amended and renumbered to read:

7267.8. (a) Except as provided in subdivision (b), payments under the provisions of this chapter shall be made to eligible persons in accordance with such rules and regulations as shall be adopted by the State Board of Control for property acquisitions by a state agency, or the governing body of any other public entity, for property acquisitions by such entity.

(b) Payments under the provisions of this chapter by the Department of Public Works for property acquisitions shall be in accordance with such rules and regulations as shall be adopted by the department.

(c) Such regulations shall provide that the payments and assistance required of a public entity under this chapter shall be administered in a manner that is fair and reasonable and as uniform as practicable. The regulations shall also provide that the payments shall be made as promptly as possible or, in hardship cases, in advance. In addition, the regulations shall provide a reasonable mileage limitation in determining the actual and reasonable expense in moving a business for purposes of Section 7262.

SEC. 10. Section 7267 is added to the Government Code, to read:

7267. In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the public programs, and to promote public confidence in public land acquisition practices, public entities shall, to the greatest extent practicable, be guided by the provisions of Sections 7267.1 to 7267.7, inclusive.

SEC. 11. Section 7267.1 is added to the Government Code, to read:

7267.1. (a) The public entity shall make every reasonable effort to acquire expeditiously real property by negotiation.

(b) Real property shall be appraised before the initiation of negotiations, and the owner, or his designated representative, shall be given an opportunity to accompany the appraiser during his inspection of the property.

SEC. 12. Section 7267.2 is added to the Government Code, to read:

7267.2. Before the initiation of negotiations for real property, the public entity shall establish an amount which it believes to be just compensation therefor, and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the public entity's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property to be acquired prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant, will be disregarded in determining the compensation for the property. The public entity shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. Where appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

SEC. 13. Section 7267.3 is added to the Government Code, to read:

7267.3. The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling, assuming a replacement dwelling will be available, or to move his business or farm operation, without at least 90 days' written notice from the public entity of the date by which such move is required.

SEC. 14. Section 7267.4 is added to the Government Code, to read:

7267.4. If the public entity permits an owner or tenant to occupy the real property acquired on a rental basis for a short term, or for a period subject to termination by the public entity on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

SEC. 15. Section 7267.5 is added to the Government Code, to read:

7267.5. In no event shall the public entity either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the

owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

SEC. 16. Section 7267.6 is added to the Government Code, to read:

7267.6. If any interest in real property is to be acquired by exercise of the power of eminent domain, the public entity shall institute formal condemnation proceedings. No public entity shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

SEC. 17. Section 7267.7 is added to the Government Code, to read:

7267.7. If the acquisition of only a portion of a property would leave the remaining portion in such a shape or condition as to constitute an uneconomic remnant, the public entity shall offer to and may acquire the entire property if the owner so desires.

SEC. 18. Section 7268 of the Government Code is amended to read:

7268. The State Board of Control is authorized to adopt rules and regulations to implement payments under this chapter by state agencies other than the Department of Public Works. The Department of Public Works is authorized to adopt rules and regulations to implement payments under this chapter by it. The governing bodies of other public entities are authorized to adopt rules and regulations to implement payments under this chapter by such entities.

SEC. 19. Section 7272 of the Government Code is repealed.

SEC. 20. Section 7272 is added to the Government Code, to read:

7272. If under any other provision of law of this state the owner or occupant of real property acquired by a public entity for public use is given greater protection than is provided by Sections 7265.3 to 7267.8, inclusive, the public entity shall also comply with such other provision of law.

SEC. 20.5. Section 7272.3 is added to the Government Code, to read:

7272.3. It is the intent of the Legislature, by this chapter, to establish minimum requirements for relocation assistance payments by public entities. This chapter shall not be construed to limit any other authority which a public entity may have to make other relocation assistance payments, or to make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by this chapter.

Any public entity may, also, make any other relocation assistance payment, or may make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by this chapter, if the making of

such payment, or the payment in such amount, is required under federal law to secure federal funds.

SEC. 21. Section 7272.5 is added to the Government Code, to read:

7272.5. Nothing contained in this article shall be construed as creating in any condemnation proceeding brought under the power of eminent domain, any element of damages not in existence on the date the public entity commences to make payments under the provisions of this article as amended by the act which enacted this section at the 1971 Regular Session of the Legislature.

SEC. 22. Section 7274 is added to the Government Code, to read:

7274. Sections 7267 to 7267.7, inclusive, create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

SEC. 23. Section 33415 of the Health and Safety Code is amended to read:

33415. An agency shall provide relocation assistance and shall make all of the payments required by Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code, including the making of such payments financed by the federal government.

This section shall not be construed to limit any other authority which an agency may have to make other relocation assistance payments, or to make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code.

SEC. 24. Section 34320.5 is added to the Health and Safety Code, to read:

34320.5. An authority shall provide relocation assistance and shall make all of the payments required by Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code, including the making of such payments financed by the federal government.

This section shall not be construed to limit any other authority which an authority may have to make other relocation assistance payments, or to make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code.

SEC. 25. Section 600 of the Public Utilities Code is amended to read:

600. A public utility acquiring real property by eminent domain shall provide relocation advisory assistance and shall make any of the payments required of public entities by Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code.

SEC. 26. Article 4.5 (commencing with Section 21690.5) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code is repealed.

SEC. 27. Article 9 (commencing with Section 29110) of Chapter 6 of Part 2 of Division 10 of the Public Utilities Code is repealed.

SEC. 28. Article 3.5 (commencing with Section 156) of Chapter 1 of Division 1 of the Streets and Highways Code is repealed.

SEC. 29. Article 4.5 (commencing with Section 170) of Chapter 1 of Division 1 of the Streets and Highways Code, as proposed by Assembly Bill No. 2888 of the 1971 Regular Session of the Legislature, is repealed.

SEC. 30. (a) Notwithstanding the amendments to, and repeals of, various provisions of law with respect to relocation advisory and financial assistance effectuated by this act, a public entity may, until July 1, 1972, continue to render such assistance in accordance with such provisions as they existed prior to being amended or repealed by this act.

(b) Commencing on and after July 1, 1972, such assistance shall be rendered in accordance with this act.

SEC. 31. Notwithstanding subdivision (a) of Section 30, relocation advisory and financial assistance shall be rendered in accordance with the provisions of this act in the case of airport relocation and development in a county having a population of more than four million persons.

SEC. 32. Sections 1.4 and 29 of this act shall become operative on July 1, 1972.

---

## CHAPTER 1575

*An act to amend Section 3507 of the Government Code, relating to public employees.*

[Approved by Governor November 18, 1971. Filed with Secretary of State November 18, 1971.]

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

SECTION 1. Section 3507 of the Government Code is amended to read:

3507. A public agency may adopt reasonable rules and regulations after consultation in good faith with representatives of an employee organization or organizations for the administration of employer-employee relations under this chapter (commencing with Section 3500).

Such rules and regulations may include provisions for (a) verifying that an organization does in fact represent employees of the public agency (b) verifying the official status of employee organization officers and representatives (c) recognition of employee organizations (d) exclusive recognition of employee organizations formally recognized pursuant to a vote of the employees of the agency or an appropriate unit thereof, subject to the right of an employee to represent himself as provided in Section 3502 (e) additional procedures for the resolution of disputes involving wages, hours and other terms

and conditions of employment (f) access of employee organization officers and representatives to work locations (g) use of official bulletin boards and other means of communication by employee organizations (h) furnishing nonconfidential information pertaining to employment relations to employee organizations (i) such other matters as are necessary to carry out the purposes of this chapter.

Exclusive recognition of employee organizations formally recognized as majority representatives pursuant to a vote of the employees may be revoked by a majority vote of the employees only after a period of not less than 12 months following the date of such recognition.

No public agency shall unreasonably withhold recognition of employee organizations.

---

## CHAPTER 1576

*An act to add Section 16002.5 to the Business and Professions Code, relating to licensing by cities.*

[Approved by Governor November 18, 1971. Filed with Secretary of State November 18, 1971.]

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

SECTION 1. Section 16002.5 is added to the Business and Professions Code, to read:

16002.5. No city shall impose a license fee or tax, other than a fee or tax based on gross receipts, for the privilege of renting, leasing, or operating coin-operated vending machines dispensing tangible personal property, upon any individual or firm whose business is limited exclusively to renting, leasing, or operating such machines, which license fee or tax has the effect of taxing any gross receipts other than gross receipts which are directly attributable to the business activities conducted within the city. For the purposes of this section, the license fee or tax shall be based on the entire gross receipts which are directly attributable to the business activities conducted within the city, and no minimum license fee or tax shall be imposed upon any business location, nor shall such license fee or tax be measured by the number of business locations or machines of the taxpayer within the city.

Any license to conduct a business issued by a city in connection with which the city imposes a license fee or tax upon coin-operated vending machines dispensing tangible personal property within the city, may be revoked for failure of the licensee to report to the city the gross receipts from such machines. The city may demand an audit of any such licensee and require him to submit a copy of the state sales and use tax returns filed relative to such machines.

The provisions of this section shall not apply to a chartered city or chartered city and county.

## CHAPTER 1577

*An act to amend Section 2611.5 of the Revenue and Taxation Code, relating to property taxation.*

[Approved by Governor November 18, 1971. Filed with Secretary of State November 18, 1971.]

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

SECTION 1. Section 2611.5 of the Revenue and Taxation Code is amended to read:

2611.5. (a) Each county tax bill shall itemize either the tax rates or the dollar amounts of taxes levied on the property covered by the bill for county, city, and education purposes. The tax rates or the dollar amounts of taxes levied on the property for other purposes shall be itemized.

(b) In lieu of itemizing on the county tax bill the information required by subdivision (a) of this section, a separate statement itemizing the tax rates or the dollar amounts of taxes levied by each taxing agency on the property covered by the tax bill shall accompany the tax bill.

SEC. 2. The provisions of this act shall apply with respect to taxes and assessments levied for the 1972–1973 fiscal year and fiscal years thereafter; provided, however, that Section 1 of this act shall be inoperative in the event that Assembly Bill No. 1215 of the 1971 Regular Session is enacted into law and repeals and adds Section 2611.5 of the Revenue and Taxation Code.

---

## CHAPTER 1578

*An act to amend Section 101 of, and to add Chapter 20.3 (commencing with Section 9880) to Division 3 of, the Business and Professions Code, and to amend Sections 2501, 2502, 2503, 27158 and 27158.5 of, and to repeal Section 11713.1 of, and to repeal Article 3 (commencing with Section 2520) of Chapter 2.5 of Division 2 of, and Chapter 8 (commencing with Section 12300) of Division 5 of, the Vehicle Code, relating to automotive repairs, and making an appropriation therefor.*

[Approved by Governor November 22, 1971.]
[Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of:

(a) The Board of Dental Examiners of California.

(b) The Board of Medical Examiners of the State of California.

(c) The State Board of Optometry.
(d) The California State Board of Pharmacy.
(e) The Board of Examiners in Veterinary Medicine.
(f) The State Board of Accountancy.
(g) The California State Board of Architectural Examiners.
(h) The State Board of Barber Examiners.
(i) The State Board of Registration for Civil and Professional Engineers.
(j) The Contractors' State License Board.
(k) The State Board of Cosmetology.
(*l*) The State Board of Funeral Directors and Embalmers.
(m) The Structural Pest Control Board.
(n) The Bureau of Furniture and Bedding Inspection.
(o) The California Board of Nursing Education and Nurse Registration.
(p) The State Board of Dry Cleaners.
(q) The Board of Chiropractic Examiners.
(r) The Board of Social Work Examiners of the State of California.
(s) The State Athletic Commission.
(t) The Cemetery Board.
(u) The State Board of Guide Dogs for the Blind.
(v) The Bureau of Private Investigators and Adjusters.
(w) The Certified Shorthand Reporters Board.
(x) The Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.
(y) The California State Board of Landscape Architects
(z) The Collection Agency Licensing Bureau.
(aa) The Bureau of Electronic Repair Dealer Registration.
(ab) The Bureau of Employment Agencies.
(ac) The Board of Osteopathic Examiners.
(ad) The Bureau of Automotive Repair.
(ae) Any other boards, offices, or officers subject to its jurisdiction by law.

SEC. 1.5. Chapter 20.3 (commencing with Section 9880) is added to Division 3 of the Business and Professions Code, to read:

## CHAPTER 20.3. AUTOMOTIVE REPAIR

### Article 1. General Provisions

9880. This chapter constitutes the chapter on automotive repair dealers. It may be cited as the Automotive Repair Act.

9880.1. The following terms as used in this chapter have the meaning expressed in this section.

(a) "Automotive repair dealer" means a person who, for compensation, engages in the business of repairing or diagnosing malfunctions of motor vehicles.

(b) "Board" means the Advisory Board, Bureau of Automotive Repair.

(c) "Chief" means the Chief of the Bureau of Automotive Repair.

(d) "Bureau" means the Bureau of Automotive Repair.

(e) "Motor vehicle" means a passenger vehicle required to be registered with the Department of Motor Vehicles and all motorcycles whether or not required to be registered by the Department of Motor Vehicles.

(f) "Repair of motor vehicles" means all maintenance of and repairs to motor vehicles performed by an automotive repair dealer, but excluding repairing tires, changing tires, lubricating vehicles, installing light bulbs, batteries, windshield wiper blades, and other minor accessories, cleaning, adjusting, and replacing spark plugs, replacing fan belts, oil, and air filters, and other minor services, which the director, by regulation, determines are customarily performed by gasoline service stations.

No service shall be designated as minor, for purposes of this section, if the director finds that performance of the service requires mechanical expertise, has given rise to a high incidence of fraud or deceptive practices, or involves a part of the vehicle essential to its safe operation.

(g) "Person" includes firm, partnership association, or corporation.

(h) A "mechanic" is an employee of an automotive repair dealer or is such dealer, if the employer or dealer repairs motor vehicles and who for salary or wage performs maintenance, repair, removal, or installation of any integral component parts of an engine, driveline, chassis or body of any vehicle, but excluding repairing tires, changing tires, lubricating vehicles, installing light bulbs, batteries, windshield wiper blades, and other minor accessories; cleaning, replacing fan belts, oil and air filters; and other minor services which the director, by regulation, determines are customarily performed by a gasoline service station.

(i) "Director" means the Director of Consumer Affairs.

9880.2. The following persons are exempt from the requirement of registration:

(a) Any employee of an automotive repair dealer if the employee repairs motor vehicles only as an employee.

(b) Any person who solely engages in the business of repairing the motor vehicles of a single commercial, industrial, or governmental establishment, or two or more establishments related by common ownership or corporate affiliation.

## Article 2. Administration

9882. There is in the Department of Consumer Affairs a Bureau of Automotive Repair under the supervision and control of the director. The duty of enforcing and administering this chapter is vested in the chief and he is responsible to the director therefor. The director may adopt and enforce such rules and regulations as he determines are reasonably necessary

to carry out the purposes of this chapter and declaring the policy of the bureau. Such rules and regulations shall be adopted pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

9882.1. The director in accordance with the State Civil Service Act, Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code, may appoint and fix the compensation of such clerical, inspection, investigation, and auditing personnel, as well as an assistant chief, as may be necessary to carry out the provisions of this chapter except as otherwise provided by Section 159.5. All such personnel shall perform their respective duties under the supervision and the direction of the chief.

9882.2. The Governor shall appoint, subject to confirmation by the Senate, a chief of the bureau at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director and at the pleasure of the Governor.

Before a chief is appointed, the Governor shall give due consideration to any person or persons recommended by the board.

9882.3. Every power granted to or duty imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy or assistant director or by the chief, subject to such conditions and limitations as the director may prescribe.

9882.4. The director shall keep a complete record of all registered automotive repair dealers showing the names and addresses of all such dealers. A copy of the roster shall be made available to any person requesting it upon the payment of such sum as shall be established by the chief as sufficient to cover the costs thereof. The bureau shall send to registered automotive repair dealers, at least twice a year, a newsletter which may describe recently adopted regulations, proposed regulations, disciplinary hearings, and any other information that the director shall determine will assist the bureau in its enforcement program.

9882.5. The director shall on his own initiative or in response to complaints, investigate on a continuous basis and gather evidence of violations of this chapter and of any regulation adopted pursuant to this chapter, by any automotive repair dealer or mechanic, whether registered or not, and by any employee, partner, officer, or member of any automotive repair dealer. The director shall establish procedures for accepting complaints from the public against any dealer or mechanic. The director may suggest measures that, in the director's judgment, would compensate for any damages suffered as a result of an alleged violation. If the dealer accepts the suggestions and performs accordingly, such fact shall be given due consideration in any subsequent disciplinary proceeding.

9882.6. There is in the bureau a board which consists of nine members. The members shall be appointed by the Governor, subject to confirmation by the Senate. Of the nine members appointed by the Governor, five shall be selected from the public and four members shall be selected from the automotive repair industry. Each member of the board shall be a United States citizen, a resident of California, and of good moral character. All nonpublic members shall have had at least five years of experience in the industry, and whenever possible shall have been licensed under this act for a period of at least five years.

9882.7. The first members of the board shall be appointed within 90 days after the effective date of this chapter.

9882.8. Each member of the board 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 of the board first appointed shall expire as follows: three members June 1, 1973; three members June 1, 1974; three members June 1, 1975. The terms shall thereafter expire in the same relative order. Vacancies occurring shall be filled by appointment to the unexpired term.

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

9882.9. The board shall meet at least twice a year. Additional meetings may be held with the approval of the director upon the call of the chairman or at written request of any three members of the board.

All regular and special meetings of the board shall be preceded by 30 days' notice to the public. Such meetings shall be held in places readily accessible to the public and, whenever possible, in public buildings. The director or his deputy shall have the right to attend any meeting of the board.

The board shall elect from its membership, each for a term of one year, a chairman and a vice chairman. Elections shall occur annually between June 15 and September 15.

The chairman may appoint such committees as he deems necessary to carry out the board's duties.

9882.10. Each member of the board shall receive a per diem and expenses as provided in Section 103.

9882.11. The quorum required for any meeting of the board shall consist of four members, two of whom shall represent the automotive repair industry and two of whom shall represent the public. No action by the board shall have any effect unless a quorum of the board is present.

9882.12. The chief shall serve ex officio as secretary of the board but shall not be a member of the board.

9882.13. The board shall do all of the following:

(a) Inquire into the practice and policies of the automotive repair industry and the functions and policies of the bureau, and make such recommendations with respect to such policies,

practices, and functions as may be deemed important and necessary by the board for the welfare of the consuming public and the automotive repair industry.

(b) Confer and advise with the director and chiefs as to how the bureau may best fulfill its functions.

(c) Consider and make appropriate recommendations as to changes in, additions to, or deletions from regulations which the director has adopted as, after consideration, may be deemed important and necessary by the board.

(d) Consider and make appropriate recommendations in all matters submitted to it by the director or the chief.

(e) Assist the director and the chief in the collection of such necessary information and data as the director or the chief may deem necessary to the proper administration of this chapter.

Article 3. Registration Procedure

9884. Every automotive repair dealer shall pay the fee required by this chapter for each place of business operated by him in this state and shall register with the director upon forms prescribed by the director. The forms shall contain sufficient information to identify the automotive repair dealer, including name, address, retail seller's permit number, if a permit is required under the Sales and Use Tax Law, Part 1 (commencing with Section 6001), Division 2, of the Revenue and Taxation Code, and other identifying data which is prescribed by the director. If the business is to be carried on under a fictitious name, such fictitious name shall be stated. If the automotive repair dealer is a partnership, identifying data which is prescribed by the director shall be stated for each partner. If the automotive repair dealer is a corporation, data shall be included for each of the officers and directors of the corporation as well as for the individual in charge of each place of the automotive repair dealer's business in this state.

9884.1. Any business maintaining more than one automobile repair facility shall be permitted to file a single application annually, which along with the other information required by this article, clearly indicates the location of and the individual in charge of each facility. In such case, fees shall be paid for each location.

9884.2 Upon receipt of the form properly filled out and receipt of the required fee, the director shall validate the registration and send a proof of such validation to the automotive repair dealer. The director shall by regulation prescribe conditions, which he determines are necessary to insure future compliance with this chapter, upon which a person, whose registration has previously been invalidated or has previously been refused validation or who has committed acts prohibited by Section 9884.7 while an automotive repair dealer or mechanic or while an employee, partner, officer or member of an automotive repair dealer, may have his registration validated.

9884.3. Every registration shall cease to be valid on June 30 of each year unless the automotive repair dealer has paid the renewal fee required by this chapter.

9884.4. A registration shall cease to be valid when the director finds that any of the information provided by the form specified in Section 9884, which the director by regulation deems material, ceases to be current.

9884.6. On or after June 30, 1972, it shall be unlawful for any person to be an automotive repair dealer unless such person has registered in accordance with the provisions of this chapter and unless such registration is currently valid.

9884.7. (1) The director, where the automotive repair dealer cannot show there was a bona fide error, may refuse to validate, or may invalidate temporarily or permanently, the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any mechanic, employee, partner, officer, or member of the automotive repair dealer.

(a) Making or authorizing in any manner or by any means whatever any statement written or oral 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.

(b) Causing or allowing a customer to sign any work order which does not state the repairs requested by the customer or the automobile's odometer reading at the time of repair.

(c) Failing or refusing to give to a customer a copy of any document requiring his signature, as soon as the customer signs such document.

(d) Any other conduct which constitutes fraud.

(e) Conduct constituting gross negligence.

(f) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.

(g) Any willful departure from or disregard of accepted trade standards for good and workmanlike repair in any material respect, which is prejudicial to another without consent of the owner or his duly authorized representative.

(h) Making false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service or maintenance of automobiles.

(i) Having repair work done by someone other than the dealer or his employees without the knowledge or consent of the customer unless the dealer can demonstrate that the customer could not reasonably have been notified.

Upon refusal to validate a registration, the director shall notify the applicant thereof, in writing, by personal service or mail addressed to the address of the applicant set forth in the application, and the applicant shall be given a hearing under Section 9884.12 if, within 60 days thereafter, he files with the bureau a written request for hearing, otherwise the refusal is deemed affirmed.

(2) Except as provided for in subdivision (3), where an automotive repair dealer operates more than one place of business in this state, the director pursuant to subdivision (1) shall only refuse to validate, or shall only invalidate temporarily or permanently the registration of the specific place of business which has violated any of the provisions of this chapter. Such violation, or such action by the director, shall not affect in any manner the right of such automotive repair dealer to operate his other places of business.

(3) Notwithstanding the provisions of subdivision (2), the director may refuse to validate, or may invalidate temporarily or permanently, the registration for all places of business operated in this state by an automotive repair dealer upon a finding that such automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

9884.8. All work done by an automotive repair dealer, including all warranty work, shall be recorded on an invoice and shall describe all service work done and parts supplied. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt or reconditioned parts, such invoice shall clearly state that fact. One copy shall be given to the customer and one copy shall be retained by the automotive repair dealer.

9884.9. The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job and shall not charge for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer which shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. Nothing in this section shall be construed as requiring an automotive repair dealer to give a written estimated price if the dealer does not agree to perform the requested repair.

9884.10. Upon request of the customer at the time the work order is taken, the automotive repair dealer shall return replaced parts to the customer at the time of the completion of the work excepting such parts as may be exempt because of size, weight, or other similar factors from this requirement by regulations of the department and excepting such parts as the automotive repair dealer is required to return to the manufacturer or distributor under a warranty arrangement. If such parts must be returned to the manufacturer or distributor, the dealer at the time the work order is taken shall offer to show, and upon acceptance of such offer or request shall show, such parts to the customer upon completion of the work, except that the dealer shall not be required to show a replaced part when no charge is being made for the replacement part.

9884.11. Each automotive repair dealer shall maintain such records as are required by regulations adopted to carry out

the provisions of this chapter. Such records shall be open for reasonable inspection by the chief or other law enforcement officials. All such records shall be maintained for at least two years.

9884.12. All proceedings to refuse to validate, or temporarily or permanently to invalidate, a registration shall be conducted pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

9884.13. The expiration of a valid registration shall not deprive the director or chief of jurisdiction to proceed with any investigation or disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a registration temporarily or permanently.

9884.14. The superior court in and for the county wherein any person carries on, or attempts to carry on, business as an automotive repair dealer or as a mechanic in violation of the provisions of this chapter, or any regulation made pursuant to this chapter, shall, on application of the director or the chief, issue an injunction or other appropriate order restraining such conduct. This section shall be cumulative to and shall not prohibit the enforcement of any other law.

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, and the director or chief shall not be required to allege facts necessary to show or tending to show lack of an adequate remedy at law or irreparable injury.

9884.15. The director may file charges with the district attorney or city attorney against any automotive repair dealer who violates the provisions of this chapter or any regulation made pursuant to this chapter.

9884.16. No person required to have a valid registration under the provisions of this chapter shall have the benefit of any lien for labor or materials or the right to sue on a contract for motor vehicle repairs done by him unless he has such a valid registration.

9884.17. The bureau shall design and approve of a sign which shall be placed in all automobile repair dealer locations in a place and manner conspicuous to the public. Such sign shall give notice that inquiries concerning service may be made to the bureau and shall contain the telephone number of the bureau. Such sign shall also give notice that the customer is entitled to a return of replaced parts upon his request therefor at the time the work order is taken.

9884.18. Nothing in the provisions of this chapter shall prohibit the bringing of a civil action against an automotive repair dealer by an individual.

9884.19. The bureau may adopt, amend or repeal in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code such regulations as may be reasonably necessary to carry out the provisions of this chapter in the protection of the

public from fraudulent or misleading advertising by an automotive repair dealer, including formulation of definitions, to the extent feasible, of the terms "fraud," "guarantee," and words of like import, and of "negligence," and guidelines for the suspension and revocation of licenses. The bureau shall distribute to each registered repair dealer copies of this chapter and of the regulations adopted pursuant to this chapter.

## Article 4. Revenue

9886. All fees and revenues collected pursuant to this chapter shall be paid into the State Treasury to the credit of the Automotive Repair Fund, which fund is hereby created.

9886.1. The director shall report to the State Controller at the beginning of each month, for the month preceding, the amount and source of all fees and revenues received by the bureau pursuant to this chapter, and at that time shall pay the entire amount of such fees and revenues into the State Treasury for credit to the Automotive Repair Fund.

9886.2. The money in the Automotive Repair Fund necessary for the administration of this chapter is hereby continuously appropriated for such purposes.

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

(a) The automotive repair dealer registration fee is not less than twenty-five dollars ($25), nor more than fifty dollars ($50), for each place of business in this state.

(b) The annual renewal fee for an automotive repair dealer registration shall not be more than fifty dollars ($50) for each place of business in this state, if renewed prior to its expiration date.

(c) The renewal fee for a registration that is not renewed prior to its expiration date shall be 1½ times the renewal fee required for a registration renewal prior to its expiration date.

9886.4. All salaries, expenses, or costs incurred or sustained pursuant to this chapter shall be payable only out of the Automotive Repair Fund.

## Article 5. Licenses

9887.1. The director shall have the authority to issue licenses for official lamp and brake adjusting stations, and official motor vehicle pollution control device installation and inspection stations, and shall license lamp and brake adjusters and motor vehicle pollution control device installers. Such licenses shall be issued in accordance with the provisions of this chapter and regulations adopted by the director pursuant thereto. The director 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 director 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.

9887.2. Each application for a new or renewal license, except an adjuster's or installer's license, shall be accompanied by a fee of ten dollars ($10) for a new license or five dollars ($5) for a renewal license. The application shall be made upon a form furnished by the director. It shall contain such information concerning the applicant's background and experience as the director may prescribe, in addition to other information required by law.

9887.3. (a) Licenses issued by the director shall not be transferable.

(b) In the event of a change of name, not involving a change of ownership, or of a change of address of the licensee, the license shall be returned to the director for cancellation, and a new license application form shall be submitted. The director shall cancel the returned license and issue a new license for the unexpired term without fee.

(c) If the owner of a licensed station desires to vacate the license in favor of another license permitting a greater or lesser scope of activity, the license to be vacated shall be returned to the director for cancellation and an application shall be submitted for the new license accompanied by the ten-dollar ($10) new license fee.

(d) In the event of loss, destruction, or mutilation of a license issued by the director, the person to whom it was issued may obtain a duplicate upon furnishing satisfactory proof of such fact and paying a fee of two dollars ($2). Any person who loses a license issued by the director and who, after obtaining a duplicate, finds the original license shall immediately surrender the original license to the director.

9887.4. It is unlawful to violate any regulation adopted by the director pursuant to Articles 5, 6, and 7 of this chapter.

Article 6. Lamp and Brake Adjusting Stations and Motor Vehicle Pollution Control Device Installation and Inspection Stations

9888.1. As used in this chapter:

(a) "Station" means a lamp adjusting station, a brake adjusting station, or a motor vehicle pollution control device installation and inspection station.

(b) "Licensed station" means a station licensed by the bureau pursuant to this chapter.

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

(d) "Licensed adjuster" means a person licensed by the bureau for adjusting lamps in licensed lamp adjusting stations or for adjusting brakes in licensed brake adjusting stations.

9888.2. The director shall adopt regulations which prescribe the qualifications of any station as a condition to licensing the station as an official station for adjusting lamps or brakes and for installing, repairing, inspecting, or recharging motor vehicle pollution control devices and shall prescribe the qualifications of adjusters and installers employed therein.

9888.3. No person shall operate a motor vehicle pollution control device installation and inspection station or an "official" lamp or brake adjusting station unless a license therefor has been issued by the director. No person shall issue, cause or permit to be issued, any certificate purported to be an official lamp adjustment certificate unless he is a licensed lamp adjuster, an official brake adjustment certificate unless he is a licensed brake adjuster, or a certificate of compliance unless he is a licensed motor vehicle pollution control device installer.

9888.4. An owner of a fleet of three or more vehicles who is not an interstate carrier may be licensed by the director as a licensed station, provided such owner complies with the regulations of the bureau. Such fleet owner stations shall not certify the adjustment of lamps or brakes nor the installation, inspection, repair, or service of motor vehicle pollution control devices or systems except on vehicles which constitute such fleet.

### Article 7. Denial, Suspension and Revocation

9889.1. Any license issued pursuant to Articles 5 and 6, may be suspended or revoked by the director. The director may refuse to issue a license to any applicant for the reasons set forth in Section 9889.2. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

9889.2. The director may deny a license if the applicant or any partner, officer, or director thereof:

(a) Fails to meet the qualifications established by the bureau pursuant to Articles 5 and 6 of this chapter for the issuance of the license applied for.

(b) Was previously the holder of a license issued under this chapter which license has been revoked and never reissued or which license was suspended and the terms of the suspension have not been fulfilled.

(c) Has committed any act which, if committed by any licensee, would be grounds for the suspension or revocation of a license issued pursuant to this chapter.

(d) Has committed any act involving dishonesty, fraud, or deceit whereby another is injured or whereby the applicant has benefited.

(e) Has acted in the capacity of a licensed person or firm under this chapter without having a license therefor.

(f) Has entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony, or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation or information.

9889.3. The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee or any partner, officer, or director thereof:

(a) Violates any section of the Business and Professions Code which relates to his licensed activities.

(b) Is convicted of any felony.

(c) Is convicted of any misdemeanor involving moral turpitude.

(d) Violates any of the regulations promulgated by the director pursuant to this chapter.

(e) Commits any act involving dishonesty, fraud, or deceit whereby another is injured or any act involving moral turpitude.

(f) Has misrepresented a material fact in obtaining a license.

(g) Aids or abets an unlicensed person to evade the provisions of this chapter.

(h) Fails to make and keep records showing his transactions as a licensee, or fails to have such records available for inspection by the director or his duly authorized representative for a period of not less than three years after completion of any transaction to which the records refer, or refuses to comply with a written request of the director to make such record available for inspection.

(i) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he is licensed.

9889.4. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The director may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespec-

tive of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

9889.5. The director may take disciplinary action against any licensee after a hearing as provided in this article by any of the following:

(a) Imposing probation upon terms and conditions to be set forth by the director.

(b) Suspending the license.

(c) Revoking the license.

9889.6. Upon the effective date of any order of suspension or revocation of any license governed by this chapter, the licensee shall surrender the license to the director.

9889.7. The expiration or suspension of a license by operation of law or by order or decision of the director or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the director of jurisdiction to proceed with any investigation of or action or disciplinary proceedings against such licensee, or to render a decision suspending or revoking such license.

9889.8. All accusations against licensees shall be filed within three years after the act or omission alleged as the ground for disciplinary action, except that with respect to an accusation alleging a violation of subdivision (f) of Section 9889.3, the accusation may be filed within two years after the discovery by the bureau of the alleged facts constituting the fraud or misrepresentation prohibited by such section.

9889.9. When any license has been revoked or suspended following a hearing under the provisions of this article, any additional license issued under Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the director.

9889.10. After suspension of the license upon any of the grounds set forth in this article, the director may reinstate the license upon proof of compliance by the applicant with all provisions of the decision as to reinstatement. After revocation of a license upon any of the grounds set forth in this article, the license shall not be reinstated or reissued within a period of one year after the effective date of revocation.

### Article 8. Lamp and Brake Adjustment Certificates and Certificates of Compliance

9889.15. As used in this article:

(a) "Motor vehicle pollution control device" and "certified device" shall be construed as defined in Sections 39093 and 39094 of the Health and Safety Code.

(b) "Station," "licensed station," "licensed installer," and "licensed adjuster" shall be construed as defined in Article 5 (commencing with Section 9887.1) of this chapter.

9889.16. Whenever a licensed adjuster in a licensed station upon an inspection or after an adjustment, made in conformity with the instructions of the bureau, determines that the lamps or the brakes upon any vehicle conform with the requirements of the Vehicle Code, he shall, when requested by the owner or driver of the vehicle, issue a certificate of adjustment on a form prescribed by the director, which certificate shall contain the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official license of the station.

9889.17. Any person may install a motor vehicle pollution control device; however, no person who is not a licensed installer shall install such a device for compensation. No such device shall be deemed to meet the requirements of the Vehicle Code or of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code and the rules and regulations of the State Air Resources Board unless it has been inspected by a licensed installer in a licensed station and a certificate of compliance has been issued by such licensed station.

9889.18. Whenever a licensed installer in a licensed station, in conformity with the instructions of the director inspects or repairs a motor vehicle for pollution control, or installs a motor vehicle pollution control device, and determines that the vehicle conforms with the requirements of Section 27157 or 27157.5 of the Vehicle Code or Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, and the rules and regulations of the State Air Resources Board, a certificate of compliance shall be issued to the owner or driver of the vehicle. The certificate of compliance shall contain provisions for the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official designation of the station. It is unlawful for any person, other than a licensed installer in a licensed station, to sign or issue a certificate of compliance required by this article.

9889.19. The director may charge a fee for lamp and brake adjustment certificates and certificates of compliance furnished to licensed stations. The fee charged shall be established by regulation and shall not produce a total estimated revenue which, together with license fees charged pursuant to Sections 9887.2 and 9887.3, is in excess of the estimated total cost to the bureau of the administration of the statutes relating to lamp and brake adjusting stations and motor vehicle pollution control device installation and inspection stations.

## Article 9. Penalties

9889.20. Except as otherwise provided in Section 9889.21, any person who fails to comply in any respect with the provisions of this chapter is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars ($1,000), or

by imprisonment not exceeding six months, or by both such fine and imprisonment.

9889.21. Any person who violates any provision of Articles 5, 6, and 7 of this chapter is guilty of an infraction and punishable as specified in subdivision (a) of Section 42001 of the Vehicle Code.

SEC. 2. 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, fleet owner licensed stations, and for the transportation of explosives. Such licenses shall be issued in accordance with the provisions of this chapter and regulations adopted by the commissioner pursuant thereto. All licenses issued by the commissioner shall expire one year from the date of issue. 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. 3. Section 2502 of the Vehicle Code is amended to read:

2502. Each application for a new or renewal license shall be accompanied by a fee of ten dollars ($10) for a new license or five dollars ($5) for a renewal license. The application shall be made upon a form furnished by the commissioner. It shall contain such information concerning the applicant's background and experience as the commissioner may prescribe, in addition to other information required by law.

SEC. 4. Section 2503 of the Vehicle Code is amended to read:

2503. (a) Licenses issued by the commissioner shall not be transferable.

(b) In the event of a change of name, not involving a change of ownership, or of a change of address of the licensee, the license shall be returned to the commissioner for cancellation, and a new license application form shall be submitted. The commissioner shall cancel the returned license and issue a new license for the unexpired term without fee.

(c) In the event of loss, destruction, or mutilation of a license issued by the commissioner, the person to whom it was issued may obtain a duplicate upon furnishing satisfactory proof of such fact and paying a fee of two dollars ($2). Any person who loses a license issued by the commissioner and who, after obtaining a duplicate, finds the original license shall immediately surrender the original license to the commissioner.

SEC. 5. Article 3 (commencing with Section 2520) of Chapter 2.5 of Division 2 of the Vehicle Code is repealed.

SEC. 6. Section 11713.1 of the Vehicle Code is repealed.

SEC. 7. Chapter 8 (commencing with Section 12300) of Division 5 of the Vehicle Code is repealed.

SEC. 8. Section 27158 of the Vehicle Code is amended to read:

27158. After notice by a traffic officer that a vehicle does not comply with any regulation adopted pursuant to Section 27157, no person shall operate, and no owner shall permit the operation of, such vehicle for more than 30 days thereafter unless a certificate of compliance has been issued for such vehicle in accordance with the provisions of Section 9889.18 of the Business and Professions Code. A certificate of compliance issued for such vehicle shall, for a period of one year from date of issue, constitute proof of compliance with any regulations adopted pursuant to Section 27157 provided that no required pollution control device has been disconnected, modified, or altered or has been adjusted by other than a licensed installer in a licensed motor vehicle pollution control device installation and inspection station subsequent to the issuance of the certificate of compliance. The provisions of this section shall apply to the United States and its agencies to the extent authorized by federal law.

SEC. 9. Section 27158.5 of the Vehicle Code, as added by Assembly Bill No. 936 of the 1971 Regular Session, is amended to read:

27158.5. After notice by a traffic officer that a motor vehicle does not comply with any standard adopted pursuant to Section 27157.5, no person shall operate, and no owner shall permit the operation of, such motor vehicle for more than 30 days thereafter unless a certificate of compliance has been issued for such vehicle in accordance with the provisions of Section 9889.18 of the Business and Professions Code. A certificate of compliance issued for such vehicle shall, for a period of one year from date of issue, constitute proof of compliance with the standards determined pursuant to Section 27157.5.

---

## CHAPTER 1579

*An act to add Chapter 5.6 (commencing with Section 8390) to Division 1 of Title 2 of the Government Code, relating to the California Council of Product Design and Marketing.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Chapter 5.6 (commencing with Section 8390) is added to Division 1 of Title 2 of the Government Code, to read:

## CHAPTER 5.6. CALIFORNIA COUNCIL OF PRODUCT DESIGN AND MARKETING

8390. The Legislature finds and declares:

(a) There are pressures on employment opportunities in California brought about by rising population, increasing automation and active competition of other production centers.

(b) It is becoming increasingly difficult for California enterprisers to maintain themselves in non-California markets.

(c) It is becoming more difficult for California enterprisers to maintain themselves in their natural California markets.

(d) Employment opportunities are created by free and private California enterprisers responding to a demand for their products, not merely by non-California enterprisers establishing plants or outlets in this state.

(e) Free and private California enterprisers not only create employment opportunities but enable income to be retained in California.

(f) California enterprisers have been unusually aware of the value of excellence in design as a means of creating markets for their goods.

(g) Users of California products, natural, processed and manufactured, are entitled to the best in design and should be encouraged to demand it.

(h) The world demand for California products will be increased by the unique and excellent qualities of California design.

(i) The increased demand for California products through the promulgation of excellence in design will result in increased employment opportunities.

(j) The State of California, therefore, recognizes an obligation to present the needs for excellence in design to California enterprisers; and to encourage domestic and world demand for California-designed and California-made products.

(k) Such obligation should be carried out by educating California enterprisers to the value of excellence in design, by encouraging the adoption by them of programs of excellence in design, by informing domestic and world markets of the availability of well-designed products of California enterprisers, by the promotion of California-made products in those markets, and by cooperating with governmental, commercial, industrial, educational, philanthropic and cultural organizations which are also concerned with the matters contained in this chapter.

(*l*) Such activities will attract users of well-designed products to the California market, will increase California production, will create additional employment opportunities, will increase the number of visitors to California, will maintain the place of this state in the world's markets in the forefront of all the states in the nation, and will implement policy declared by this Legislature in establishing the World Trade Division and the California Industry and World Trade Commission in the

Department of Commerce to foster and develop domestic and international trade for the benefit of the entire state.

8391. There is in the Department of Commerce, a California Council of Product Design and Marketing, which is referred to in this chapter as the "Council."

8392. The council consists of 15 members appointed by the Governor with the consent of the Senate. The members of the council shall be broadly representative of all parts of the economy of the state in which design forms an important element and they shall be appointed from among private citizens who are widely known for their professional competence and experience in connection with matters of applied design, or with the promotion and marketing of California products or both. In making these appointments due consideration shall be given to the recommendations made by representatives of design, architectural, marketing, educational, and related professional and trade associations and groups concerned with or engaged in the production and marketing of California-designed and California-made products.

8393. (a) Five members of the council shall be appointed to serve until July 1, 1972; five members shall be appointed to serve until July 1, 1973; and five members shall be appointed to serve until July 1, 1974. Thereafter all members shall hold office until the appointment of their successors. Any vacancies shall be immediately filled by the Governor for the unexpired portion of the term in which they occur. No member of the council shall be eligible for reappointment during a one-year period following the expiration of his term other than those members whose terms expire on July 1, 1972, or July 1, 1973.

(b) Each member of the council shall be reimbursed for all necessary expenses actually incurred in the performance of his duties.

(c) The council shall elect annually from its members a chairman and vice chairman.

8394. All meetings of the council shall be open and public and all persons shall be permitted to attend any meeting of the institute.

8395. The council shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter including, but not limited to, the following:

(a) To identify the ways in which California products may be increasingly and vigorously marketed through excellence in design and manufacture.

(b) To establish California applied design centers to exhibit products which are designed and made in California which have been selected by the council for their excellence of design. In deciding the excellence of design of products the council shall consider among other elements their functional efficiency, quality of workmanship, appropriate use of materials and attractiveness of appearance. Such centers shall maintain and distribute comprehensive information about the products designed and made in California. Pilot programs may be under-

taken in exhibiting and promoting California fashions and other products. Appropriate fees may be adopted by the council and charged by the centers for the services which they render, but they may not be at a rate which discourages use of the facilities of the centers.

(c) To establish conditions and make awards for design excellence.

(d) To publish and distribute materials related to design excellence.

(e) To display or cause to be displayed California-designed products in California and non-California markets, in public or private exhibitions, including fairs, fairgrounds, museums, exhibition buildings, retail stores, and other distributive facilities in cooperation and conjunction with, whenever possible, the Division of World Trade.

(f) To acquaint California residents with the possibility of careers in design and marketing.

(g) To encourage institutions of learning to adopt and expand their curricula in design and marketing, and to encourage them to include the appreciation of design in courses of instruction in various departments and divisions of these institutions.

(h) To appoint such advisory committees as it deems advisable and necessary to the carrying out of its powers and duties hereunder.

(i) To accept any federal funds granted by act of Congress or by executive order for all or any of the purposes of this chapter.

(j) To accept any gifts, donations, or bequests for all or any of the purposes of this chapter.

(k) To adopt such rules and regulations as are necessary to carry out the provisions of this chapter. Such rules and regulations shall be adopted in accordance with the provisions of Chapter 4.5 (commencing with Sec. 11371), of Part 1, Division 3, Title 2 of the Government Code.

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

(m) To fix, pursuant to law, the salaries of the personnel employed pursuant to this section.

(n) To hold hearings, make and sign any agreements and to do or perform any acts which may be necessary, desirable or proper to carry out the purposes of this chapter.

(o) To request and obtain from any department, division, board, bureau, commission, or other agency of the state such assistance and data as will enable it properly to carry out its powers and duties hereunder.

8396. The council shall submit a report to the Governor and to the Legislature not later than five calendar days following the commencement of each regular session of the Legislature concerning such studies it has made and such actions

it has taken during the previous calendar years, and recommending such legislation and other action as is necessary for the implementation of this chapter. The council shall submit a first report to the Governor and the Legislature at the 1972 Regular Session.

---

## CHAPTER 1580

*An act to amend Sections 2922 and 2924 of the Labor Code, relating to termination of employment.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 2922 of the Labor Code is amended to read:

2922. (a) An employment, having no specified term, may be terminated at the will of either party on notice to the other.

(b) No employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment for any one indebtedness. The wages of an individual whose employment has been so terminated shall continue until reinstatement if such termination is found to be in violation of this section; but such wages shall not continue for more than 30 days. The employee shall give notice to his employer of his intention to make such a wage claim within 30 days after being laid off or discharged and shall file a wage claim with the Labor Commissioner within 60 days of being laid off or discharged. The Labor Commissioner shall take assignment of wage claims under this section as provided for in Section 96. Employment for a specified term means an employment for a period greater than one month.

(c) Subdivision (b) shall not apply to a discharge resulting in the commencement of a criminal prosecution against the employer for a violation of Section 304 of the Consumer Credit Protection Act of 1968 (15 U.S.C. Sec. 1674).

SEC. 2. Section 2924 of the Labor Code is amended to read:

2924. (a) An employment for a specified term may be terminated at any time by the employer in case of any willful breach of duty by the employee in the course of his employment, or in case of his habitual neglect of his duty or continued incapacity to perform it.

(b) No employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment for any one indebtedness. The wages of an individual whose employment has been so terminated shall continue until reinstatement if such termination is found to be in violation of this section; but such wages shall not continue for more than 30 days. The employee shall give notice to his employer of his intention to make such a wage claim within 30 days after

being laid off or discharged and shall file a wage claim with the Labor Commissioner within 60 days of being laid off or discharged. The Labor Commissioner may take assignment of wage claims under this section as provided for in Section 96.

(c) Subdivision (b) shall not apply to a discharge resulting in the commencement of a criminal prosecution against the employer for a violation of Section 304 of the Consumer Credit Protection Act of 1968 (15 U.S.C. Sec. 1674).

---

## CHAPTER 1581

*An act to amend Section 647 of the Penal Code, to amend Sections 5170, 5171, and 5174 of, to add Sections 5170.3, 5170.5, 5170.7, 5172.1, and 5177 to, and to repeal Section 19855 of, the Welfare and Institutions Code, relating to disorderly conduct.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

*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 is 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 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, any drug, toluene, any substance defined as a poison in Schedule D of Section 4160 of the Business and Professions Code, or 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, any drug, toluene, any substance defined as a poison in Schedule D of Section 4160 of the Business and Professions Code, or 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.

(ff) When a person has violated subdivision (f) of this section, a peace officer, if he is reasonably able to do so, shall place the person, or cause him to be placed, in civil protective custody. Such person shall be taken to a facility, designated pursuant to Section 5170 of the Welfare and Institutions Code, for the 72-hour treatment and evaluation of inebriates. A peace officer may place a person in civil protective custody with that kind and degree of force which would be lawful were he effecting an arrest for a misdemeanor without a warrant. No person who has been placed in civil protective custody shall thereafter be subject to any criminal prosecution or juvenile court proceeding based on the facts giving rise to such placement. This subdivision shall not apply to the following persons:

(1) Any person who is under the influence of any drug, or under the combined influence of intoxicating liquor and any drug.

(2) Any person who a peace officer has probable cause to believe has committed any felony, or who has committed any misdemeanor in addition to subdivision (f) of this section.

(3) Any person who a peace officer in good faith believes will attempt escape or will be unreasonably difficult for medical personnel to control.

(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.

In any accusatory pleading charging a violation of subdivision (b) of this section, if the defendant has been once previously convicted of a violation of the subdivision, the previous conviction shall be charged in the accusatory pleading, and, if the previous conviction is found to be true by the jury, upon a jury trial, or by the court, upon a court trial, or is admitted by the defendant, the defendant shall be imprisoned in the county jail for a period of not less than 45 days and shall not be eligible for release upon completion of sentence, on parole,

or on any other basis until he has served a period of not less than 45 days in the county jail. In no such case shall the trial court grant probation or suspend the execution of sentence imposed upon the defendant.

In any accusatory pleading charging a violation of subdivision (b) of this section, if the defendant has been previously convicted two or more times of a violation of the subdivision, each such previous conviction shall be charged in the accusatory pleading, and, if two or more of such previous convictions are found to be true by the jury, upon a jury trial, or by the court, upon a court trial, or are admitted by the defendant, the defendant shall be imprisoned in the county jail for a period of not less than 90 days and shall not be eligible for release upon completion of sentence, on parole, or on any other basis until he has served a period of not less than 90 days in the county jail. In no such case shall the trial court grant probation or suspend the execution of sentence imposed upon the defendant.

SEC. 2. Section 5170 of the Welfare and Institutions Code is amended to read:

5170. When any person is a danger to others, or to himself, or gravely disabled as a result of inebriation, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, or other person designated by the county may, upon reasonable cause, take, or cause to be taken, the person into civil protective custody and place him in a facility designated by the county and approved by the State Department of Mental Hygiene as a facility for 72-hour treatment and evaluation of inebriates.

SEC. 3. Section 5170.3 is added to the Welfare and Institutions Code, to read:

5170.3. Such evaluation facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, member of the attending staff, or other designated person, and stating that the officer, member of the attending staff, or other designated person believes as a result of his personal observations that the person is, as a result of inebriation, a danger to others, or to himself, or gravely disabled or has violated subdivision (f) of Section 647 of the Penal Code.

SEC. 4. Section 5170.5 is added to the Welfare and Institutions Code, to read:

5170.5. Any person placed in an evaluation facility has, immediately after he is taken to an evaluation facility and except where physically impossible, no later than three hours after he is placed in such facility, the right to make, at his own expense, in the presence of a public officer or employee, at least two completed telephone calls.

SEC. 5. Section 5170.7 is added to the Welfare and Institutions Code, to read:

5170.7. A person who requests to be released from such facility before 72 hours have elapsed shall be released if the professional person in charge of the facility determines the person is not a danger to others, or to himself.

SEC. 6. Section 5171 of the Welfare and Institutions Code is amended to read:

5171. If the facility for 72-hour treatment and evaluation of inebriates admits the person, it may detain him for evaluation and detoxification treatment, and such other treatment as may be indicated, for a period not to exceed 72 hours. Saturdays, Sundays and holidays shall be included for the purpose of calculating the 72-hour period. However, a person may voluntarily remain in such facility for more than 72 hours if the professional person in charge of the facility determines the person is in need of and may benefit from further treatment and care, provided any person who is taken or caused to be taken to the facility shall have priority for available treatment and care over a person who has voluntarily remained in a facility for more than 72 hours.

If in the judgment of the professional person in charge of the facility providing evaluation and treatment, the person can be properly served without being detained, he shall be provided evaluation, detoxification treatment or other treatment, crisis intervention, or other inpatient or outpatient services on a voluntary basis.

SEC. 7. Section 5172.1 is added to the Welfare and Institutions Code, to read:

5172.1. Any person who is a danger to others, or to himself, or gravely disabled as a result of inebriation, may voluntarily apply for admission to a 72-hour evaluation and detoxification treatment facility for inebriates.

SEC. 8. Section 5174 of the Welfare and Institutions Code is amended to read:

5174. It is the intent of the Legislature (a) that facilities for 72-hour treatment and evaluation of inebriates be subject to state funding under Part 2 (commencing with Section 5600) of this division only if they primarily provide medical services and would normally be considered an integral part of a community health program; (b) that state reimbursement under Part 2 (commencing with Section 5600) for such 72-hour facilities and intensive treatment facilities under this article shall not be included as priority funding as are reimbursements for other county expenditures under this part for involuntary treatment services, but may be provided on the basis of new and expanded services if funds for new and expanded services are available; that while facilities receiving funds from other sources may, if eligible for funding under this division, be designated as 72-hour facilities or intensive

treatment facilities for the purposes of this article, funding of such facilities under this division shall not be substituted for such previous funding.

No 72-hour facility or intensive treatment facility for the purposes of this article shall be eligible for funding under Part 2 (commencing with Section 5600) of this division until approved by the Director of Mental Hygiene in accordance with standards established by the Department of Mental Hygiene in regulations adopted pursuant to this part. To the maximum extent possible, each county shall utilize services provided for inebriates and persons impaired by chronic alcoholism by federal and other funds presently used for such services, including federal and other funds made available to the State Department of Rehabilitation and the State Department of Social Welfare. McAteer funds shall not be utilized for the purposes of the 72-hour involuntary holding program as outlined in this chapter.

SEC. 9. Section 5177 is added to the Welfare and Institutions Code, to read:

5177. If a person is placed in a 72-hour evaluation and detoxification treatment facility for inebriates by a peace officer pursuant to Section 5170 or subdivision (ff) of Section 647 of the Penal Code, the peace officer shall report such admission to the Bureau of Criminal Identification and Investigation, which shall record such admission on such person's permanent cumulative record. The disposition report and the person's record shall describe the event as a "custodial placement for intoxication."

SEC. 10. Section 19855 of the Welfare and Institutions Code is repealed.

## CHAPTER 1582

*An act to amend Section 554 of the Education Code, relating to educational programs, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 554 of the Education Code is amended to read:

554. The Board of Governors of the State Nautical School on behalf of the State Nautical School, the governing board of a school district on behalf of any school or community college maintained by the district, and any county superintendent of schools is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to expend the funds provided by the act of Congress

known as the "National Defense Education Act of 1958" (P.L. 85-864; 72 Stat. 1580), by the act of Congress known as the "Economic Opportunity Act of 1964" (P.L. 88-452; 78 Stat. 508), by the act of Congress known as the "Elementary and Secondary Education Act of 1965" (P.L. 89-10; 79 Stat. 27), by the act of Congress known as the "Manpower Development and Training Act of 1962" (P.L. 87-414; 76 Stat. 23), including but not limited to the "JOBS program" (Job Opportunities in the Business Sector), by the act of Congress known as the "Education Professions Development Act of 1965" (P.L. 89-329; 79 Stats. 1254), by the act of Congress known as the "Demonstration Cities and Metropolitan Development Act of 1966" (P.L. 89-754; 80 Stat. 1259), by the act of Congress known as the "Omnibus Crime Control and Safe Streets Act of 1968" (P.L. 90-351; 82 Stat. 197), and by the act of Congress known as the "Emergency Employment Act of 1971" (P.L. 92-54), and by acts amending or supplementing those acts, and with all necessary power and authority to cooperate with, or enter into agreements with, the government of the United States, or any agency or agencies thereof, and with the State Board of Education and with other school districts and private or public nonprofit organizations for the purpose of receiving the benefits and expending the funds provided by said acts of Congress, in accordance with said acts, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the State Board of Education adopted in accordance with said acts of Congress. Participation may also include the expenditure by the governing board of the State Nautical School, by the governing board of any school district, or the county superintendent of schools of whatever funds may be required by the federal government as a condition to such participation.

Participation in the act of Congress known as the "Emergency Employment Act of 1971" (P.L. 92-54) may be undertaken notwithstanding the provisions of Section 13277 of this code.

SEC. 2.

554. The governing body of the California Maritime Academy on behalf of the California Maritime Academy, the governing board of a school district on behalf of any school or community college maintained by the district, and any county superintendent of schools is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to expend the funds provided by the act of Congress known as the "National Defense Education Act of 1958" (P.L. 85-864; 72 Stat. 1580), by the act of Congress known as the "Economic Opportunity Act of 1964" (P.L. 88-452; 78 Stat. 508), by the act of Congress known as the "Elementary and Secondary Education Act of 1965" (P.L. 89-10; 79 Stat. 27), by the act of Congress known as the "Manpower Development and Training Act of 1962" (P.L. 87-414; 76 Stat. 23), includ-

ing but not limited to the "JOBS program" (Job Opportunities in the Business Sector), by the act of Congress known as the "Education Professions Development Act of 1965" (P.L. 89-329; 79 Stats. 1254), by the act of Congress known as the "Demonstration Cities and Metropolitan Development Act of 1966" (P.L. 89-754; 80 Stat. 1259), by the act of Congress known as the "Omnibus Crime Control and Safe Streets Act of 1968" (P.L. 90-351; 82 Stat. 197), and by the act of Congress known as the "Emergency Employment Act of 1971" (P.L. 92-54), and by acts amending or supplementing those acts, and with all necessary power and authority to cooperate with, or enter into agreements with, the government of the United States, or any agency or agencies thereof, and with the State Board of Education and with other school districts and private or public nonprofit organizations for the purpose of receiving the benefits and expending the funds provided by said acts of Congress, in accordance with said acts, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the State Board of Education adopted in accordance with said acts of Congress. Participation may also include the expenditure by the governing body of the California Maritime Academy, by the governing board of any school district, or the county superintendent of schools of whatever funds may be required by the federal government as a condition to such participation.

Participation in the act of Congress known as the "Emergency Employment Act of 1971" (P.L. 92-54) may be undertaken notwithstanding the provisions of Section 13277 of this code.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 705 of 1971 Regular Session is enacted, and, in such case, at the same time as Assembly Bill No. 705 becomes operative, at which time 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:

One or more school districts and county superintendents would be eligible to participate in programs under the Emergency Employment Act of 1971 if authorization to enter into the necessary contractual relations is afforded. The programs under this federal act provide employment opportunities for certain unemployed and underemployed persons, and the authorization to participate in the programs would immeasurably support educational programs. In order that the programs contemplated under the Emergency Employment Act of 1971 can be undertaken at the earliest possible time, it is necessary that this act take immediate effect.

# CHAPTER 1583

*An act to add Sections 255.3 and 273 to the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 255.3 is added to the Revenue and Taxation Code, to read:

255.3. County assessors shall each year before the lien date mail a claim form for the homeowners' exemption to all homeowners who received the exemption in the prior year, except where the prior recipient has transferred title in the property since the prior lien date. A claim form shall also be sent to all persons acquiring title and who are owners of record to an eligible dwelling after the prior lien date and before January 1 of the succeeding year. The failure of a person to receive a claim form shall not, however, excuse the person from timely filing the required affidavit.

SEC. 1.5. Section 273 is added to the Revenue and Taxation Code, to read:

273. If a claimant for the homeowners' property tax exemption fails to file the required affidavit within the time specified in Section 255, but files such claim on or before the 15th day of June of such year, 80 percent of the homeowner's exemption may be granted by the board of supervisors if proof satisfactory to the board of supervisors establishes that the failure to timely file the required affidavit was due to reasonable cause and not due to willful neglect.

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 remove procedural laws at the earliest possible date and to provide a method whereby individuals who are otherwise eligible for the homeowners' property tax exemption except they have failed to timely file the required affidavit for reasons beyond their control may receive the exemption, thereby fulfilling the public policy of the state for the exemption of homes occupied by the owners thereof as expressed in Section 1d of Article XIII of the State Constitution, it is necessary that this act take immediate effect.

# CHAPTER 1584

*An act to add Sections 25314 and 25315 to the Education Code, to amend Section 4104 of, and to add Chapter 3 (commencing with Section 4200) to Division 5 of Title 1 of, and to add Sections 14354 and 14355 to, the Government Code, relating to contractors.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 4104 of the Government Code is amended to read:

4104. Any officer, department, board or commission taking bids for the construction of any public work or improvement shall provide in the specifications prepared for the work or improvement or in the general conditions under which bids will be received for the doing of the work incident to the public work or improvement that any person making a bid or offer to perform the work, shall, in his bid or offer, set forth:

(a) The name and the location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid.

(b) The portion of the work which will be done by each such subcontractor under this act. The prime contractor shall list only one subcontractor for each such portion as is defined by the prime contractor in his bid.

SEC. 2. Chapter 3 (commencing with Section 4200) is added to Division 5 of Title 1 of the Government Code, to read:

## CHAPTER 3. RELIEF OF BIDDERS

4200. (a) "Public entity" means the state, Regents of the University of California, a county, city and county, city, district, public authority, public agency, and any other political subdivision or public corporation in the state.

(b) "Bid" means any proposal submitted to a public entity in competitive bidding for the construction, alteration, repair, or improvement of any structure, building, road or other improvement of any kind.

4201. A bidder shall not be relieved of his bid unless by consent of the awarding authority nor shall any change be made in his bid because of mistake, but he may bring an action against the public entity in a court of competent jurisdiction

in the county in which the bids were opened for the recovery of the amount forfeited, without interest or costs.

The bond of an admitted surety insurer shall be filed with the complaint, in such sum as the court may fix, but not less than five hundred dollars ($500), conditioned that, if the plaintiff fails to recover judgment, he shall pay all costs incurred by the public entity in the suit, including a reasonable attorney's fee to be fixed by the court.

4202. The complaint shall be filed, and summons served on the director of the department or the chief of the division or other head of the public entity under which the work is to be performed or an appearance made, within 90 days after the opening of the bid; otherwise, the action shall be dismissed.

4203. The bidder shall establish to the satisfaction of the court that:

(a) A mistake was made.

(b) He gave the public entity written notice within five days after the opening of the bids of the mistake, specifying in the notice in detail how the mistake occurred.

(c) The mistake made the bid materially different than he intended it to be.

(d) The mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site of the work, or in reading the plans or specifications.

4204. Other than the notice to the public entity, no claim is required to be filed before bringing the action.

4205. A bidder who claims a mistake or who forfeits his bid security shall be prohibited from participating in further bidding on the project on which the mistake was claimed or security forfeited.

4206. If the public entity deems it is for its best interest, it may, on refusal or failure of the successful bidder to execute the contract, award it to the second lowest bidder.

If the second lowest bidder fails or refuses to execute the contract, the public entity may likewise award it to the third lowest bidder.

On the failure or refusal of the second or third lowest bidder to whom a contract is so awarded to execute it, his bidder's security shall be likewise forfeited.

4207. In all actions brought under the provisions of this chapter, all courts wherein such actions are or may hereafter be pending, shall give such actions preference over all other civil actions therein, in the matter of setting the same for hearing or trial, and in hearing the same, to the end that all such actions shall be quickly heard and determined.

4208. This chapter shall not apply to contracts awarded pursuant to Chapter 3 (commencing with Section 14250) of Part 5 of Division 3 of Title 2, nor to contracts awarded pursuant to Chapter 14 (commencing with Section 25200) of Division 18 of Part 4 of the Education Code.

SEC. 3. Section 14354 is added to the Government Code, to read:

14354. A bidder who claims a mistake or who forfeits his bid security shall be prohibited from participating in further bidding on the project on which the mistake was claimed or security forfeited.

SEC. 4. Section 14355 is added to the Government Code, to read:

14355. In all actions brought under the provisions of this article, all courts wherein such actions are or may hereafter be pending, shall give such actions preference over all other civil actions therein, in the matter of setting the same for hearing or trial, and in hearing the same, to the end that all such actions shall be quickly heard and determined.

SEC. 5. Section 25314 is added to the Education Code, to read:

25314. A bidder who claims a mistake or who forfeits his bid security shall be prohibited from participating in further bidding on the project on which the mistake was claimed or security forfeited.

SEC. 6. Section 25315 is added to the Education Code, to read:

25315. In all actions brought under the provisions of this article, all courts wherein such actions are or may hereafter be pending, shall give such actions preference over all other civil actions therein, in the matter of setting the same for hearing or trial, and in hearing the same, to the end that all such actions shall be quickly heard and determined.

---

## CHAPTER 1585

*An act to amend Section 987.16 of the Military and Veterans Code, relating to veterans' farm and home purchases.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 987.16 of the Military and Veterans Code is amended to read:

987.16. Any veteran for whom a home or farm is purchased under this article may be granted a subsequent opportunity to purchase another home or farm in any of the following cases:

(a) The home or farm has been taken by a public agency in condemnation proceedings brought by the agency or purchased by such agency in lieu of condemnation.

(b) The veteran is compelled to change the location of his employment and residence and sells the home or farm, pays

his purchase contract in full, moves into another home or farm within six months from the date of change in location, and pays into the purchase of the new home or farm the net equity received from the sale of the former home or farm.

(c) A sale of the home or farm is necessitated because of the health of the veteran or because of the health of a member of his immediate family and the purchase contract is paid in full, another home or farm is purchased within six months of the sale, and the net equity received from the sale of the former home or farm is applied toward the new purchase.

(d) The veteran has two or more eligibilities arising from two or more separate periods of service as described in Section 980 of this code, or the veteran and the veteran's spouse each qualify as a veteran as described in Section 980.

(e) A requirement to provide a home for one or more dependents other than the veteran's spouse existed at the time of the original purchase but no longer exists, and the size of the original home has become excessive to the current needs of the veteran or the veteran and the veteran's spouse, and such veteran sells the original home, pays the purchase contract in full, applies for a subsequent loan on a smaller home within six months from date of sale, and pays into the purchase of the new home the net equity received from the sale of the former home.

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

(f) The veteran is forced to sell his home or farm by inability to pay the property tax resulting from increased assessments, pays his purchase contract in full, moves into another home or farm within six months from the date of change in location, and pays into the purchase of the new home or farm the net equity received from the sale of the former home or farm. In this case the new loan will be limited to the amount still payable on the former loan.

SEC. 2. Section 987.16 of the Military and Veterans Code is amended to read:

987.16. Any veteran for whom a home or farm is purchased under this article may be granted a subsequent opportunity to purchase another home or farm in any of the following cases:

(a) The home or farm has been taken by a public agency in condemnation proceedings brought by the agency or purchased by such agency in lieu of condemnation.

(b) The veteran is compelled to change the location of his employment and residence and sells the home or farm, pays his purchase contract in full, moves into another home or farm within six months from the date of change in location, and pays into the purchase of the new home or farm the net equity received from the sale of the former home or farm.

(c) A sale of the home or farm is necessitated because of the health of the veteran or because of the health of a member of his immediate family and the purchase contract is paid in full, another home or farm is purchased within six months of the sale, and the net equity received from the sale of the former home or farm is applied toward the new purchase.

(d) The veteran has two or more eligibilities arising from two or more separate periods of service as described in Section 980 of this code, or the veteran and the veteran's spouse each qualify as a veteran as described in Section 980.

(e) A requirement to provide a home for one or more dependents other than the veteran's spouse existed at the time of the original purchase but no longer exists, and the size of the original home has become excessive to the current needs of the veteran or the veteran and the veteran's spouse, and such veteran sells the original home, pays the purchase contract in full, applies for a subsequent loan on a smaller home within six months from date of sale, and pays into the purchase of the new home the net equity received from the sale of the former home.

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

(f) The veteran is forced to sell his home or farm by inability to pay the property tax resulting from increased assessments, pays his purchase contract in full, moves into another home or farm within six months from the date of change in location, and pays into the purchase of the new home or farm the net equity received from the sale of the former home or farm. In this case the new loan will be limited to the amount still payable on the former loan.

(g) The obligation of the veteran or the veteran's spouse to provide housing for the veteran's dependents has increased from the time of the original purchase to a point where the size of the original home is not adequate to meet the current needs of the veteran or the veteran's spouse, and such veteran sells the original home, pays the purchase contract in full, applies for a subsequent loan on a larger home within six months from the date of sale, and pays into the purchase of the new home the net equity received from the sale of the former home.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 154 are both chaptered and amend Section 987.16 of the Military and Veterans Code, and this bill is chaptered after Senate Bill No. 154, that the amendments to Section 987.16 proposed by both bills be given effect and incorporated in Section 987.16 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 154 are both chaptered, both amend Section 987 16, and Senate Bill No. 154 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

# CHAPTER 1586

*An act to add Section 751.3 to the Code of Civil Procedure, relating to property.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 751.3 is added to the Code of Civil Procedure, to read:

751.3. (a) Whenever a mining rights lease, including a community lease, exists for the production of oil, gas, or other hydrocarbons, and a right of entry or occupation provided by the lease encumbers all or part of the surface or surface zone of the leasehold lands, any person who owns a fee interest in the surface of the leasehold lands may bring an action in the superior court to terminate the right of entry or occupation as to all or some described portion of the surface and surface zone of the leasehold lands in which such person owns an interest.

(b) The court may render a judgment or decree terminating such lessee's right of entry or occupation of the surface and surface zone, subject to such conditions as the court deems fair and equitable, if the evidence shows each of the following:

(1) The document which created the leasehold interest was originally executed more than 20 years prior to filing the action provided for in this section regardless of any amendments to such document. However, if any amendment was entered into expressly for the purpose of waiving, limiting, or rearranging surface rights of entry and occupation by the lessee, the 20-year period shall be computed as if the document was originally executed on the date of execution of such amendment.

(2) The subject land is not presently occupied by any of the following:

(i) A producing oil or gas well or well bore.

(ii) A well or well bore being utilized for injection of water, gas, or other substance into geologic substrata as an aid to oil or gas production or to ameliorating subsidence.

(iii) A well or well bore being utilized for the disposal injection of waste oil well brine and byproducts.

(iv) A well or well bore being utilized for the production of water for use in oil field injection, waterflood, and pressure maintenance programs.

(3) Termination of the right of entry or occupation within the subject land in the manner requested by the plaintiff, or subject to such conditions as the court may impose pursuant to this section, will not significantly interfere with the right of the lessee, under the lease, to continue to conduct operations for the continued production of oil from leasehold strata beneath the surface zone in a practical and economic manner,

utilizing such production techniques as will be appropriate to the leasehold area, consistent with good oilfield practice, and to gather, transport, and market such oil.

(c) The court may qualify the decree terminating the surface and surface zone right of entry or occupation so as to provide for limited surface and surface zone easements which the lessee may continue to enjoy within the subject land. A decree may be conditioned upon the relocation of pipelines, roadways, equipment, or lease facilities in such manner as will most effectively free the subject land for surface use while safeguarding continued oil and gas operations in a practical and economic manner. Any such condition of the decree shall require the plaintiff to pay the costs of the relocation. However, the plaintiff shall be entitled to a setoff against such costs to the extent of any benefit to the lessee resulting from the installation of new equipment or material. The plaintiff shall have the burden of proving any such benefit accruing to the lessee.

(d) It shall be against public policy for any oil or gas lease, at its inception, to provide for the waiver of any rights created by this section, or for such rights to be waived by amendment to any oil or gas lease within 20 years of the date of its execution by a plaintiff or his predecessor in interest.

(e) As used in this section:

(1) "Surface zone" means the zone which lies above a plane which is 500 feet below the surface of the land.

(2) "Subject land" means that area occupied by the particular described surface and surface zone for which plaintiff seeks to terminate the leasehold right of entry and occupation.

(3) "Lease facilities" means storage tanks, wash tanks, separators, heaters, and other facilities reasonably necessary for the production of oil or gas, including secondary recovery operations.

(f) No judgment rendered pursuant to this section shall change or affect the terms or operation of any valid unit agreement or valid operating agreement which comes within the provisions of Section 3301 or 3321 of the Public Resources Code.

(g) This section shall apply only to lands within a city in any county with a population exceeding 4,000,000, or with a population of more than 700,000 and less than 710,000 as determined by the 1960 Federal Decennial Census.

SEC. 2. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 3. As a finding of public interest and necessity, the Legislature declares as follows:

In many significant areas of this state there are areas of land, the surface of which cannot be developed or used by reason of the continued existence of oil production equipment, lease facilities, or pipelines, and by reason of the continued existence of a right of entry or occupation on the surface thereof related to an existing oil and gas lease or community oil and gas lease, which right of entry or occupation affects and encumbers surface areas no longer utilized or needed for the conduct of leasehold operations. Land which should be utilized in the orderly growth and development of urban areas remains needlessly fallow and unproductive and is a source of economic and social blight on surrounding areas. It is in the public interest that due procedures be established to make it possible to free, for surface use, land in urban areas which is not reasonably needed for oil and gas operations.

---

## CHAPTER 1587

*An act to amend Sections 270 and 270h of the Penal Code, relating to nonsupport.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 270 of the Penal Code is amended to read:

270. If a father of either a legitimate or an illegitimate minor child willfully omits, without lawful excuse, to furnish necessary clothing, food, shelter or medical attendance, or other remedial care for his child, he is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. If a court of competent jurisdiction has made a final adjudication in either a civil or a criminal action that a person is the father of a minor child and the person has notice of such adjudication and he then willfully omits, without lawful excuse, to furnish necessary clothing, food, shelter, medical attendance or other remedial care for his child, this conduct is punishable by imprisonment in the county jail not exceeding one year or in a state prison not exceeding one year, or by a fine not exceeding one thousand dollars ($1,000), or by both such fine and imprisonment. This statute shall not be construed so as to relieve such father from the criminal liability defined herein for such omission merely because the mother of such child is legally entitled to the custody of such child nor because the mother of such child, or any other person, or organization, voluntarily or involuntarily furnishes such necessary

food, clothing, shelter or medical attendance or other remedial care for such child, or undertakes to do so.

Proof of abandonment or desertion of a child by such father, or the omission by such father to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his child is prima facie evidence that such abandonment or desertion or omission to furnish necessary food, clothing, shelter or medical attendance or other remedial care is willful and without lawful excuse.

The court, in determining the ability of the father to support his child, shall consider all income, including social insurance benefits and gifts.

In the event that the father of either a legitimate or illegitimate minor child is dead or for any other reason whatsoever fails to furnish the necessary food, clothing, shelter or medical attendance or other remedial care for his minor child, the mother of said child shall become subject to the provisions of this section and be criminally liable for the support of said minor child during the period of failure on the part of the father to the same extent and in the same manner as the father.

The provisions of this section are applicable whether the parents of such child are married or divorced, and regardless of any decree made in any divorce action relative to alimony or to the support of the child. A child conceived but not yet born is to be deemed an existing person insofar as this section is concerned.

The husband of a woman who bears a child as a result of artificial insemination shall be considered the father of that child for the purposes of this section, if he consented in writing to the artificial insemination.

SEC. 2. Section 270h of the Penal Code is amended to read:

270h. In any case where there is a conviction under the provisions of either Section 270 or 270a and there is an order granting probation which includes an order for support, the court may:

(a) Issue an execution on such order for the support payments that accrue during the time such probation order is in effect, in the same manner as on a judgment in a civil action for support payments. This remedy shall apply only when there is no existing civil order of this state or a foreign court order that has been reduced to a judgment of this state for support of the same person or persons included in the probation support order.

(b) Require assignment of wages pursuant to Section 4701 of the Civil Code as a condition of probation. This remedy shall apply only when there is no existing civil order for support of the same person or persons included in the probation support order upon which an order of assignment has been entered pursuant to Section 4701.

These remedies are in addition to any other remedies available to the court.

## CHAPTER 1588

*An act to add Section 18685.4 to the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 18685.4 is added to the Revenue and Taxation Code, to read:

18685.4. Where the taxpayer has in good faith filed the declaration of estimated tax required by Section 18412.5 and made the payment required by Section 18556, he may file an amended declaration within 15 days after the end of the taxable year for which the original declaration was filed if the taxpayer generates unanticipated additional income in the taxable year after the original declaration was filed. The taxpayer shall pay at the time of filing the amended declaration, the additional estimated tax due on such declaration over the amount paid on the original declaration.

Any taxpayer filing the amended declaration of estimated tax and making the additional payment required by this section shall not be subject to payment of 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 fact constituting such necessity are:

In order that the needed relief for taxpayers with unanticipated income increases as provided by this act be made available at the earliest possible time it is necessary for this act to take effect immediately.

---

## CHAPTER 1589

*An act to amend Section 13059 of the Education Code, relating to position of school business manager.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 13059 of the Education Code is amended to read:

13059. (a) Any person who, on September 17, 1965, was serving in a position as business manager and had been assigned a title listed in Section 937 shall be deemed to be an employee in a position requiring certification qualifications for so long as he holds such position in the same district.

(b) Any person who, on the effective date of the amendment to this section as enacted at the 1971 Regular Session of the Legislature, was serving in a position of business manager and that position had been declared, by the governing board, to be one requiring certification qualifications in accordance with the authority extended in this section prior to the 1971 amendment, shall be deemed to be an employee in a position requiring certification qualifications for so long as he holds such position in the same district.

(c) Except as provided in subdivision (d), on and after the effective date of the 1971 amendment to this section no person employed in a position of business manager shall be required to be credentialed and no title assignment, work, duty statement or other device, including but not limited to educational or other requirements of applicants, which may be established by the governing board, may be construed to require certification qualifications for any such position or reasonably related position.

(d) The governing board of any school district with less than 3,000 units of average daily attendance in the prior fiscal year may require any person employed in a position of business manager to be credentialed.

SEC. 2. It is the intent of the Legislature that in amending Section 13059 of the Education Code governing boards of school districts will truly open the position of district business manager or a reasonably related position to all candidates who meet the minimum qualifications for the position, irrespective of the educational credentialing process, and that boards will grasp this opportunity to employ persons highly qualified in the field of business management to the end that the business and fiscal functions of the district reflect the greatest possible fiscal responsibility to the benefit of students and taxpayers alike.

---

## CHAPTER 1590

*An act to amend Section 5234 of, and add Section 5234.1 to, the Streets and Highways Code, relating to the Improvement Act of 1911.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 5234 of the Streets and Highways Code is amended to read:

5234. No changes, except as provided in Section 5234.1, shall be made pursuant to this chapter which will increase the estimated assessable cost by more than 20 percent of the total estimated cost of the work as determined from

(a) The engineer's estimate, if the change is ordered prior to the award of the contract, or

(b) The successful bid, if the change is ordered after the award of the contract;

provided, that any changes so made shall also be subject to the limitations, if any, contained in any law applicable to the proceedings, which law may impose limitations upon the amount by which the estimated cost of the work or improvement may be increased by reason of such changes.

SEC. 2. Section 5234.1 is added to the Streets and Highways Code, to read:

5234.1. Changes may exceed the 20-percent limitation in cost when the legislative body orders such changes. That portion of the added cost which exceeds the 20-percent limitation shall be paid by the city.

---

## CHAPTER 1591

*An act to amend Sections 1390, 1391, 1393, and 1396 of, and to repeal Sections 1394 and 1395 of, the Penal Code, relating to corporations.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 1390 of the Penal Code is amended to read:

1390. Upon the filing of an accusatory pleading against a corporation, the court shall issue a summons, signed by the judge with his name of office, requiring the corporation to appear before him, at a specified time and place, to answer the charge, the time to be not less than 10 days after the issuing of the summons.

SEC. 2. Section 1391 of the Penal Code is amended to read:

1391. The summons shall be substantially in the following form:

County of (as the case may be).

The people of the State of California to the (naming the corporation):

You are hereby summoned to appear before me at (naming the place), on (specifying the day and hour), to answer an accusatory pleading, for (designating the offense generally).

Dated this _____ day of _____, 19__.

G. H., Judge, (name of the court).

SEC. 3. Section 1393 of the Penal Code is amended to read:

1393. At the appointed time in the summons, the magistrate shall proceed with the charge in the same manner as in other cases.

SEC. 4. Section 1394 of the Penal Code is repealed.

SEC. 5. Section 1395 of the Penal Code is repealed.

SEC. 6. Section 1396 of the Penal Code is amended to read:

1396. If an accusatory pleading is filed, the corporation may appear by counsel to answer the same. If it does not thus appear, a plea of not guilty must be entered, and the same proceedings had thereon as in other cases.

---

## CHAPTER 1592

*An act to amend Section 3200 of, and to add and repeal Section 3005.7 and Chapter 10.5 (commencing with Section 4850) to Part 3 of Division 4 of, the Fish and Game Code, relating to mammals.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 3005.7 is added to the Fish and Game Code, to read:

3005.7. It is unlawful to capture any mountain lion or to possess or confine any live mountain lion taken from the wild, except as provided by this code or regulations made pursuant thereto. Any mountain lion possessed or confined in violation of this section shall be seized by the department.

The commission may promulgate regulations permitting the temporary confinement of mountain lions for the purpose of treating them, if injured or diseased.

This section shall remain in effect only until the 61st day after the final adjournment of the 1975 Regular Session of the Legislature, and as of that date is repealed.

SEC. 2. Section 3200 of the Fish and Game Code is amended to read:

3200. Any person engaged in raising or importing, or who keeps in captivity, in this state domesticated game birds or domesticated game mammals which normally exist in the wild in this state shall procure a domesticated game breeder's license if the birds or mammals are kept more than 30 days after acquisition. No such license is, however, required of any of the following:

(a) Licensed pheasant clubs, except to the extent provided in Section 3283.

(b) Licensed domesticated migratory game bird shooting areas as defined in Article 4 (commencing with Section 3300) of Chapter 2 of Part 1 of Division 4.

(c) Keepers of hotels, restaurants, boardinghouses, or clubs serving the meat of such birds or mammals for actual consumption on the premises.

(d) Retail meat dealers selling such meat to customers for actual consumption.

(e) Public zoological gardens possessing such birds or mammals for exhibition purposes or for the purpose of disposing of such birds or mammals by sale, exchange or donation to other public zoological gardens.

For the purposes of this article only, the term "domesticated game mammals" shall include domesticated mountain lions.

SEC. 3. Chapter 10.5 (commencing with Section 4850) is added to Part 3 of Division 4 of the Fish and Game Code, to read:

CHAPTER 10.5. MOUNTAIN LION

4850. Notwithstanding any provisions of Section 3950, mountain lions are not game mammals.

It is unlawful to take, injure, possess, transport, import, or sell any mountain lion except as otherwise provided in this chapter, Article 1.5 (commencing with Section 1000) of Chapter 3 of Division 2, or Section 3005.5, or except as authorized under a domestic game breeder's license.

Any violation of this section is a misdemeanor 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.

4851. Any owner or tenant, or the agent of such owner or tenant, of land or property that is being damaged or destroyed by mountain lions may report such fact to the department on or before the next day the offices of the department are open following discovery of such damage or destruction.

The department shall conduct and complete an investigation within 48 hours of receiving such a report, and, if satisfied that there has been mountain lion depredation as reported, shall promptly issue a permit, to expire 10 days after issuance, to the person reporting the mountain lion damage. The permit shall authorize such person to take or have taken the depredating mountain lion up to 10 miles from the location of the reported damage or destruction, provided that no mountain lion shall be taken pursuant to this section except by a person eligible to be issued a hunting license pursuant to Articles 2 (commencing with Section 3031) and 2.5 (commencing with Section 3049) of Chapter 1 of Part 1 of Division 4. Any person issued a permit pursuant to this section shall report in writing the taking of any mountain lion thereunder to an office of the department within five days after the taking of such mountain lion. Such person shall also deliver the head and hide of such mountain lion to a representative of the department within five days after the taking of such mammal.

4852. This chapter does not apply to any mountain lion which was lawfully acquired prior to the effective date of this chapter.

4853. Nothing in this chapter shall prohibit the department or its authorized agents from pursuing or capturing mountain lions alive for the purpose of scientific research. A permit may

be issued by the department to any person to pursue any mountain lion subject to the regulations of the commission; provided, however, no mountain lion may be taken or injured under such permit.

4854. This chapter shall remain in effect only until the 61st day after the final adjournment of the 1975 Regular Session of the Legislature, and as of that date is repealed. Section 4189 and Chapter 10 (commencing with Section 4800) of Part 2 of Division 4 shall be inoperative until such date.

SEC. 4. The Department of Fish and Game shall conduct a continuous special study of the mountain lion population to ascertain the quantity of mountain lions in the state and to determine the best methods of providing sound management of this resource. Such study shall conclude on or before the fifth calendar day of the 1975 Regular Session of the Legislature. The department shall annually report the results and progress of such study to the Legislature on or before the fifth calendar day of the session of the Legislature.

SEC. 5. It is the intent of the Legislature to impose a four-year moratorium on the taking of mountain lions for sport to allow the Department of Fish and Game sufficient time to conduct a comprehensive study and prepare a plan which will insure survival of mountain lions. At the end of the four-year moratorium period such plan shall be implemented.

It is further the intent of the Legislature that, should this act go into effect and become operative during a period when the sport hunting or other taking of mountain lions is lawful, this act shall immediately supersede any statute or regulation authorizing such sport hunting or taking.

---

## CHAPTER 1593

*An act to amend Sections 6021, 27551, 27971, 27991, 27992, 27993, 28054, 28055, 28062, 28082, 28083, 28084, 28085, 28086, 28090, 28093, 28141, 41302, 41331, 41332, 41581, 56351, and 58382 of the Agricultural Code; to amend Sections 101, 555, 1601, 2100, 2701, 2718, 2728, 2841, 2842, 3010, 3148, 3151, 4000, 4006, 4035, 4047, 4160, 4360, 4800, 7311, 9001, 9007, and 23007 of, and to add Section 101.5 to, the Business and Professions Code; to amend Sections 224m, 224p, 224q, 225p, 226, 226a, 226b, 226c, 226.1, 226.2, 226.3, 226.4, 226.5, 226.6, 226.7, 226.8, 226.9, 226.10, 227, 227aaa, 227b, and 227p of the Civil Code; to amend Sections 4011, 5671, 5672, and 5674 of the Fish and Game Code; to amend Sections 1322, 11200, 11550.5, and 12803 of the Government Code; to amend the heading of Part 1 (commencing with Section 100) of Division 1 of, and Sections 20, 21, 22, 200, 205, 214, 217, 249, 280, 291, 300, 304, 305, 374, 382, 384, 400, 405, 410, 416, 416.9, 416.10, 416.12, 416.13, 416.14, 416.15, 416.16, 417, 417.3, 420, 425, 427.3,*

*428, 429, 429.11, 429.30, 431, 432.2, 432.9, 433, 434, 435.2, 435.7, 436.2, 436.45, 436.50, 436.51, 436.52, 436.53, 436.57, 436.58, 436.59, 436.60, 436.61, 436.62, 436.63, 437, 437.1, 437.2, 437.3, 437.5, 437.7, 437.8, 438.1, 438.3, 438.4, 438.6, 438.7, 452, 541, 1101, 1102, 1110, 1110.5, 1111, 1112, 1130, 1140, 1153, 1155, 1156, 1157, 1203, 1204, 1210, 1213, 1236, 1237, 1402.1, 1415, 1419, 1420, 1421, 1421.5, 1424, 1430, 1432, 1433, 1457, 1509, 1513, 1514, 1600.6, 1651, 1685, 1686, 1701, 1725, 1727, 1756, 1760, 2283.5, 2950, 3110, 3226, 3296, 3380, 3382, 3387, 3400, 3407, 3701, 3751, 3801, 3901, 4008, 4010.1, 4026, 4051, 4403, 4457, 4463, 4470.1, 4470.4, 4471, 5465, 5474.29, 5474.30, 10001, 10025, 10066, 10439, 11655.5, 11722, 11901, 13399.6, 18897.2, 18897.6, 18897.7, 24101, 24156, 24159, 25600, 25600.5, 25661, 25663, 25696, 25697, 25771, 25812, 25896, 25990.5, 26007, 26008, 27000, 27002, 27010, 27041, 28122, 28123, 28127, 28130, 28131, 28132, 28133, 28140, 28141, 28143, 28144, 28145, 28147, 28149, 28153, 28180, 28182, 28211, 28214, 28296, 28297, 28298, 28313, 28317, 28322, 28325, 28332, 28333, 28334, 28335, 28336, 28339, 28360, 28364, 28380, 28383, 28385, 28386, 28400, 28401, 28402, 28403, 28410, 28411, 28411.5, 28412, 28413, 28415, 28416, 28418, 28430, 28431, 28432, 28433, 28440, 28441, 28442, 28451, 28452, 28478, 28479, 28483, 28487, 28504, 28507, 28508, 28616.1, 28694.5, 28700, 28716, 28742, 28863, 32127.2, 32201, 38003, 38056, 38060, 38101, 38150, 38202, 38203, 38250, 38253, 39020, 39023, 39051, and 39052 of, to add Chapter 1 (commencing with Section 100) to Part 1 of Division 1 and Sections 431.2 and 437.05 to, and to repeal Chapter 1 (commencing with Section 100) of Part 1 of Division 1 and Sections 350, 351, 354, 431.2, and 431.10, of, the Health and Safety Code; to amend Sections 11501, 11502, 11503, and 11505 of the Insurance Code; to amend Section 830.4 of the Penal Code; to amend Sections 1435.6, 1535, and 1554 of the Probate Code; to amend Sections 17226, 17226.5, 24372, and 24372.5 of the Revenue and Taxation Code; to amend Sections 13411, 13413, 13521, 13522, 13523, 13528, 13540, 13755, 13800, 13903, and 13904 of the Water Code; to amend the heading of Article 4 (commencing with Section 14125) of Chapter 7 of Part 3 of Division 9 of, and to amend Sections 20, 727, 1756.5, 3300, 4001, 4002, 4003, 4004, 4008, 4011, 4012, 4012.5, 4100, 4101, 4104, 4105, 4107.1, 4108, 4109, 4110, 4111, 4117, 4118, 4119, 4122, 4123, 4124, 4125, 4126, 4127, 4133, 4134, 4135, 4200, 4202, 4203, 4301, 4306, 4307, 4313, 5008, 5008.1, 5150, 5170, 5174, 5202, 5253, 5263, 5304, 5325, 5326, 5328, 5331, 5355, 5358, 5366, 5400, 5401, 5601, 5602, 5604, 5607, 5609, 5617, 5618, 5650, 5654, 5661, 5662, 5701, 5702, 5702.1, 5703, 5704, 5705.5, 5708, 5712, 5714.1, 5715, 5718, 5719, 5750, 5751, 5755, 5757, 5758, 5759, 5760, 5761, 5762, 5763, 5764, 5765, 5766, 6000, 6002, 6007, 6254, 6316, 6326, 6327, 6500, 6500.1, 6501, 6502, 6509, 6551, 6718, 6750, 7001, 7002, 7003.1, 7025, 7026, 7100, 7200, 7201, 7204, 7205, 7206,*

*7226, 7250, 7252, 7254, 7276, 7277, 7281, 7282, 7283, 7284, 7285, 7286, 7287, 7288, 7289, 7290, 7292, 7293, 7294, 7300, 7301, 7302, 7303, 7304, 7305, 7325, 7328, 7329, 7352, 7354, 7355, 7356, 7357, 7359, 7362, 7503, 7508, 7509, 7511, 7512, 7514, 7515, 7517, 8007, 8051, 8053, 8104, 8105, 8200, 10051, 10053, 10053.5, 10060, 10553, 10554, 10555, 10600, 10602, 10603, 10604, 10605, 10606, 10608, 10609, 10610, 10611, 10613, 10616, 10617, 10800, 10802, 10804, 10805, 10809, 10810, 10900, 10905, 10906, 11170, 11172, 11205, 11209, 11250, 11251, 11450.6, 11451.5, 11505, 12016, 13902, 13911, 13912, 14053, 14061, 14062, 14103, 14103.4, 14104, 14105, 14105.5, 14106, 14110, 14114, 15510, 16000, 16018, 16150, 16151, 16152, 16153, 16154, 16155, 16157, 16200, 16200.5, 16500, 16503, 18351, 18353, 18354, 19801, 19802, 19805, 19812, 19852, and 19853 of, to add Chapter 5 (commencing with Section 7600) and Chapter 6 (commencing with Section 7700) to Division 7 of, and Sections 10062, 10553.1, 10554.1, 10602.1, 10603.1, 10604.1, 10605.1, 10606.1, 10607.1, 10609.1, 10613.1, 10804.1, 10905.1, 11209.1, 11251.1, 18200.1, and 18205 to, and Chapter 6 (commencing with Section 16575) to Part 4 of Division 9 of, and to repeal Chapter 4.5 (commencing with Section 7550), Chapter 5 (commencing with Section 7600), and Chapter 6 (commencing with Section 7700) of Division 7 of, and Sections 4000, 4005, 14125, and 14126 of, and Chapter 3.5 (commencing with Section 10750) of Part 2 of Division 9 of, the Welfare and Institutions Code, relating to the reorganization of the executive branch of the California state government.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 6021 of the Agricultural Code is amended to read:

6021. If the director receives a report from the executive officer of the State Department of Health which states that field rodents in a certain area carry, or are likely to carry, any disease, insect, or other vector of any disease which is transmissible and injurious to humans, he shall forthwith advise the commissioner of the county in which such rodents exist.

SEC. 2. Section 27551 of the Agricultural Code is amended to read:

27551. The director and the commissioners of each county, their deputies and inspectors, under the supervision and control of the director shall, and the State Department of Health, the other city, county and state officers may, enforce this chapter pursuant to regulations which are adopted by the director.

SEC. 3. Section 27971 of the Agricultural Code is amended to read:

27971. The State Department of Health shall enforce this chapter and shall make and enforce all necessary regulations in relation to it.

SEC. 4. Section 27991 of the Agricultural Code is amended to read:

27991. It is unlawful for any person to do any of the following, unless he has a license issued by the State Department of Health:

(a) Engage in egg breaking, liquefying, or dehydration of egg products.

(b) Bring, or cause to be brought, into this state from other states, or from outside the United States, for the purpose of resale any egg product.

This section does not apply to any bakery or restaurant, or any employee of a bakery or restaurant, in which eggs are broken for immediate use upon the premises.

SEC. 5. Section 27992 of the Agricultural Code is amended to read:

27992. The State Department of Health shall issue to any person an annual nontransferable license upon the receipt of one hundred dollars ($100) for each such license and such evidence as the department may require to show that the applicant is properly equipped to operate such an establishment at each location where the applicant conducts operations which are required to be licensed pursuant to Section 27991.

SEC. 6. Section 27993 of the Agricultural Code is amended to read:

27993. Annual license fees payable pursuant to Section 27992 shall become due and payable by each person approved by the State Department of Health on or before January 1st in each year. The fees shall be paid by the department into the General Fund in the State Treasury.

SEC. 7. Section 28054 of the Agricultural Code is amended to read:

28054. Certificates issued pursuant to Section 28053 shall be submitted to the State Department of Health prior to the sale of egg products covered by the certificate in interstate commerce.

SEC. 8. Section 28055 of the Agricultural Code is amended to read:

28055. Any egg product which is packed in tin containers that hold 30 pounds or less and sold in this state shall be sold only in new containers. Plastic containers or bags may be used if the plastic is of a type which is approved by the State Department of Health for food contact purpose and if the closure is adequate to properly seal the package from contamination of any type.

SEC. 9. Section 28062 of the Agricultural Code is amended to read:

28062. In addition to the procedure which is authorized by Section 28061, the State Department of Health may adopt regulations which provide procedures for treatment of egg products to make such products equally as safe for human consumption as treatment by the procedure which is provided in Section 28061.

SEC. 10. Section 28082 of the Agricultural Code is amended to read:

28082. A person shall not sell for human consumption in the state any imported egg product until it has been inspected by the State Department of Health, found to be fit for human consumption, and a permit authorizing the sale has been issued.

SEC. 11. Section 28083 of the Agricultural Code is amended to read:

28083. The State Department of Health shall cause an inspection to be made of all imported egg products.

SEC. 12. Section 28084 of the Agricultural Code is amended to read:

28084. If, after inspection, the imported egg product is found by the State Department of Health to be in fit condition for human consumption, the department shall issue to the importer or consignee a permit which authorizes the sale of the imported egg product for such purpose, together with certificates of inspection equal in number to the number of containers in which the imported egg product is packed.

SEC. 13. Section 28085 of the Agricultural Code is amended to read:

28085. The importer or consignee shall pay for the inspection an inspection fee to be fixed by the State Department of Health for each certificate of inspection.

SEC. 14. Section 28086 of the Agricultural Code is amended to read:

28086. The certificate of inspection shall be in such form as the State Department of Health deems appropriate. They shall have printed upon a white background in plain black letters, not less than one inch high, "frozen eggs (or, as the case may be, liquid eggs, dried eggs or egg products) imported into the State of California from without the United States, inspected (inserting the date) by State Department of Health."

SEC. 15. Section 28090 of the Agricultural Code is amended to read:

28090. Every public warehouse, including a cold storage warehouse, shall keep a record of, and furnish to the State Department of Health at the end of each month a statement of, every imported egg product received by it during the month. The statement shall show all of the following:

(a) The name of the depositor.

(b) The quantity of the imported egg product warehoused.

(c) The type of container in which the imported egg product is packed.

SEC. 16. Section 28093 of the Agricultural Code is amended to read:

28093. Every importer and wholesale distributor of any imported egg product shall furnish the State Department of Health both of the following:

(a) Within five days after the receipt of any imported egg product, a statement which shows the quantity and kind of imported egg product received and the type of container in which it is packed and the place where it is stored.

(b) Within five days after any sale, a statement which shows the person, firm, or corporation to whom the imported egg product was sold and the quantity and kind of the imported egg product.

SEC. 17. Section 28141 of the Agricultural Code is amended to read:

28141. Any violation of any provision of this chapter or any regulation which is made by the State Department of Health pursuant to it is punishable for the first offense by a fine not exceeding five hundred dollars ($500) and for the second offense by a fine not exceeding one thousand dollars ($1,000) or by imprisonment for not more than 90 days, or both.

SEC. 18. Section 41302 of the Agricultural Code is amended to read:

41302. Any act which is made unlawful by any provisions of Division 21 (commencing with Section 26000) of the Health and Safety Code relating to food is not made lawful by reason of any provision of this part. This part does not limit the powers of the State Department of Health.

SEC. 19. Section 41331 of the Agricultural Code is amended to read:

41331. The Director of Health shall be charged with the enforcement of this chapter and for that purpose he shall have all the powers heretofore conferred upon the Director of Agriculture.

SEC. 20. Section 41332 of the Agricultural Code is amended to read:

41332. The Director of Health, for the purpose of enforcing this chapter, may do all of the following:

(a) Enter and inspect every place within the state where canned fruits or vegetables, including olives, are canned, stored, shipped, delivered for shipment, or sold, and inspect all fruits or vegetables, including olives, and containers which are found in any such place.

(b) Seize and retain possession of any canned olives or canned fruits or vegetables which are packed, shipped, delivered for shipment, or sold in violation of any provision of this chapter, and hold them pending the order of the court.

(c) Cause to be instituted and to be prosecuted in the superior court of any county of the state in which may be found canned olives or canned fruits or vegetables which are packed,

shipped, delivered for shipment, or sold, in violation of any provision of this chapter, an action for the condemnation of canned olives or canned fruits or vegetables as provided by Division 21 (commencing with Section 26000) of the Health and Safety Code.

SEC. 21. Section 41581 of the Agricultural Code is amended to read:

41581. If the Director of Health finds, after investigation and examination, that any canned fruits or vegetables, including olives, which are found in the possession of any person, firm, company, or corporation are misbranded or mislabeled within the meaning of this chapter, he may seize such canned fruits or vegetables, including olives, and tag them "quarantined." Such canned fruits or vegetables, including olives, shall not thereafter be sold, removed, or otherwise disposed of pending a hearing and final disposition as provided by Division 21 (commencing with Section 26000) of the Health and Safety Code.

SEC. 22. Section 56351 of the Agricultural Code is amended to read:

56351. A claim may not be made against the seller of any farm product by a dealer or cash buyer pursuant to this chapter, and no credit may be allowed to such dealer or cash buyer against a producer of any farm product by reason of damage to, or loss, dumping, or disposal of any farm product which is sold to such dealer or cash buyer, in any payment, accounting, or settlement which is made by the dealer or cash buyer to the producer, unless the dealer or cash buyer has secured and is in possession of a certificate, which is issued by a commissioner, as defined in Section 26, a county health officer, the director, a duly authorized officer of the State Department of Health, or by some other official now or hereafter authorized by law, to the effect that the farm product which is involved has been damaged, dumped, destroyed, or otherwise disposed of as unfit for human consumption or as in violation of the fruit and vegetable standards which are contained in Division 17 (commencing with Section 42501) of this code.

SEC. 23. Section 58382 of the Agricultural Code is amended to read:

58382. A person that receives any agricultural product, for sale on commission or for sale or exchange for the benefit of any other person, shall not destroy, abandon, discard as refuse, or dump, such product, without a permit in writing from the commissioner, county health officer, director, Director of the State Department of Health, or from some other official now or hereafter authorized by law to issue permits for the destruction of such product. Such permits, together with a detailed statement of every product which is destroyed pursuant to the permit, shall be kept on file by the person to whom they are issued.

SEC. 23.1. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of:

(a) The State Board of Accountancy.

(b) The California State Board of Architectural Examiners.

(c) The State Board of Barber Examiners.

(d) The State Board of Registration for Civil and Professional Engineers.

(e) The Contractors' State License Board.

(f) The State Board of Cosmetology.

(g) The State Board of Funeral Directors and Embalmers.

(h) The Structural Pest Control Board.

(i) The Bureau of Furniture and Bedding Inspection.

(j) The State Board of Dry Cleaners.

(k) The State Athletic Commission.

(*l*) The Cemetery Board.

(m) The State Board of Guide Dogs for the Blind.

(n) The Bureau of Private Investigators and Adjusters.

(o) The Certified Shorthand Reporters Board.

(p) The California State Board of Landscape Architects.

(q) The Collection Agency Licensing Bureau.

(r) The Bureau of Electronic Repair Dealer Registration.

(s) The Bureau of Employment Agencies.

(t) Any other boards, offices, or officers subject to its jurisdiction by law.

SEC. 23.2. Section 101.5 is added to the Business and Professions Code, to read:

101.5. There are in the State Department of Health the following boards:

(a) The Board of Dental Examiners of California.

(b) The Board of Medical Examiners of California.

(c) The State Board of Optometry.

(d) The California State Board of Pharmacy.

(e) The Board of Examiners in Veterinary Medicine.

(f) The California Board of Nursing Education and Nurse Registration.

(g) The Board of Chiropractic Examiners.

(h) The Board of Social Work Examiners of the State of California.

(i) The Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.

(j) The Board of Osteopathic Examiners.

SEC. 24. Section 555 of the Business and Professions Code is amended to read:

555. The State Department of Health shall:

(a) Enforce the provisions of this article.

(b) Promulgate rules and regulations necessary to carry out properly the provisions of this article.

(c) Print and publish any further advice and information concerning the dangers of ophthalmia neonatorum and the necessity for prompt and effective treatment thereof, as it deems necessary.

(d) Furnish without cost copies of this article to all physicians, midwives and such other persons as may be lawfully engaged in the practice of obstetrics or assisting at childbirths.

(e) Keep a proper record of any and all cases of ophthalmia neonatorum filed in its office in pursuance of this article, and as may come to its attention in any way, and such records shall constitute a part of the biennial report to the Governor and the Legislature.

(f) Report any and all violations of this article as may come to its attention to the district attorney of the county wherein any violation of any provision of this article has been committed, for the purpose of prosecution.

SEC. 26. Section 1601 of the Business and Professions Code is amended to read:

1601. There is in the State Department of Health a Board of Dental Examiners of California in which the administration of this chapter is vested. The board consists of seven practicing dentists and one public member.

SEC. 27. Section 2100 of the Business and Professions Code is amended to read:

2100. There is in the State Department of Health a Board of Medical Examiners of the State of California which consists of 11 members who shall be appointed by the Governor, one of whom shall be a public member.

SEC. 28. Section 2701 of the Business and Professions Code is amended to read:

2701. The Board of Nurse Examiners of the State of California, consisting of six members, is continued in existence in the State Department of Health as the California Board of Nursing Education and Nurse Registration.

Within the meaning of this chapter, board, or the board, refers to the California Board of Nursing Education and Nurse Registration. Any reference in state law to the Board of Nurse Examiners of the State of California shall be construed to refer to the California Board of Nursing Education and Nurse Registration.

SEC. 29. Section 2718 of the Business and Professions Code is amended to read:

2718. The advisory council to the Board of Nurse Examiners of the State of California is hereby continued in existence as the advisory council to the California Board of Nursing Education and Nurse Registration. The advisory council shall be composed of:

(a) Two persons who are members of and shall represent the California State Medical Association.

(b) One person who is a member of and shall represent the California Hospital Association.

(c) One person who is a member of and shall represent the Western Conference of the Catholic Hospital Association.

(d) Two persons who are members of and shall represent the California League for Nursing, one representative to be

from the nursing education department and one from the public health department of the organization.

(e) Two persons who are members of and shall represent the California Nurses' Association.

(f) One person who is a member of and shall represent the California Teachers' Association.

(g) The Director, State Department of Health, or his representative.

(h) Three lay members, representing the public.

The three lay members shall be appointed by the Governor for a term of three years. The other members, except for the Director of the State Department of Health, who shall serve ex officio, shall be appointed by the board for a term of three years as provided in this section.

Within 30 days after this section goes into effect, and thereafter within 30 days after any vacancy occurs, each of the above-mentioned organizations whose members may be qualified to fill the vacancy and/or vacancies then existing, shall submit to the board the names of persons qualified to represent it on said advisory council, from which said lists the board shall make its appointments. The list or lists so submitted shall each contain not less than twice the number of names of qualified persons as there shall be vacancies existing.

SEC. 30. Section 2728 of the Business and Professions Code is amended to read:

2728. If adequate medical and nursing supervision by a professional nurse or nurses is provided, nursing service may be given by attendants in institutions under the jurisdiction of or subject to visitation by the State Department of Health or the Department of Corrections.

The Director of Health shall determine what shall constitute adequate medical and nursing supervision in any institution under the jurisdiction of the State Department of Health.

SEC. 32. Section 2841 of the Business and Professions Code is amended to read:

2841. There is hereby continued in existence in the State Department of Health a Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, consisting of 11 members.

Within the meaning of this chapter, board, or the board, refers to the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.

SEC. 33. Section 2842 of the Business and Professions Code is amended to read:

2842. Each member of the board shall be a citizen of the United States and a resident of the State of California. One member shall be a duly licensed physician and surgeon; one member shall be a registered nurse who shall have had not less than five years' experience as a teacher or administrator in an accredited school of nursing offering a program of study in professional nursing under the provisions of Chapter 6, Division 2 of the Business and Professions Code or in an ac-

credited school of vocational nursing; one member shall be a hospital administrator; one member shall be a public school administrator of this state; two members shall be certified psychiatric technicians, each of whom shall have had not less than five years experience in a psychiatric hospital, or in a psychiatric unit of a hospital licensed by the State Department of Health, or private institution licensed by the State Department of Health; and five members shall be duly licensed vocational nurses who have been licensed for a period of three years prior to appointment.

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

Per diem and expenses of members of the board who are certified psychiatric technicians shall be paid solely from revenues received pursuant to the provisions of Chapter 10 (commencing with Section 4500) of Division 2.

SEC. 34. Section 3010 of the Business and Professions Code is amended to read:

3010. There is in the State Department of Health a State Board of Optometry in which the enforcement of this chapter is vested. The board consists of six members appointed by the Governor, one of whom shall be a public member.

Four members of the board shall constitute a quorum.

SEC. 35. Section 3148 of the Business and Professions Code is amended to read:

3148. From each fee for the renewal of a certificate of registration for the renewal periods ending on January 31, 1962, and on January 31, 1963, respectively, there shall be paid the sum of eight dollars ($8), and from each fee for the renewal of a certificate of registration for each biennial renewal period thereafter, there shall be paid the sum of sixteen dollars ($16) by the Director of the State Department of Health to the University of California.

This sum shall be used at and by the University of California solely for the advancement of optometrical research and the maintenance and support of the department at the university in which the science of optometry is taught.

The balance of each renewal fee shall be paid into the Optometry Fund.

SEC. 36. Section 3151 of the Business and Professions Code is amended to read:

3151. The Director of Health shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of transactions under this chapter during the current biennium, including a complete statement of receipts and expenditures during that period.

In addition, the Director of Health, within 10 days after the beginning of each month, shall report to the State Controller all collections and receipts for the preceding month, and at the same time shall pay them into the Optometry Fund in the State Treasury.

SEC. 37. Section 4000 of the Business and Professions Code is amended to read:

4000. There is in the State Department of Health a California State Board of Pharmacy in which the administration and enforcement of this chapter is vested. The board consists of eight members who shall be appointed by the Governor.

SEC. 38. Section 4006 of the Business and Professions Code is amended to read:

4006. The executive secretary shall give receipts for all money received by him and pay it to the State Department of Health, taking its receipt therefor. Besides the duties required by this chapter, the executive secretary shall perform such other duties pertaining to his office as may be required of him by the board.

SEC. 39. Section 4035 of the Business and Professions Code is amended to read:

4035. Pharmacy is an area, place or premises in which the profession of pharmacy is practiced and where prescriptions are compounded. "Pharmacy" means and includes but is not limited to any area, place or premises described in a permit issued by the board by reference to plans filed with and approved by the board wherein narcotics or dangerous drugs or dangerous devices, as they are herein defined, are stored, possessed, prepared, manufactured, derived, compounded or repackaged, and from which said narcotics or dangerous drugs or dangerous devices are furnished, sold, or dispensed at retail.

"Pharmacy" shall not include any area in a facility licensed by the State Department of Health where floor supplies, ward supplies, operating room supplies, or emergency room supplies of drugs or dangerous devices are stored or possessed solely for treatment of patients registered for treatment in the facility or for treatment of patients receiving emergency care in the facility.

"Narcotics or dangerous drugs or dangerous devices" as used herein shall include but is not limited to all narcotics, drugs or devices which are included within one or more of the following classifications:

(a) Drugs or devices bearing the legend, "Caution, federal law prohibits dispensing without prescription," or words of similar import.

(b) Narcotics as defined by Sections 11001 and 11002 of the Health and Safety Code.

(c) Drugs or devices enumerated in Section 4211 of this code.

(d) Drugs or devices heretofore or hereafter classified as dangerous by the board pursuant to Sections 4061 and 4240 of this code.

(e) Poisons, hypodermic syringes and needles, or other drugs or devices, the sale of which is restricted by law to a registered pharmacist.

All pharmacies in existence on the effective date of this section shall comply with the provisions of this section within five years following the effective date thereof.

SEC. 40. Section 4047 of the Business and Professions Code is amended to read:

4047. As used in this chapter, "licensed or county hospital" means an institution, place, building, or agency which maintains and operates organized facilities for one or more persons for the diagnosis, care, and treatment of human illnesses to which persons may be admitted for overnight stay, and includes any institution classified under regulations issued by the State Department of Health as a general or specialized hospital, as a maternity hospital, or as a tuberculosis hospital, but does not include a sanatorium, rest home, a nursing or convalescent home, a maternity home, an institution for treating alcoholics, or lying-in asylums.

SEC. 41. Section 4160 of the Business and Professions Code is amended to read:

4160. "Poison" means and includes the compositions of the following schedules:

Schedule "A"

(a) Arsenic compounds and preparations.

(b) Cyanides and preparations, including hydrocyanic acid.

(c) Fluorides soluble in water, and preparations.

(d) Mercury compounds and preparations, except preparations made and labeled for external use only and containing not more than five-tenths percent (0.5%) total mercury, and except ointments or soaps containing not more than two percent (2.0%) total mercury or not more than ten percent (10.0%) ammonium mercuric chloride or mercuric oxide.

(e) Phosphorus and preparations.

(f) Thallium compounds and preparations.

(g) Aconite, belladonna, cantharides, cocculus, conium, digitalis, gelsemium, hyoscyamus, nux vomica, santonica, stramonium strophanthus, veratrum, or their contained or derived active compounds and preparations, except preparations made and labeled for external use only, and except preparations containing not more than four-thousandths percent (0.004%) total belladonna alkaloids or not more than two-hundredths percent (0.02%) total nux vomica alkaloids, and except preparations in dosage forms each containing not more than two-tenths milligram (0.20 mg.) total belladonna alkaloids or not more than one milligram (1.0 mg.) total nux vomica alkaloids.

(h) Zinc phosphide and preparations.

(i) Sodium fluoroacetate and preparations.

Schedule "B"

(a) Antimony, barium, copper, lead, silver or zinc compounds soluble in water, and preparations containing five percent (5.0%) or more of these compounds.

(b) Bromine or iodine and preparations.

(c) Hypochlorous acid, free or combined, and preparations that yield ten percent (10.0%) or more of available chlorine, excepting chloride of lime or bleaching powder.

(d) Permanganates soluble in water, and preparations containing five percent (5.0%) or more of these compounds.

(e) Nitric acid and preparations containing five percent (5.0%) or more of the free acid.

(f) Hydrochloric, hydrobromic or sulfuric acids, and preparations containing ten percent (10.0%) or more of the free acids.

(g) Oxalic acid or oxalates, and preparations containing ten percent (10.0%) or more of these compounds.

(h) Acetic acid and preparations containing twenty percent (20.0%) or more of the free acid.

(i) Potassium or sodium hydroxides, and preparations containing ten percent (10.0%) or more of the free alkalies.

(j) Ammonia solutions or ammonium hydroxide, and preparations containing five percent (5.0%) or more of free ammonia.

(k) Chloroform or ether, and preparations containing five percent (5.0%) or more of these compounds, except preparations made and labeled for external use only.

(l) Methyl alcohol or formaldehyde, and preparations containing one percent (1.0%) or more of these compounds, except when used as a preservative and not sold to the general public.

(m) Phenol or carbolic acid, cresols or other phenol derivatives, soluble in water, and preparations containing five percent (5.0%) or more of these compounds.

(n) Nitroglycerine and nitrites.

(o) Nicotine and preparations containing nicotine expressed as alkaloid more than two percent (2.0%).

(p) Ergot, cottonroot, pennyroyal and larkspur, or their contained or derived active compounds or mixtures thereof.

Schedule "C"

(a) Carbon tetrachloride.

(b) Camphorated oil.

(c) Boric acid.

Schedule "D"

(a) Any glue or cement containing toluene.

(b) Any glue or cement containing a substance which the State Department of Health has determined by regulations adopted pursuant to the Administrative Procedure Act (Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11371), and Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, Government Code) has toxic qualities similar to toluene and should, in the interest of public safety, be subject to the provisions of this article.

Subdivisions (a) and (b) of Schedule "D" shall not apply to any glue or cement which has been certified by the State Department of Health as containing a substance which makes such glue or cement malodorous or causes such glue or cement to induce sneezing, nor shall subdivisions (a) and (b) of Schedule "D" apply where the glue or cement is sold, delivered, or given away simultaneously with or as part of a kit used for the construction of model airplanes, model boats, model automobiles, model trains, or other similar models.

SEC. 42. Section 4360 of the Business and Professions Code is amended to read:

4360. A person whose certificate, license, permit, registration or exemption has been revoked or suspended for more than one year, may petition the board to reinstate the certificate, license, permit, registration or exemption after a period of not less than one year has elapsed from the date of the revocation or suspension.

The petition shall state such facts as may be required by the board. The petition shall be accompanied by two or more verified recommendations from holders of certificates, licenses, permits, registrations or exemptions issued by the board to which the petition is addressed and by two or more recommendations from citizens each having personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed. The petition shall be heard at the next regular meeting of the board, held not earlier than 30 days after the petition was filed. The hearing may be continued from time to time as the board finds necessary. No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which he is on probation or parole.

In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, which should be imposed if the disciplinary penalty is set aside, the board may investigate and consider all activities of the petitioner since the disciplinary action was taken against him, the offense for which he was disciplined, his activity during the time his certificate, license, permit, registration or exemption was in good standing, and his general reputation for truth, professional ability and good character. The affirmative vote of at least five members of the board is necessary to set aside a penalty and to restore a certificate, license, permit, registration or exemption with or without terms, conditions and restrictions. The board may grant or deny, without a hearing or argument, any petition filed pursuant to this section, where the petitioner has been afforded a hearing upon any petition filed pursuant to this section within a period of two years immediately preceding the filing of such petition.

The executive secretary shall enter in his records of the case all actions of the board in setting aside a disciplinary penalty under this section, and he shall certify notices to the

State Department of Health. The State Department of Health shall make such changes on its records as may be necessary.

SEC. 43. Section 4800 of the Business and Professions Code is amended to read:

4800. There is in the State Department of Health a Board of Examiners in Veterinary Medicine in which the administration of this chapter is vested. The board consists of six members appointed by the Governor, one of whom shall be a public member.

SEC. 44. Section 7311 of the Business and Professions Code is amended to read:

7311. The board may adopt such rules governing sanitary conditions, and precautions to be employed as are reasonably necessary to prevent the creating or spreading of infectious or contagious diseases in cosmetological establishments, schools of cosmetology, in the practice of a cosmetologist, and in any branch of cosmetology. Such rules shall be adopted in accordance with the provisions of the Administrative Procedure Act, and shall be submitted to the State Department of Health, and approved by such department prior to filing with the Secretary of State. A copy of all such rules shall be furnished to each licensee.

SEC. 45. Section 9001 of the Business and Professions Code is amended to read:

9001. There is in the State Department of Health a Board of Behavioral Science Examiners which consists of nine members appointed by the Governor with the advice and consent of the Senate.

SEC. 46. Section 9007 of the Business and Professions Code is amended to read:

9007. With the approval of the Director of Health, the board shall fix the salary of the executive secretary.

SEC. 47. Section 23007 of the Business and Professions Code is amended to read:

23007. "Wine" means the product obtained from normal alcoholic fermentation of the juice of sound ripe grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage to which is added grape brandy, fruit brandy, or spirits of wine, which is distilled from the particular agricultural product or products of which the wine is made and other rectified wine products and by whatever name and which does not contain more than 15 percent added flavoring, coloring, and blending material and which contains not more than 24 percent of alcohol by volume, and includes vermouth and sake, known as Japanese rice wine.

Nothing contained in this section affects or limits the power, authority, or duty of the State Department of Health in the enforcement of the laws directed toward preventing the manufacture, production, sale, or transportation of adulterated, misbranded, or mislabeled alcoholic beverages, and the definition of "wine" contained in this section is limited strictly to the purposes of this division and does not extend to,

or repeal by implication, any law preventing the production, manufacture, sale, or transportation of adulterated, misbranded, or mislabeled alcoholic beverages.

SEC. 47.1. Section 224m of the Civil Code is amended to read:

224m. The father or mother may relinquish a child to a licensed adoption agency for adoption by a written statement signed before two subscribing witnesses and acknowledged before an authorized official of an organization licensed by the State Department of Health to find homes for children and place children in homes for adoption. Such relinquishment, when reciting that the person making it is entitled to the sole custody of the minor, shall, when duly acknowledged before such officer, be prima facie evidence of the right of the person making it to the sole custody of the child and such person's sole right to relinquish.

A parent who is a minor shall have the right to relinquish his or her child for adoption to a licensed adoption agency and such relinquishment shall not be subject to revocation by reason of such minority.

In cases where a father or mother of a child resides outside the State of California and such child is being cared for and is placed for adoption by an organization licensed by the State Department of Health to place children for adoption, such father or mother may relinquish the child to that organization by a written statement signed by such father or mother before a notary on a form prescribed by the organization, and previously signed by an authorized official of the organization, which signifies the willingness of such organization to accept the relinquishment.

The relinquishment authorized by this section shall be of no effect whatsoever until a certified copy is filed with the State Department of Health, after which it is final and binding and may be rescinded only by the mutual consent of the adoption agency and the parent or parents relinquishing the child.

SEC. 47.2. Section 224p of the Civil Code is amended to read:

224p. Any person or organization that, without holding a valid and unrevoked license or permit to place children for adoption issued by the State Department of Health, advertises in any periodical or newspaper, by radio, or other public medium, that he or it will place children for adoption, or accept, supply, provide or obtain children for adoption, or that causes any advertisement to be published in or by any public medium soliciting, requesting, or asking for any child or children for adoption is guilty of a misdemeanor.

SEC. 47.3. Section 224q of the Civil Code is amended to read:

224q. Any person other than a parent or any organization, association, or corporation that, without holding a valid and unrevoked license or permit to place children for adoption is-

sued by the State Department of Health, places any child for adoption is guilty of a misdemeanor.

SEC. 47.4. Section 225p of the Civil Code is amended to read:

225p. Whenever a petition is filed for the adoption of a child who has been placed for adoption by a licensed county adoption agency or the State Department of Health, the county adoption agency or the State Department of Health may, at the time of filing a favorable report in the superior court, require the persons petitioning to become the adoptive parents to pay to the county agency, as agent of the state or the State Department of Health, a fee of five hundred dollars ($500). The county adoption agency or the State Department of Health may defer, waive or reduce the fee when its payment would cause economic hardship to the adoptive parents detrimental to the welfare of the adopted child, or if necessary for the placement of a hard-to-place child A "hard-to-place" child is a child who because of his age, ethnic background, race, color, language, or physical, mental, emotional or medical handicaps has become difficult to place in an adoptive home.

Nothing in this section shall be construed to require the payment of such fee to a county in the case of an adoption resulting from the independent placement of a child.

SEC. 47.5. Section 226 of the Civil Code is amended to read:

226. Any person desiring to adopt a child may for that purpose petition the superior court of the county in which the petitioner resides and the clerk of the court shall immediately notify the State Department of Health at Sacramento in writing of the pendency of the action and of any subsequent action taken. In all cases in which consent is required, except in the case of an adoption by a stepparent where one natural or adoptive parent retains his or her custody and control of the child, unless an agency licensed by the State Department of Health to find homes for children and place children in homes for adoption joins in the petition for adoption, the petition shall contain an allegation that the petitioners will file promptly with the department or the county adoption agency information required by the department in the investigation of the proposed adoption. The omission of such allegation from a petition so filed shall not, however, affect the jurisdiction of the court to proceed, nor shall it have heretofore affected the jurisdiction of any court to have proceeded, upon such petition omitting such allegation, in any manner provided in this chapter or otherwise, nor shall such omission have affected or affect the validity of any decree of adoption or other order heretofore or hereafter made by any court with respect to such petition omitting such allegation.

The caption of the petition for adoption of a minor shall contain the name or names of the petitioners but shall not contain the name of the minor. The petition shall contain the sex and date of birth of the minor. The name that the minor

had prior to adoption shall appear in the petition or, in the case where a licensed adoption agency joins in the petition, the name may appear in the joinder signed by the adoption agency. The decree of adoption shall contain the adopted name of the minor but shall not contain the name that the minor had prior to adoption.

SEC. 47.6. Section 226a of the Civil Code is amended to read:

226a. Once given, consent of the natural parents to the adoption of the child by the person or persons to whose adoption of the child the consent was given, may not be withdrawn except with court approval. Request for such approval may be made by motion, or a natural parent seeking to withdraw such consent may file with the clerk of the superior court where the petition is pending, a petition for approval of withdrawal thereof, without the necessity of payment of any fee for the filing of such petition. The petition shall be in writing, and shall set forth the reasons for withdrawal of consent, but otherwise may be in any form.

The clerk of the court shall set the matter for hearing, and shall give notice thereof to the State Department of Health, to the persons to whose adoption of the child the consent was given, and to the natural parent or parents by certified mail to the address of each as shown in the proceeding, at least 10 days before the time set for hearing.

The State Department of Health or the licensed county adoption agency shall, prior to the hearing of the motion or petition for withdrawal, file a full report with the court and shall appear at the hearing to represent the interests of the child.

At the hearing, the parties may appear in person or with counsel. The hearing shall be held in chambers, but the court reporter shall report the proceedings and his fee therefor shall be paid from the county treasury on order of the court. If the court finds that withdrawal of the consent to adoption is reasonable in view of all the circumstances, and that withdrawal of the consent will be for the best interests of the child, the court shall approve the withdrawal of the consent; otherwise the court shall withhold its approval. If the court approves the withdrawal of consent, the adoption proceeding shall be dismissed.

Any order of the court granting or withholding approval of a withdrawal of a consent to an adoption may be appealed from in the same manner as an order of the juvenile court declaring any person to be a ward of the juvenile court.

SEC. 47.7. Section 226b of the Civil Code is amended to read:

226b. Whenever, in any adoption proceeding, the petitioners desire to withdraw the petition for the adoption or to dismiss the proceeding, the clerk of the court in which the proceeding is pending shall immediately notify the State Department of Health of such action. The State Department of

Health or the licensed county adoption agency shall file a full report with the court recommending a suitable plan for the child in every such case where the petitioners desire to withdraw the petition for the adoption or where the department or county agency recommends that the petition for adoption be denied and shall appear before the court for the purpose of representing the child. Notwithstanding such withdrawal or dismissal by the petitioners, the court may retain jurisdiction over the child for the purpose of making such order or orders for its custody as the court may deem to be in the best interests of the child.

In any adoption proceeding in which the parent has refused to give the required consent or in which the reason or cause for the withdrawal of the petition or dismissal of the proceeding is the withdrawal of the consent of the natural parent or parents, the court shall order at the hearing the child restored to the care and custody of the natural parent.

SEC. 47.8. Section 226c of the Civil Code is amended to read:

226c. At the hearing, if the court sustains the recommendation that the child be removed from the home of petitioners because the agency has recommended denial or the petitioners desire to withdraw the petition or the court dismisses the petition and does not return him to his parents, the court shall commit the child to the care of the State Department of Health or the licensed county adoption agency, whichever agency made the recommendation, for that agency to arrange adoptive placement or to make a suitable plan. In those counties not covered by a licensed county adoption agency, the county welfare department shall act as the agent of the State Department of Health and shall provide care for the child in accordance with rules and regulations established by the department.

SEC. 47.9. Section 226.1 of the Civil Code is amended to read:

226.1. (a) In all cases in which consent is required, the consent of the natural parent or parents to the adoption by the petitioners must be signed in the presence of an agent of the State Department of Health or of a licensed county adoption agency on a form prescribed by such department and filed with the clerk of the superior court, in the county of the petitioner's residence.

(b) Such consent, when reciting that the person giving it is entitled to the sole custody of the minor child, shall, when duly acknowledged before such agent, be prima facie evidence of the right of the person making it to the sole custody of the child and such person's sole right to consent.

(c) If the father or mother of a child to be adopted is outside the State of California at the time of signing consent, his or her consent may be signed before a notary or other person authorized to perform notarial acts, and in such case the con-

sent of the Department of Health or of a licensed county adoption agency will also be necessary.

(d) A parent who is a minor shall have the right to sign a consent for the adoption of his or her child and such consent shall not be subject to revocation by reason of such minority.

SEC. 47.10. Section 226.2 of the Civil Code is amended to read:

226.2. In all cases of adoption in which no agency licensed to place children for adoption is a party, it shall be the duty of the Department of Health or of the licensed county adoption agency to accept the consent of the natural parents to the adoption of the child by the petitioners and to ascertain whether the child is a proper subject for adoption and whether the proposed home is suitable for the child, prior to filing its report with the court.

SEC. 47.11. Section 226.3 of the Civil Code is amended to read:

226.3. In all cases in which the consent of the natural parent or parents is not necessary and an agency licensed to place children for adoption is not a party to the petition, the State Department of Health or the licensed county adoption agency shall, prior to the hearing of the petition, file its consent to the adoption with the clerk of the superior court of the county in which the petition is filed. Such consent shall not be given by the Department of Health or the licensed county adoption agency unless the child's welfare will be promoted by the adoption.

SEC. 47.12. Section 226.4 of the Civil Code is amended to read:

226.4. If for a period of 180 days from the date of filing the petition, or upon the expiration of any extension of said period granted by the court, the Department of Health or the licensed county adoption agency fails or refuses to accept the consent of the natural parent or parents to the adoption, or if said department or agency fails or refuses to file or to give its consent to an adoption in those cases where its consent is required by this chapter, either the natural parent or parents or the petitioner may appeal from such failure or refusal to the superior court of the county in which the petition is filed, in which event the clerk shall immediately notify the Department of Health of such appeal and the department or agency shall within 10 days file a report of its findings and the reasons for its failure or refusal or consent to the adoption or to accept the consent of the natural parent. After the filing of said findings, the court may, if it deems that the welfare of the child will be promoted by said adoption, allow the signing of the consent by the natural parent or parents in open court, or if the appeal be from the refusal of said department or agency to consent thereto, grant the petition without such consent.

SEC. 47.13. Section 226.5 of the Civil Code is amended to read:

226.5. The State Department of Health or licensed county adoption agency shall interview the parties to the adoption as soon as possible and in any event within 45 days after the filing of the adoption petition.

SEC. 47.14. Section 226.6 of the Civil Code is amended to read:

226.6. It shall be the duty of the Department of Health or of the licensed county adoption agency to investigate the proposed adoption and to submit to the court a full report of the facts disclosed by its inquiry with a recommendation regarding the granting of the petition within 180 days after the filing of the petition. In those cases in which the investigation establishes that there is a serious question concerning the suitability of the petitioners or the care provided the child or the availability of the consent to adoption the report shall be filed immediately. The court may allow such additional time for the filing of said reports as in its discretion it may see fit, after at least five days' notice to the petitioner or petitioners and opportunity for such petitioner or petitioners to be heard with respect to the request for additional time. The report required of the Department of Health or of the licensed county adoption agency may be waived by the department in all cases in which an agency, licensed by the Department of Health to place children in homes for adoption, is a party or joins in the petition for adoption. Such waiver may be issued by the department at any time, either before or after the filing of the petition for adoption.

SEC. 47.15. Section 226.7 of the Civil Code is amended to read:

226.7. Whenever any report or findings are submitted to the court by the Department of Health or by a licensed county adoption agency under any provision of the preceding section, a copy of such report or findings, whether favorable or unfavorable, shall be given to the attorney for the petitioner in the proceedings, if the petitioner has an attorney of record, or to the petitioner.

SEC. 47.16. Section 226.8 of the Civil Code is amended to read:

226.8. If the findings of the State Department of Health or the county adoption agency are that the home of the petitioners is not suitable for the child or that the required consents are not available and it recommends that the petition be denied, or if the petitioners desire to withdraw the petition, and it recommends that the petition be denied, the county clerk upon receipt of the report of the State Department of Health or the county adoption agency shall immediately refer it to the superior court for review.

Upon receipt of such reports the court shall set a date for a hearing of the petition and shall give reasonable notice of

such hearing to the agency, the petitioners, and the natural parents by certified mail to the address of each as shown in the proceeding.

The department or county agency shall appear to represent the child.

SEC. 47.17. Section 226.9 of the Civil Code is amended to read:

226.9. Notwithstanding any other provisions of this chapter, in case of an adoption of a child by a stepparent where one natural or adoptive parent retains his or her custody and control of said child, the consent of either or both parents must be signed in the presence of a county clerk or probation officer of any county of this state on a form prescribed by the State Department of Health and the county clerk or probation officer before whom such consent is signed shall immediately file said consent with the clerk of the superior court of the county where the petition is filed and said clerk shall immediately file a certified copy of such consent to adoption with the State Department of Health.

If the father or mother of a child to be adopted is outside the State of California at the time of signing consent, his or her consent may be signed before a notary or other person authorized to perform notarial acts.

Such consent, when reciting that the person giving it is entitled to sole custody of the minor child, shall, when duly acknowledged before the county clerk or probation officer, be prima facie evidence of the right of the person making it to the sole custody of the child and such person's sole right to consent.

A parent who is a minor shall have the right to sign a consent for the adoption of his or her child and such consent shall not be subject to revocation by reason of such minority.

SEC. 47.18. Section 226.10 of the Civil Code is amended to read:

226.10. During the pendency of an adoption proceeding, the child proposed to be adopted shall not be concealed within the county in which the adoption is pending; and shall not be removed from such county, unless the petitioners or other interested persons first obtain permission for such removal from the court after giving advance written notice of intent to obtain such permission to the State Department of Health or to the licensed adoption agency responsible for the investigation of the proposed adoption. Upon proof of the giving of the notice, permission may be granted by the court if, within a period of 15 days from and after the date of the giving of the notice, no objections have been filed with the court by the State Department of Health or the licensed adoption agency responsible for investigation of the proposed adoption. If objections are filed within such period by the department or the adoption agency, upon the request of the petitioners the court shall immediately set the matter for hearing and give to the

objector, the petitioners, and the party or parties requesting permission for such removal reasonable notice of such hearing by certified mail to the address of each as shown in the records of the adoption proceeding Upon a finding that the objections are without good cause, the court may grant the requested permission for removal of the child, subject to such limitations as appear to be in the best interests of the child.

This section does not apply in any of the following situations:

(a) Where the child is absent for a period of not more than 30 days from the county in which the adoption proceeding is pending, provided that a notice of recommendation of denial of petition has not been personally served on the petitioners or the court has not issued an order prohibiting the removal of the child from the county pending consideration of any of the following:

(1) The suitability of the petitioners.

(2) The care provided the child.

(3) The availability of the legally required consents to the adoption.

(b) In a proceeding for the adoption of a child by his stepparent where one natural or adoptive parent retains his or her custody and control of the child.

(c) Where the child has been returned to and remains in the custody and control of his or her natural parent or parents.

(d) Where the child has been relinquished for adoption pursuant to Section 224m and written consent for the removal of the child is obtained from the State Department of Health or the licensed adoption agency responsible for the child.

In no event, nor for any period of time, shall a child who has been relinquished for adoption pursuant to Section 224m be removed from the county in which the child was placed by any person who has not petitioned to adopt the child without first obtaining the written consent of the State Department of Health or the licensed adoption agency responsible for the child.

A violation of this section constitutes a violation of Section 280 of the Penal Code.

Neither this section nor Section 280 of the Penal Code shall be construed to render lawful any act which is unlawful under any other applicable provision of law.

SEC. 47.19. Section 227 of the Civil Code is amended to read:

227. The person or persons desiring to adopt a child, and the child proposed to be adopted, must appear before the court; provided, that if said adoptive parent is then commissioned or enlisted in the military service, or auxiliary thereof, of the United States, or of any of its allies, or in the American Red Cross, so that it is impossible or impracticable, because of such person's absence from the State of California, or otherwise, for said person to make such appearance in person, and said

circumstances are established by satisfactory evidence, said appearance may be made for such person by his or her counsel, commissioned and empowered in writing so to do and which said power of attorney may be incorporated in the petition for adoption. The court must examine all persons appearing before it pursuant to this section. The examination of each such person shall be conducted separately but within the physical presence of each such other person or persons unless the court, in its discretion, shall order otherwise. The party or parties adopting shall execute or acknowledge an agreement in writing that the child shall be treated in all respects as the lawful child of the party or parties. If satisfied that the interest of the child will be promoted by the adoption, the court may thereupon make and enter a decree of adoption of the child by the adopting parent or parents, and the child and the adopting parents shall thereupon and thereafter sustain toward each other the legal relationship of parent and child and have all the rights and be subject to all the duties of that relation. In a case where the adopting parent is permitted to appear by counsel, the agreement may be executed and acknowledged by such counsel for such absent party, or may be executed by such absent party before a notary public, or any other person authorized to take acknowledgments including the persons authorized by Sections 1183 and 1183.5 of this code; provided, that in any case where said adoptive parent is permitted to appear by counsel hereunder, or otherwise, the court may, in its discretion, cause such examination of said adoptive parent, other interested party, or witness to be made upon deposition, as it deems necessary, said deposition to be taken upon commission, as prescribed by the Code of Civil Procedure, and the expense thereof to be borne by the petitioner. The petition, relinquishment, agreement, order, report to the court from any investigating agency, and any power of attorney and deposition must be filed in the office of the county clerk and shall not be open to inspection by any other than the parties to the action and their attorneys and the State Department of Health except upon the written authority of the judge of the superior court. A judge of the superior court shall not authorize anyone to inspect the petition relinquishment, agreement, order, report to the court from any investigating agency, or power of attorney or deposition or any portion of any such documents except in exceptional circumstances and for good cause approaching the necessitous. The petitioner may be required to pay the expenses for preparing the copies of the documents to be inspected.

Upon written request of any party to the action and upon the order of any judge of the superior court, the county clerk shall not provide any documents referred to in this section for inspection or copying to any other person, unless the name of the natural parents of the child or any information tending to identify the natural parents of the child is deleted from the documents or copies thereof.

Upon the request of the adoptive parents or the child, a county clerk may issue a certificate of adoption which states the date and place of adoption, the birthday of the child, the name of the adoptive parents, and the name which the child has taken. Unless the child has been adopted by a stepparent, the certificate shall not state the name of the natural parents of the child.

The provisions of this section permitting an adoptive parent, who is commissioned or enlisted in the military service, or auxiliary thereof, of the United States, or of any of its allies, or in the American Red Cross, to make an appearance through his or her counsel, commissioned and empowered in writing to do so, are equally applicable to the spouse of such adoptive parent who resides with such adoptive parent outside of this state.

Where, pursuant to this section, neither adoptive parent need appear before the court, the child proposed to be adopted need not appear. If the law otherwise requires that the child execute any document during the course of the hearing, the child may do so by and through counsel. Where none of the parties appear, no order of adoption shall be made by the court until after a report has been filed with the court pursuant to Section 226.6.

SEC. 47.20. Section 227aaa of the Civil Code is amended to read:

227aaa. Notwithstanding any other provision of law, the State Department of Health, and any holder of a license or permit to place children for adoption issued by the State Department of Health may furnish information relating to any adoption petition to the juvenile court, to any county welfare department, to any public welfare agency, or to any private welfare agency licensed by the State Department of Health whenever it is believed the welfare of a child will be promoted thereby.

SEC. 47.21. Section 227b of the Civil Code is amended to read:

227b. If any child heretofore or hereafter adopted under the foregoing provisions of this code shows evidence of being feeble-minded, epileptic or insane as a result of conditions prior to the adoption, and of which conditions the adopting parents or parent had no knowledge or notice prior to the entry of the decree of adoption, a petition setting forth such facts may be filed by the adopting parents or parent with the court which granted the petition for adoption. If such facts are proved to the satisfaction of the court, it may make an order setting aside the decree of adoption.

The petition must be filed within whichever is the later of the following time limits: (a) within five years after the entering of the decree of adoption, or (b) within one year after the effective date hereof, if such a condition were manifest in the child within five years after the entering of the decree of adoption.

In every action brought under this section it shall be the duty of the clerk of the superior court of the county wherein the action is brought to immediately notify the State Department of Health of such action. Within 60 days after such notice the State Department of Health shall file a full report with the court and shall appear before the court for the purpose of representing the adopted child.

SEC. 47.22. Section 227p of the Civil Code is amended to read:

227p. Any adult person may adopt any other adult person younger than himself, except the spouse of the adopting person, by an agreement of adoption approved by a decree of adoption of the superior court of the county in which either the person adopting or the person adopted resides, as provided in this section. The agreement of adoption shall be in writing and shall be executed by the person adopting and the person to be adopted, and shall set forth that the parties agree to assume toward each other the legal relation of parent and child, and to have all of the rights and be subject to all of the duties and responsibilities of that relation.

A married person not lawfully separated from his spouse cannot adopt an adult person without the consent of the spouse of the adopting person, if such spouse, not consenting, is capable of giving such consent. A married person not lawfully separated from his spouse cannot be adopted without the consent of the spouse of the person to be adopted, if such spouse, not consenting, is capable of giving such consent. Neither the consent of the natural parent or parents of the person to be adopted, nor of the State Department of Health, nor of any other person shall be required.

The adopting person and the person to be adopted may file in the superior court of the county in which either resides a petition praying for approval of the agreement of adoption by the issuance of a decree of adoption. The court shall fix a time and place for hearing on the petition, and both the person adopting and the person to be adopted must appear at the hearing in person, unless such appearance is impossible, in which event appearance may be made for either or both of such persons by counsel, empowered in writing to make such appearance. The court may require notice of the time and place of the hearing to be served on any other interested persons, and any such interested person may appear and object to the proposed adoption. No investigation or report to the court by any public officer or agency is required, but the court may require the county probation officer or the State Department of Health to investigate the circumstances and report thereon, with recommendations, to the court prior to the hearing.

At the hearing the court shall examine the parties, or the counsel of any party not present in person. If the court is satisfied that the adoption will be for the best interests of the parties and in the public interest, and that there is no reason why the petition should not be granted, the court shall approve

the agreement of adoption, and make a decree of adoption declaring that the person adopted is the child of the person adopting him; otherwise, the court shall withhold approval of the agreement and deny the petition.

A married minor child may be adopted pursuant to the provisions of this section; provided, that such married minor child has the written consent of his or her spouse to such adoption.

SEC. 48. Section 4011 of the Fish and Game Code is amended to read:

4011. Fur-bearing mammals and game mammals when involved in dangerous disease outbreaks, may be taken by duly constituted federal officers of the United States Departments of Agriculture, Interior, and Public Health and state officers of the California Departments of Agriculture, Health, and Fish and Game.

SEC. 49. Section 5671 of the Fish and Game Code is amended to read:

5671. The State Department of Health may:

(a) Examine any area from which shellfish may be taken.

(b) Determine whether the area is subject to sewage contamination.

(c) Determine whether the taking of shellfish from the area does or may constitute a menace to the lives or health of human beings.

SEC. 50. Section 5672 of the Fish and Game Code is amended to read:

5672. Upon the determination by the State Department of Health that the area is or may be subject to sewage contamination, and that the taking of shellfish from it does or may constitute a menace to the lives or health of human beings, it shall ascertain as accurately as it can the bounds of the contamination, and shall post notices on or in the area describing its bounds and prohibiting the taking of shellfish therefrom.

The taking of shellfish from the area is unlawful after the completion of the publication of the notices as prescribed in this article.

SEC. 51. Section 5674 of the Fish and Game Code is amended to read:

5674. The State Department of Health shall enforce the provisions of this article, and for that purpose the inspectors and employees of that agency may enter at all times upon public or private property upon which shellfish may be located.

SEC. 52. Section 1322 of the Government Code is amended to read:

1322. In addition to any other statutory provisions requiring confirmation by the Senate of officers appointed by the Governor, the appointments by the Governor of the following officers and the appointments by him to the listed boards and commissions are subject to confirmation by the Senate:

(a) California Horse Racing Board.

(b) Certified Shorthand Reporters Board.

(c) Chief, Division of Housing.
(d) Chief, Division of Industrial Safety.
(e) Chief, Division of Industrial Welfare.
(f) Chief, Division of Labor Law Enforcement.
(g) Commissioner of Corporations.
(h) Contractors State License Board.
(i) Director of Fish and Game.
(j) Director of Health.
(k) Real Estate Commissioner.
(*l*) State Athletic Commission.
(m) State Board of Barber Examiners.
(n) State Librarian.

SEC. 53. Section 11200 of the Government Code is amended to read:

11200. The Governor, upon recommendation of the director of the following state departments, may appoint not to exceed two chief deputies for the Directors of the Departments of Finance, Public Works, and General Services, and not to exceed one chief deputy for the Directors of the Departments of Social Welfare, Agriculture, Insurance, Human Resources Development, Motor Vehicles, Professional and Vocational Standards, and Water Resources.

The deputies provided for in this section shall be in addition to those authorized by any other law.

SEC. 54. Section 11550.5 of the Government Code is amended to read:

11550.5. An annual salary of thirty-two thousand five hundred dollars ($32,500) shall be paid to each of the following:

(a) Director of Health.

SEC. 55. 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; Rehabilitation; Health; Human Resources Development; the Youth Authority; Corrections; and Industrial Relations.

SEC. 56. Section 20 of the Health and Safety Code is amended to read:

20. "State department" means "State Department of Health."

SEC. 57. Section 21 of the Health and Safety Code is amended to read:

21. "Director" means "Director of Health."

SEC. 58. Section 22 of the Health and Safety Code is amended to read:

22. "Board" or "State Board of Public Health" means "State Department of Health," with respect to regulatory functions heretofore performed by the State Board of Public Health or the "Advisory Health Council" with respect to all other functions heretofore performed by the board.

SEC. 59. The heading of Part 1 (commencing with Section 100) of Division 1 of the Health and Safety Code is amended to read:

## PART 1. STATE DEPARTMENT OF HEALTH

SEC. 60. Chapter 1 (commencing with Section 100) of Part 1 of Division 1 of the Health and Safety Code is repealed.

SEC. 61. Chapter 1 (commencing with Section 100) is added to Part 1 of Division 1 of the Health and Safety Code, to read:

### CHAPTER 1. ORGANIZATION

100. There is in the state government in the Human Relations Agency, a State Department of Health.

101. The State Department of Health is under the control of an executive officer known as the Director of Health, 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 by Article 1 (commencing with Section 11550) of Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

102. The Director of Health shall have the powers of a head of the department pursuant to Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

103. The State Department of Health succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction of the Department of Mental Hygiene, the Department of Public Health, the Department of Health Care Services, the Department of Social Welfare, with respect to social service functions thereof, the Department of Rehabilitation, with respect to its alcoholism program, the Department of Consumer Affairs with respect to the healing arts boards, and the State Board of Public Health, with respect to its powers to issue, amend, and revoke, rules and regulations and licenses or permits.

104. The State Department of Health may use the unexpended balance of funds available for use in connection with the performance of the functions of any of the departments or boards to which the State Department of Health has succeeded pursuant to Section 103.

105. All officers and employees of any department or board, heretofore vested with any duty, power, purpose, responsibility, or jurisdiction to which the State Department of Health has succeeded, 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 State Department of Health by Section 103 shall be transferred to the State Department of Health. 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 Department of Health, pursuant to the

State Civil Service Act except as to positions exempted from civil service.

106. The State Department of Health shall have the possession and control of all records, papers, officers, equipment, supplies, moneys, funds, appropriations, land or other property, real or personal, held for the benefit or use of any state agency the functions of which are vested in the State Department of Health by Section 103.

107. All officers or employees of the State Department of Health employed after the operative date of this section shall be appointed by the Director of Health. Notwithstanding the foregoing, four Deputy Directors of Health shall be appointed by the Governor, with the advice of the Director of Health, to serve at the pleasure of the Director of Health. The four deputy directors shall be exempt from civil service. The annual salaries of the four exempted deputy directors shall be fixed by the Director of Health, subject to the approval of the Director of Finance.

108. The Public Health 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 through or under the direction of the State Department of Health, shall, on order of the State Controller, be deposited in the Public Health Federal Fund.

109. All money in the Public Health Federal Fund is hereby appropriated to the State Department of Health, 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.

110. The State Department of Health and the State Controller shall keep a record of the classes and sources of income deposited in, or transferred to, the Public Health Federal Fund, and of the disbursements and transfers therefrom.

111. The Director of Finance and the State Controller may approve any general plan whereby:

(a) Any expenditures which are a proper charge against the money made available by the United States and deposited in the Public Health Federal Fund may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered through or under the direction of the State Department of Health, and

(b) Any expenditures which are a proper charge against an appropriation from any special fund in the State Treasury, expenditures from which are administered through or under the direction of the State Department of Health, may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered through or under the direction of said department, and

(c) The General Fund shall be reimbursed for expenditures made therefrom that are a proper charge against the Public Health Federal Fund or against any appropriation from any special fund.

Such a general plan may provide for advance transfers from the Public Health Federal Fund to the General Fund, based on estimates of such expenditures that will be subject to reimbursement from the Public Health Federal Fund pursuant to such plan, and may provide for reimbursements to the Public Health Federal Fund, when necessary.

Request for reimbursement or transfer pursuant to such a plan shall be furnished to the State Controller in writing by the State Department of Health, accompanied by such financial statements as the plan may provide; and on order of the State Controller, the required amount shall be transferred in accordance therewith.

112. All grants or donations of money received by the state from sources other than the United States, the expenditure of which is administered through or under the direction of the State Department of Health, shall, on order of the State Controller, be deposited in the Special Deposit Fund, subject to the provisions of Article 2 (commencing with Section 16370) of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code. The State Controller shall designate, by name, separate accounts within the Special Deposit Fund covering the accountability for each class of grant or donation deposited under the provisions of this section; and the State Department of Health and the State Controller shall keep a record of the classes and sources of income deposited in, or transferred to, each of such accounts in the Special Deposit Fund, and of the disbursements therefrom.

All moneys deposited in the Special Deposit Fund under the provisions of this section shall be available, without regard to fiscal years, for expenditure for the purposes for which such money was made available to the state.

SEC. 62. Section 200 of the Health and Safety Code is amended to read:

200. The State Department of Health shall examine into the causes of communicable disease in man and domestic animals occurring or likely to occur in this state.

SEC. 63. Section 205 of the Health and Safety Code is amended to read:

205. It may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:

(a) To enforce its rules and regulations.

(b) To enjoin and abate nuisances dangerous to health.

(c) To compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this state relating to the public health.

(d) To protect and preserve the public health.

It may defend all actions and proceedings involving its powers and duties. In all actions and proceedings it shall sue and be sued under the name of the State Department of Health.

SEC. 64. Section 214 of the Health and Safety Code is amended to read:

214. The State Department of Health shall enforce the provisions of Section 383b of the Penal Code.

SEC. 65. 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 Health in first aid every three years shall also be required.

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.

SEC. 66. Section 249 of the Health and Safety Code is amended to read:

249. The Department of Health shall establish and administer a program of services for physically defective or handicapped persons under the age of 21 years, in cooperation with the federal government through its appropriate agency or instrumentality, for the purpose of developing, extending and improving such services. The department shall receive and expend all funds made available to it by the federal government, the state, its political subdivisions or from other sources, and it shall have power to supervise those services included in the state plan which are not directly administered by the state. The department shall cooperate with the medical, health, nursing and welfare groups and organizations concerned with the program, and any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children.

SEC. 67. Section 280 of the Health and Safety Code is amended to read:

280. It is the policy of the State of California to make every effort to detect, as early as possible, phenylketonuria and other preventable heritable disorders leading to mental retardation or physical defects.

The State Department of Health shall have the responsibility of designating tests and regulations to be used in executing this policy. Such tests shall be in accordance with accepted medical practices and shall be administered to each child born in California at such time as the department has established appropriate regulations and testing methods.

The department shall inform all hospitals or physicians, or both, of required regulations and tests and may alter or withdraw any such requirements whenever sound medical practice so indicates.

The department shall report to the Governor and the Legislature annually as to the progress and effect of testing programs.

The provisions of this section shall not apply if a parent or guardian of the newborn child objects to a test on the ground that the test conflicts with his religious beliefs or practices.

SEC. 68. Section 291 of the Health and Safety Code is amended to read:

291. (a) The blood specimen obtained shall be submitted to a licensed clinical laboratory or approved public health laboratory for a determination of rhesus (Rh) blood type and the results reported (1) to the physician and surgeon or other person engaged in the prenatal care of the woman or attending such woman at the time of delivery, and (2) to the woman tested.

(b) The State Department of Health shall adopt such rules and regulations as it determines are reasonably necessary for the implementation of the provisions of subdivision (a) of this section.

SEC. 69. Section 300 of the Health and Safety Code is amended to read:

300. The State Department of Health shall maintain a program of child health.

SEC. 70. Section 304 of the Health and Safety Code is amended to read:

304. Every licensed physician and surgeon or other person attending a newborn infant diagnosed as having had rhesus (Rh) isoimmunization hemolytic disease shall report such condition to the State Department of Health on report forms prescribed by the department.

SEC. 71. Section 305 of the Health and Safety Code is amended to read:

305. The State Department of Health shall report the number of reported cases of rhesus (Rh) isoimmunization hemolytic disease to the Legislature on the fifth legislative day of the 1971 Regular Session of the Legislature.

SEC. 72. Section 350 of the Health and Safety Code is repealed.

SEC. 73. Section 351 of the Health and Safety Code is repealed.

SEC. 74. Section 354 of the Health and Safety Code is repealed.

SEC. 75. Section 374 of the Health and Safety Code is amended to read:

374. The State Department of Health shall maintain a laboratory and such branch laboratories as may be necessary to perform the microbiological, physical and chemical analyses required to meet the responsibilities of the department.

SEC. 76. Section 382 of the Health and Safety Code is amended to read:

382. No person shall be awarded a scholarship under subdivision (a) or (b) of Section 381 unless:

(a) He is a resident of California.

(b) He is licensed as a registered nurse by this state.

(c) He has complied with all the rules and regulations adopted pursuant to this article.

(d) He has agreed that he will continue his education to completion of the bachelor's degree or a program supplemental to a bachelor's degree required for admission to master level studies in nursing, and that after completion of the requirements of Section 381 (a) or (b), and within a period of time to be determined by the State Department of Health will enroll in an accredited master's degree program in teaching or supervision in a clinical nursing area.

(e) He agrees that immediately upon completion of his graduate study, either master's degree or post-master's program, he will assume an employment obligation in California in teaching or supervision in a clinical nursing area, for not less than one year.

SEC. 77. Section 384 of the Health and Safety Code is amended to read:

384. The State Department of Health shall administer the program of nursing education scholarships and shall for such purpose, adopt such rules and regulations as it determines are necessary to carry out the provisions of this article.

SEC. 78. Section 400 of the Health and Safety Code is amended to read:

400. The State Department of Health shall maintain a program of sanitary engineering.

SEC. 79. Section 405 of the Health and Safety Code is amended to read:

405. The State Department of Health may maintain a program of accidential injury study and control, including but not limited to, all of the following:

(a) The conduct of studies to determine the health and human components of accidental injury.

(b) The study of factors associated with prompt and efficient emergency treatment of accidental injuries.

(c) The study of human and environmental factors in the occurrence of accidental injury.

(d) The development of control programs to reduce the frequency and severity of accidental injuries resulting from health and other human factors, either alone or in combination with environmental factors.

(e) Consultation with and assistance to local health departments and other agencies in the development and maintenance of programs for the prevention and control of accidental injuries.

SEC. 80. Section 410 of the Health and Safety Code is amended to read:

410. The State Department of Health shall define disorders characterized by lapses of consciousness for the purposes of the reports hereinafter referred to:

(1) All physicians shall report immediately to the local health officer in writing, the name, date of birth, and address of every person diagnosed as a case of a disorder characterized by lapses of consciousness.

(2) The local health officer shall report in writing to the state department the name, age, and address, of every person reported to it as a case of a disorder characterized by lapses of consciousness.

(3) The state department shall report to the State Department of Motor Vehicles the names, dates of birth, and addresses, of all persons reported as a case of a disorder characterized by lapses of consciousness by the physicians and local health officers.

(4) Such reports shall be for the information of the State Department of Motor Vehicles in enforcing the provisions of the Vehicle Code of California, and shall be kept confidential and used solely for the purpose of determining the eligibility of any person to operate a motor vehicle on the highways of this state.

SEC. 81. Section 416 of the Health and Safety Code is amended to read:

416. The Director of Health may be appointed as either guardian or conservator of the person and estate, or person or estate, of any mentally retarded person, who is either of the following: (1) Eligible for the services of a regional center. (2) A patient in any state hospital, and who was admitted or committed to such hospital from a county served by a regional center.

SEC. 82. Section 416.9 of the Health and Safety Code is amended to read:

416.9. The court may appoint the Director of Health as guardian or conservator of the person and estate or person or estate of a minor or adult mentally retarded person. The preferences established in Probate Code Section 1753 for appointment of a conservator shall not apply. An appointment of the Director of Health as conservator shall not constitute a judicial finding that the mentally retarded person is legally incompetent.

SEC. 83. Section 416.10 of the Health and Safety Code is amended to read:

416.10. No appointment of both the Director of Health and a private guardian or conservator shall be made for the same person and estate, or person or estate. The Director of Health may be appointed as provided in this article to suc-

ceed an existing guardian or conservator upon the death, resignation or removal of such guardian or conservator.

SEC. 84. Section 416.12 of the Health and Safety Code is amended to read:

416.12. The Director of Health shall file an official bond in no event less than twenty-five thousand dollars ($25,000), which bond shall inure to the joint benefit of the several guardianship or conservatorship estates and the State of California, and the Director of Health shall not be required to file bonds in individual cases.

SEC. 85. Section 416.13 of the Health and Safety Code is amended to read:

416.13. The appointment by the court of the Director of Health as conservator or guardian shall be by the title of his office. The authority of the Director of Health as conservator or guardian shall cease upon the termination of his term of office as such Director of Health and his authority shall vest in his successor or successors in office without further court proceedings. The Director of Health shall not resign as conservator or guardian unless his resignation is approved by the court.

SEC. 86. Section 416.14 of the Health and Safety Code is amended to read:

416.14. The Director of Health shall consult with mentally retarded persons and their families with respect to the services he offers, and, in addition, shall:

(a) Act as adviser for those mentally retarded persons who request his advice and guidance or for whose benefit it is requested.

(b) Accept appointment as conservator of the person and estate, or person or estate, of those mentally retarded persons who need his assistance and protection, but who have not been judicially determined to be legally incompetent. Such appointment shall not constitute a finding that the mentally retarded person is legally incompetent.

(c) Accept appointment as guardian of the person and estate, or person or estate of those mentally retarded persons who are or have been judicially determined to be legally incompetent.

SEC. 87. Section 416.15 of the Health and Safety Code is amended to read:

416.15. The Director of Health, when acting as adviser, may provide advice and guidance to the mentally retarded person without prior appointment by a court. The provision for such services shall not be dependent upon a finding of incompetency, nor shall it abrogate any civil right otherwise possessed by the mentally retarded person.

SEC. 88. Section 416.16 of the Health and Safety Code is amended to read:

416.16. The Director of Health shall have the same powers and duties as those established for guardians and conservators in the Guardianship Act and the Conservatorship Act.

SEC. 89. Section 417 of the Health and Safety Code is amended to read:

417. Up to four regional dialysis centers with up to two in the northern and up to two in the southern part of the state, shall be established for the treatment of persons suffering from chronic uremia. Each such center shall be located in a metropolitan area and shall have an affiliation with a large hospital or medical school, but shall not be necessarily a physical part of such institution. These institutions, however, shall be able to provide a full range of medical, surgical and rehabilitation services. The State Department of Health shall only act as a granting agency for state funds which are appropriated for the establishment and the continuation of the four centers. The state department, upon the advice of the review committee which is provided for by Section 417.3, may contract with any such hospital or medical care institution for the administration and operation of one of the regional dialysis centers. It is not the intent of this section that any new hospital or medical school be established.

SEC. 90. Section 417.3 of the Health and Safety Code is amended to read:

417.3. The Director of Health shall appoint a review committee, upon nomination of the represented party, not to exceed seven members, two of whom shall represent the California Medical Association, one to represent the University of California administration, one to represent the National Kidney Disease Foundation in California, one to represent the State Department of Health, and two members to represent the lay public. The chairman of the committee shall be appointed by the Governor. This committee shall establish standards for the expenditure of state funds which are provided for the establishment and support of regional dialysis centers to assure the availability of specialized personnel, resources, and equipment necessary to enable such centers to function and care for patients with severe uremia. The director shall choose from a list provided by the review committee the institutions which qualify under the standards established to receive grants of state funds to establish and continue a regional dialysis center. The review committee shall also examine periodically the performance of established regional dialysis centers and recommend continuation grants to the director. The members of the review committee shall serve for a two-year period and may be reappointed. Not more than half the membership of the committee shall be changed during any one year. The committee shall serve without compensation, but shall receive their necessary travel expenses.

SEC. 91. Section 420 of the Health and Safety Code is amended to read:

420. The State Department of Health may maintain a mental health service which shall advise and assist local departments of health and education in the establishment of mental health services, particularly in connection with ma-

ternal and child health conferences and in the schools of the state.

The department may conduct such activities as may be required in the development of mental health services as related to public health.

This article does not authorize any form of compulsory medical or physical examination, treatment, or control of any person.

SEC. 92. Section 425 of the Health and Safety Code is amended to read:

425. The State Department of Health shall submit to the State Air Resources Board recommendations for ambient air quality standards reflecting the relationship between the intensity and composition of air pollution and the health, illness, irritation to the senses, and the death of human beings.

SEC. 92.5. Section 427.3 of the Health and Safety Code is amended to read:

427.3. The State Department of Health shall by regulation establish such minimum standards for the sanitation of public beaches, including, but not limited to, the removal of refuse, as it determines are reasonably necessary for the protection of the public health and safety. Such regulations of the department shall not become effective until they have been submitted to and approved by the Council on Intergovernmental Relations except as otherwise provided in this section. The council shall approve the regulations if it determines that the standards established by the regulations are reasonably necessary for the protection of the public health and safety.

Within 60 days from the time the department submits the regulations to the council, the council shall either approve the regulations or provide the department with detailed reasons why, in its opinion, the regulations are not necessary for the protection of the public health and safety. Failing either such action by the council, the regulations shall become effective 60 days following their submittal to the council.

Any city or county may adopt standards for the sanitation of public beaches within its jurisdiction which are stricter than the standards adopted by the state department pursuant to this section.

SEC. 93. Section 428 of the Health and Safety Code is amended to read:

428. The State Department of Health shall maintain a program for the prevention of blindness, including, but not limited to:

(a) Studies to determine the number, distribution, and nature of conditions leading to blindness among the population of the state.

(b) Investigations into the causes of blindness for the purpose of developing control procedures.

(c) Consultations with, and assistance to, local agencies directed toward education for the prevention of blindness, the early identification of conditions leading to blindness, and

the application of methods for reducing the amount of blindness resulting from preventable conditions.

SEC. 94. Section 429 of the Health and Safety Code is amended to read:

429. The State Department of Health may maintain a program for seasonal agricultural and migratory workers and their families, consisting of:

(a) Studies of the health and health services for seasonal agricultural and migratory workers and their families throughout the state.

(b) Technical and financial assistance to local agencies concerned with the health of seasonal agricultural and migratory workers and their families.

(c) Coordination with similar programs of the federal government, other states, and voluntary agencies.

SEC. 95. Section 429.11 of the Health and Safety Code is amended to read:

429.11. The State Department of Health shall maintain a program of occupational health and occupational disease prevention including, but not limited to, the following:

(a) Investigations into the causes of morbidity and mortality from work-induced diseases.

(b) Development of recommendations for improved control of work-induced diseases.

(c) Maintenance of a thorough knowledge of the effects of industrial chemicals and work practices on the health of California workers.

(d) Provision of technical assistance in matters of occupational disease prevention and control to the Department of Industrial Relations and other governmental and nongovernmental agencies, organizations, and private individuals.

(e) Collection and summarization of statistics describing the causes and prevalence of work-induced diseases in California.

SEC. 96. Section 429.30 of the Health and Safety Code is amended to read:

429.30. The State Department of Health shall maintain a program for Indians and their families, consisting of:

(a) Studies of the health and health services for Indians and their families throughout the state.

(b) Technical and financial assistance to local agencies concerned with the health of Indians and their families.

(c) Coordination with similar programs of the federal government, other states, and voluntary agencies.

SEC. 97. Section 431 of the Health and Safety Code is amended to read:

431. The State Department of Health shall constitute the sole agency of the state for the following purposes:

(a) Making an inventory of existing hospitals, surveying the need for construction of hospitals, and developing a program of hospital construction as provided in Article 3 of this chapter.

(b) Developing and administering a state plan for the construction of public and other nonprofit hospitals as provided in Article 3 of this chapter.

SEC. 98. Section 431.2 of the Health and Safety Code is repealed.

SEC. 99. Section 431.2 is added to the Health and Safety Code, to read:

431.2. The Advisory Health Council shall advise and consult with the department in carrying out the administration of this chapter and succeeds to and is vested with the functions, authority and responsibility of the Advisory Hospital Council and the Health Planning Council.

Any reference in any code to the Advisory Hospital Council or to the Health Planning Council shall be deemed a reference to the Advisory Health Council.

SEC. 100. Section 431.10 of the Health and Safety Code is repealed.

SEC. 101. Section 432.2 of the Health and Safety Code is amended to read:

432.2. The department may make application to the Surgeon General for federal funds to assist in carrying out the survey and planning activities provided for in this article. Such funds shall be deposited in the Department of Health Fund in the State Treasury.

SEC. 102. Section 432.9 of the Health and Safety Code is amended to read:

432.9. The department is hereby authorized to receive federal funds in behalf of, and transmit them to, such applicants. Money received from the federal government for a construction project approved by the Surgeon General shall be deposited in the Department of Health Fund, and shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects.

SEC. 103. Section 433 of the Health and Safety Code is amended to read:

433. Any moneys deposited in the Department of Health Fund in accordance with the provisions of this article are appropriated for expenditure by the director for the purposes for which such moneys were received, in accordance with the provisions of this chapter. Any such funds received and not expended for the purposes of this article shall be repaid to the Treasury of the United States.

SEC. 104. Section 434 of the Health and Safety Code is amended to read:

434. The Legislature finds that in certain areas there is a need for nursing and convalescent homes for persons who are indigent. It is the purpose of this section to provide authorization for the construction of such homes, so that public medical assistance may be provided, under the state's medical assistance programs, for such indigent persons.

The State Department of Health may issue a certificate of need upon application by a chartered nonprofit corporation, for a nursing and convalescent home which provides or makes available medical care for indigent persons, to be constructed under the Mortgage Insurance Program of the Federal Housing Administration.

SEC. 105. Section 435.2 of the Health and Safety Code is amended to read:

435.2. The State Department of Health shall administer this article, and shall make such rules and regulations as may be necessary to carry out its provisions.

SEC. 106. Section 435.7 of the Health and Safety Code is amended to read:

435.7. Application for state assistance under this article shall be made to the State Department of Health, in the manner and form prescribed by the department. The department shall prescribe the time and manner of payment of state assistance, if granted.

SEC. 107. Section 436.2 of the Health and Safety Code is amended to read:

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 Health 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 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.

SEC. 108. Section 436.45 of the Health and Safety Code is amended to read:

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 Health 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.

SEC. 109. Section 436.50 of the Health and Safety Code is amended to read:

436.50. On or before July 1, 1970, the State Department of Health shall adopt and publish such rules and regulations to be used in approving and governing the operation of laboratories engaging in the performance of tests referred to in Sections 436.51 and 436.52, including the qualifications of the employees of such laboratories who perform such tests, as it determines are reasonably necessary to insure the competence of such laboratories and employees to prepare, analyze, and report the results of such tests. The rules and regulations shall be adopted, only after the State Department of Health has consulted with at least one member of each of the following groups: district attorneys, public defenders, coroners, criminalists, pathologists, analytical chemists, and such other persons deemed by the department to be qualified.

SEC. 110. Section 436.51 of the Health and Safety Code is amended to read:

436.51. On or after January 1, 1971, the testing by or for law enforcement agencies of blood, urine, or tissue for the purposes of determining the concentration of ethyl alcohol in the blood of persons involved in traffic accidents or in traffic violations shall be performed only by a laboratory approved and licensed by the State Director of Health for the performance of such tests.

SEC. 111. Section 436.52 of the Health and Safety Code is amended to read:

436.52. The testing of breath samples by or for law enforcement agencies for purposes of determining the concentration of ethyl alcohol in the blood of persons involved in traffic accidents or in traffic violations shall be performed in accordance with regulations adopted by the State Department of Health.

The rules and regulations shall establish the procedures to be used by law enforcement agencies in administering breath tests for the purposes of determining the concentration of ethyl alcohol in a person's blood. Such rules and regulations shall be adopted and published in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 112. Section 436.53 of the Health and Safety Code is amended to read:

436.53. Each laboratory in this state which performs the tests referred to in Sections 436.51 and 436.52, shall be licensed by the State Director of Health. Each such laboratory, other than a laboratory operated by the state, city or county or other public agency shall upon application for licensing pay a fee to the State Department of Health in an amount, to be determined by the department, which will reimburse the department for the costs incurred by the department in the issuance and

renewal of such licenses, but not to exceed one hundred dollars ($100). On or before each January 1 of each year thereafter, each such laboratory shall pay to the department a fee so determined by the department, not to exceed one hundred dollars ($100), for renewal of its license.

SEC. 113. Section 436.57 of the Health and Safety Code is amended to read:

436.57. Any license issued pursuant to Section 436.53 may be suspended or revoked by the State Director of Health for any of the reasons set forth in Section 436.59. The director may refuse to issue a license to any applicant for any of the reasons set forth in Section 436.58. The proceedings 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 director shall have the powers and duties granted therein.

SEC. 114. Section 436.58 of the Health and Safety Code is amended to read:

436.58. The State Director of Health may deny a license if the applicant or any partner, officer or director thereof:

(a) Fails to meet the qualifications established by the department pursuant to this part for the issuance of the license applied for.

(b) Was previously the holder of a license issued under this part which license has been revoked and never reissued or which license was suspended and the terms of the suspension have not been fulfilled.

(c) Has committed any act involving dishonesty, fraud, or deceit whereby another was injured or whereby applicant has benefited.

SEC. 115. Section 436.59 of the Health and Safety Code is amended to read:

436.59. The State Director of Health may suspend, revoke, or take other disciplinary action against a licensee as provided in this chapter if the licensee or any partner, officer or director thereof:

(a) Violates any of the regulations promulgated by the department pursuant to this chapter.

(b) Commits any act of dishonesty, fraud, or deceit whereby another is injured or whereby the licensee benefited.

(c) Has misrepresented any material fact in obtaining a license.

SEC. 116. Section 436.60 of the Health and Safety Code is amended to read:

436.60. The State Director of Health may take disciplinary action against any licensee after a hearing as provided in this part by any of the following:

(a) Imposing probation upon terms and conditions to be set forth by the director.

(b) Suspending the license.

(c) Revoking the license.

SEC. 117. Section 436.61 of the Health and Safety Code is amended to read:

436.61. Upon the effective date of any order of suspension or revocation of any license governed by this part, the licensee shall surrender the license to the State Director of Health.

SEC. 118. Section 436.62 of the Health and Safety Code is amended to read:

436.62. All accusations against licensees shall be filed within three years after the act or omission alleged as the ground for disciplinary action, except that with respect to an accusation alleging a violation of subdivision (c) of Section 436.59, the accusation may be filed within two years after the discovery by the State Department of Health of the alleged facts constituting the fraud or misrepresentation prohibited by said section.

SEC. 119. Section 436.63 of the Health and Safety Code is amended to read:

436.63. After suspension of the license upon any of the grounds set forth in this article, the State Director of Health may reinstate the license upon proof of compliance by the applicant with all provisions of the decision as to reinstatement. After revocation of a license upon any of the grounds set forth in this part, the license shall not be reinstated or reissued within a period of one year after the effective date of revocation.

SEC. 120. Section 437 of the Health and Safety Code is amended to read:

437. In order to provide comprehensive state health planning in response to the enactment of Public Law 89-749, and to advise the Director of Health, there is hereby created the Advisory Health Council, to be composed of 19 members.

The Governor shall appoint 12 members, one of whom shall be representative of nongovernmental organizations or groups concerned with the operation, construction, or utilization of hospitals or other health care facilities, one of whom shall be representative of a public agency concerned with the operation, construction, or utilization of hospitals or general health activities, one of whom shall be concerned with the operation, construction or utilization of nongovernmental facilities or services for the retarded, one of whom shall be representative of nongovernmental organizations or groups concerned with the operation, construction or utilization of mental health services, one of whom shall be a provider of health care, one of whom shall be a representative of consumers of services for the mentally retarded, one of whom shall be a representative of consumers of mental health services, one of whom shall be a representative of local government, and four of whom shall be representatives of the general consumer public, as defined.

The Chairman of the Senate Committee on Rules shall appoint three members, one of whom shall be a Member of the Senate, one of whom shall be a provider of health care, and

one of whom shall be a representative of the general consumer public.

The Speaker of the Assembly shall appoint three members, one of whom shall be a Member of the Assembly, one of whom shall be a provider of health care, and one of whom shall be a representative of the general consumer public.

The Governor shall appoint a state government official concerned with health.

The chairman and vice chairman of the council shall be appointed by the Governor. The chairman shall be chosen from among the representatives of the general consumer public or public officials, except for legislators and except for representatives of major purchasers of health care services. The chairman and vice chairman shall serve at the pleasure of the Governor.

The representatives of the general consumer public shall be bona fide public representatives whose occupations are neither the administration of health activities nor the performance of health services, who have no fiduciary obligation to a hospital or other health agency, and who have no material financial interest in the rendering of health services.

The Member, or Members, of the Senate, appointed by the Chairman of the Senate Committee on Rules, and the Member, or Members, of the Assembly, appointed by the Speaker, shall meet with and participate in the work of the council to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature appointed to the council shall serve at the pleasure of the appointing power. For purposes of this part, such Members of the Legislature shall constitute a joint legislative committee on the subject of this part and shall have the powers and duties imposed upon such committee by the Joint Rules of the Senate and Assembly.

SEC. 121. Section 437.05 is added to the Health and Safety Code, to read:

437.05. Any reference in any code to the Health Planning Council, the Health Review and Program Council, or the State Board of Public Health, with respect to functions thereof that are advisory, shall be deemed a reference to the Advisory Health Council.

SEC. 122. Section 437.1 of the Health and Safety Code is amended to read:

437.1. Of the members first appointed by the Governor, two shall hold office for four years, four shall hold office for three years, and two shall hold office for two years.

Of the members first appointed by the Chairman of the Senate Committee on Rules, one shall hold office for four years and one shall hold office for two years.

Of the members first appointed by the Speaker of the Assembly, one shall hold office for four years and one shall hold office for two years.

The members first appointed to the additional offices created by the amendments to this part enacted at the 1969 Regular Session of the Legislature shall hold office for four-year terms.

Thereafter, each member shall hold office for four years. No appointing authority specified in Section 437 shall appoint any person to alternate membership on the Advisory Health Council, unless to fill the vacant term of an appointment.

The terms of Members of the Legislature appointed to the council shall be figured as indicated above, but the members shall serve at the pleasure of the appointing power and in no event after they cease to be Members of the Legislature.

SEC. 123. Section 437.2 of the Health and Safety Code is amended to read:

437.2. The Advisory Health Council shall meet 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. 124. Section 437.3 of the Health and Safety Code is amended to read:

437.3. The members of the Advisory Health Council shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with their duties as members of the council.

SEC. 125. Section 437.5 of the Health and Safety Code is amended to read:

437.5. (a) The Governor shall designate a state health planning agency in order to comply with Section 314 of Public Law 89-749, after receiving the recommendation of the council. The council shall approve the comprehensive health plan to be submitted to the federal government. The budget of the agency for the expenditure of planning money and health grant funds shall be submitted to the council for its recommendation before its submission to the Governor and the Legislature.

(b) The Advisory Health Council shall advise the agency in the conduct of its comprehensive health planning activities and in the setting of priorities. The council shall review all project grant applications for public funds that relate to health and which are administered either directly or indirectly by state agencies, except funds appropriated by the Legislature. Such review shall include the priority of each project, its relationship to projects funded under the provisions of the Comprehensive Health Planning Act, Public Law 89-749, and its relationship to statewide health needs.

(c) The Advisory Health Council may require state and other public agencies to submit data on publicly administered or financed health programs pertinent to effective planning and coordination under the provisions of Public Law 89-749.

SEC. 126. Section 437.7 of the Health and Safety Code is amended to read:

437.7. In order to assure availability of objective and impartial review by planning groups (referred to as voluntary

area health planning agencies) of hospitals and related facilities, including facilities licensed by the State Department of Health, or proposed projects for new, additional or revised hospital and related health facility projects, including facilities licensed by the State Department of Health, the Advisory Health Council, from time to time, shall approve no more than one voluntary area health planning agency for any designated area of the state, provided such group shall meet the following criteria:

(a) Shall be incorporated as a nonprofit corporation and be controlled by a board of directors consisting of a majority representing the public and local government as consumers of health services with the balance being broadly representative of the providers of health services and the health professions.

(b) Shall review information on utilization of hospitals and related health facilities.

(c) Shall develop principles for the determination of community need and desirability to guide hospitals and related health facilities in acting in the public interest. Such principles shall be consistent with the general guidelines developed by the Advisory Health Council in accordance with Section 437.8.

(d) Shall conduct public meetings in which members of the health professions and consumers will be encouraged to participate.

(e) Shall review individual proposals for the construction of new or additional hospital and related health facilities, the conversion of one type of facility to a different category of licensure or the creation or expansion of new areas of service, and make decisions as to the need and desirability for the particular proposal in accordance with the principles developed pursuant to subdivision (c).

(f) Individual proposal reviews shall be in accordance with administrative procedures established by the Advisory Health Council, which shall include, but need not be limited to:

(1) A public hearing.

(2) Reasonable notice.

(3) Right to representation by counsel.

(4) Right to present oral and written evidence and confront and cross-examine opposing witnesses.

(5) Availability of transcript at applicant's expense.

(6) Written findings of fact and recommendations to be delivered to applicant and filed with the State Department of Health as a public record.

(g) Shall have a plan to finance the procedure which shall include, but not necessarily be limited to, filing fees and charges for processing and appeal.

Voluntary area health planning agencies may divide their areas into local areas for purposes of more efficient health facility planning, with the approval of the Advisory Health Council. Such local areas shall be of a geographic size and

contain adequate population to insure a broad base for planning decisions. Each local area shall contain a voluntary local health planning agency which shall meet the criteria in subdivisions (a) through (g) of this section.

An organization which meets the criteria in subdivisions (a) through (g) of this section may make application to its voluntary area health planning agency for designation as a voluntary local health planning agency for a designated area. After a complete application has been received, the area agency shall reach a decision concerning the application. The decision, or lack of decision, of the area agency may be appealed to the Advisory Health Council. Any appeal shall be made within 30 days of the decision or lack of decision.

Approval of voluntary area and local area health planning agencies, adoption of statewide general principles for planning and the adoption of administrative procedures for voluntary area and local area health planning agencies shall be made by the Advisory Health Council only after notice and public hearing.

SEC. 127. Section 437.8 of the Health and Safety Code is amended to read:

437.8. The Advisory Health Council shall develop general principles to guide voluntary area and local area health planning agencies in the performance of their responsibilities under Section 437.7. These principles shall provide for consideration of the following factors and may provide other guidelines not inconsistent herewith:

(a) The need for health care services in the area and the requirements of the population to be served by the applicant;

(b) The availability and adequacy of health care services in the area's existing facilities which currently conform to federal and state standards;

(c) The availability and adequacy of other services in the area such as preadmission, ambulatory or home care services which may serve as alternatives or substitutes for the whole or any part of the services to be provided by the proposed facility;

(d) The possible economies and improvement in service that may be derived from operation of joint, cooperative, or shared health care resources;

(e) The development of comprehensive services for the community to be served. Such services may be either direct or indirect through formal affiliation with other health programs in the area, and include preventive, diagnostic, treatment and rehabilitation services. Preference shall be given to health facilities which will provide the most comprehensive health services and include outpatient and other integrated services useful and convenient to the operation of the facility and the community.

SEC. 128. Section 438.1 of the Health and Safety Code is amended to read:

438.1. The decision or lack of decision of a voluntary area health planning agency or the decision or lack of decision of the consumer members of a voluntary area health planning agency acting as an appeals body may be appealed by the applicant or by more than one-third of the members of the board of directors of the voluntary area health planning agency. The appeal by the members of the board shall be made directly to the Advisory Health Council. The appeal by the applicant shall be made to the consumer members of another voluntary area health planning agency as previously designated by the Advisory Health Council. The Advisory Health Council, on a periodic basis, shall designate the voluntary area health planning agency or agencies, the consumer members of which shall be the appeals body or bodies for another voluntary area health planning agency; provided that such agencies shall not be the appeals body or bodies for each other.

The decision of a voluntary area health planning agency upon reviewing the recommendation or lack of recommendation of a voluntary local health planning agency may be appealed by more than one-third of the members of the board of directors of the voluntary local health planning agency. The appeal by the members of the board shall be made directly to the Advisory Health Council. The Advisory Health Council shall develop guidelines for appeal procedures for the voluntary area health planning agencies.

SEC. 129. Section 438.3 of the Health and Safety Code is amended to read:

438.3. An applicant may petition the Advisory Health Council for a hearing on the decision on appeal. A petition for hearing shall be made within 30 days of the appealed decision.

The required number of members of the board of directors may petition the Advisory Health Council for a hearing on the decision of the voluntary area health planning agency or the decision or lack of decision of the consumer members of a voluntary area health planning agency acting as an appeals body. A petition for hearing shall be made within 30 days of the decision of the voluntary area health planning agency or the decision or lack of decision of the consumer members of a voluntary health planning agency acting as an appeals body.

The Advisory Health Council shall grant a hearing if at least one-third of the voting members of the council certify in writing that they agree to a hearing. Such certification shall be made within 60 days of the receipt of the petition for hearing.

If the required number of voting members agree to a hearing, the council shall reach a decision within 90 days of the date of agreement. At least one hearing shall be held on the appeal, but it may be heard by a committee of the council composed of at least three voting members, a majority of whom shall be consumers. The final decision on the appeal shall be made by the full council.

SEC. 130. Section 438.4 of the Health and Safety Code is amended to read:

438.4. The voluntary area health planning agency, acting upon an application originally or reviewing a recommendation of a voluntary local health planning agency or the consumer members of a voluntary area health planning agency acting as an appeals body, and the Advisory Health Council shall make one of the following decisions:

(a) Approve the application in its entirety;

(b) Deny the application in its entirety;

(c) Approve the application subject to modification by the applicant, as recommended by the body involved.

A decision shall become final when all rights to appeal have been exhausted. Approval shall terminate 12 months after the date of such approval unless the applicant has commenced construction or conversion to a different license category and is diligently pursuing the same to completion as determined by the voluntary area health planning agency; or unless the approval is extended by the voluntary area health planning agency for an additional period of up to 12 months upon the showing of good cause for the extension.

SEC. 130.1. Section 438.6 of the Health and Safety Code is amended to read:

438.6. The department shall annually contract with agencies approved pursuant to Section 437.7 for the purpose of providing such agencies with funds to assist them to perform the duties required of them by this part. The Advisory Health Council shall review and make recommendations to the department upon all contracts to be entered into under this section. The department shall prepare such contracts upon information submitted by such agencies in such form as required by the department. No agency shall receive an amount pursuant to this section which is larger than the amount of funds it budgets annually for health facility planning, which are derived from local sources, exclusive of all federal or other state funds or funds voluntarily contributed by licensed health facilities.

SEC. 130.2. Section 438.7 of the Health and Safety Code is amended to read:

438.7. For the purposes of funding such contracts as are authorized by Section 438.6 and for meeting the costs of the department in the administration of this section and Section 438.6, the department shall annually, concurrent with applications for licensure, set, and charge to, and collect from, all hospitals of a type required to be licensed pursuant to Chapter 2 (commencing with Section 1400) of Division 2 and facilities of a type required to be licensed pursuant to Chapter 1 (commencing with Section 7000) of Division 7 of the Welfare and Institutions Code, except facilities exempted from this part by Section 7003.3 of the Welfare and Institutions Code, on the effective date of this section, a special fee of not more than four dollars ($4) per bed maintained for the use of patients, ex-

clusive of bassinets, of hospitals, and of not more than one dollar and fifty cents ($1.50) per bed maintained for the use of patients, exclusive of bassinets, of nursing homes or intermediate care facilities.

Each year the director shall establish the fee to produce revenues equal to the appropriation for these purposes in the budget act for the current fiscal year. The director shall collect such fee from all hospitals licensed by the department pursuant to Chapter 1 (commencing with Section 7000) of Division 7 of the Welfare and Institutions Code, except facilities exempted from this part by Section 7003.3 of the Welfare and Institutions Code.

Any amounts raised by the collection of such special fee which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the department in succeeding years, when appropriated by the Legislature, for expenditure under the provisions of Section 438.6 and shall reduce the amount of such special fee which the department is authorized to set and charge.

No hospital or facility shall be issued a license unless the fee as required by this section is paid.

SEC. 131. Section 452 of the Health and Safety Code is amended to read:

452. The county health officer shall enforce and observe in the unincorporated territory of his county, all of the following:

(a) Orders and ordinances of the board of supervisors, pertaining to the public health and sanitary matters.

(b) Orders, quarantine and other regulations, and rules prescribed by the State Department of Health.

(c) Statutes relating to public health.

SEC. 132. Section 541 of the Health and Safety Code is amended to read:

541. The governing body of a city, of a county, or of a local health district may employ on a full-time basis one or more sanitarians each of whom shall be a registered sanitarian as provided for in this article for the purpose of the enforcement of such state statutes relative to public health, and such rules and regulations of the State Department of Health, and any local ordinances of a city, county or local health district that relate to the inspection of food products, water supplies, sewage disposal, food establishments, general sanitation or housing; provided, however, that any person who shall be known as assistant sanitarian may without a certificate of registration be employed to work under the supervision of a registered sanitarian until such time as he may be qualified by examination as provided under Section 542(b), such time not to exceed two years of such employment.

SEC. 133. Section 1101 of the Health and Safety Code is amended to read:

1101. "Population," for the purpose of this chapter, shall be determined by the most recent United States decennial

census; provided, however, whenever it appears to the State Department of Health that the population of any city, county, or city and county has changed sufficiently to warrant adjustment, the State Department of Health for purposes of this chapter may determine population for cities, counties, and cities and counties.

SEC. 134. Section 1102 of the Health and Safety Code is amended to read:

1102. For the purposes of this chapter a "local health department" shall be interpreted to mean any one of the following public health administrative organizations:

(a) A local health district created pursuant to Division 1, Part 2, Chapter 6 of the Health and Safety Code, which includes territory in one or more counties, and which includes at least all of the cities which have less than 50,000 population in such county or counties.

(b) A local health department serving one or more counties which shall on the effective date of this act and thereafter provide services to all cities whose population is less than 50,000 in addition to the unincorporated territory of such county or counties.

(c) A county health department which does not serve all of the cities of less than 50,000 population, but which has the provisional approval of the State Department of Health, in accordance with Section 1140.

(d) The health department of a city of 50,000 or greater population, except that the governing body of such city by resolution may declare its intention to be included under the jurisdiction of the county health department, or of the local health district serving other territory in such county, as provided by existing statutes.

(e) The local health department of any county which had under its jurisdiction on the effective date of this chapter a population in excess of 1,000,000, or the local health department of any city and county.

SEC. 135. Section 1110 of the Health and Safety Code is amended to read:

1110. There is hereby established a California Conference of Local Health Officers with which the state department shall consult in establishing standards as provided in this chapter and may consult on other matters affecting health. The conference may consult with, advise, and make recommendations to the State Department of Health, other departments, boards, commissions and officials of federal, state, and local government, the Legislature, and any other organization or association on matters affecting health. The conference shall consist of all legally appointed local health officers in the state. It shall organize, adopt bylaws, and shall annually elect officers.

Actual and necessary expenses, including any necessary registration fee, incident to attendance at not more than two meetings per year of the conference shall be a legal charge against the local governmental unit. Actual and necessary

expenses incident to attendance at special meetings of the committees of the conference called by the director shall be a legal charge against any funds available for administration of this chapter.

SEC. 136. Section 1110.5 of the Health and Safety Code is amended to read:

1110.5. Nothing in this chapter or in any rule or regulation prescribed by the State Department of Health in accordance herewith shall compel any practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church, sect, denomination, or organization or any persons covered by Sections 2731 and 2800 of the Business and Professions Code to give any information about a disease or disability which is not infectious, contagious, or communicable or authorize any compulsory education, medical examination, or medical treatment.

SEC. 137. Section 1111 of the Health and Safety Code is amended to read:

1111. The State Department of Health shall administer this chapter and shall adopt rules and regulations necessary thereto; provided, however, that such rules and regulations shall be adopted only after consultation with and approval by the California Conference of Local Health Officers. Approval of such rules and regulations shall be by majority vote of those present at an official session.

SEC. 138. Section 1112 of the Health and Safety Code is amended to read:

1112. The State Department of Health may provide for consultant and advisory services and for the training of technical and professional personnel in educational institutions and field training centers approved by said department, and for the establishment and maintenance of field training centers in local health departments and in the State Department of Health.

SEC. 139. Section 1130 of the Health and Safety Code is amended to read:

1130. The State Department of Health, after consultation with and approval by the Conference of Local Health Officers, shall by regulations establish standards of education and experience for professional and technical personnel employed in local health departments and for the organization and operation of the local health departments Such standards may include the maintenance of records of services, finances and expenditures, which shall be reported to the State Department of Health in a manner and at such times as it may specify.

SEC. 140. Section 1140 of the Health and Safety Code is amended to read:

1140. Provisional approval may be given by the State Department of Health to a county health department which meets minimum standards as provided for in this chapter, but

which does not serve all cities of less than 50,000 population within such county.

SEC. 141. Section 1153 of the Health and Safety Code is amended to read:

1153. After determining the total amounts available to each area, the State Department of Health shall notify the governing body of each local health department of such amount, and of the conditions governing its availability.

SEC. 142. Section 1155 of the Health and Safety Code is amended to read:

1155. No funds appropriated for the purposes of this article shall be allocated to any local health department whose professional and technical personnel and whose organization and program do not meet the minimum standards established by the State Department of Health.

SEC. 143. Section 1156 of the Health and Safety Code is amended to read:

1156. The basic and per capita allotments shall be paid quarterly to the administrative body of each qualifying local health department. Each quarterly payment may be adjusted on a basis of the actual expenditures during the previous quarter, if such adjustment is necessary to maintain the minimum proportional relationship of state and local expenditures as outlined in Section 1154. The State Department of Health shall certify to the State Controller the amounts to be paid to each local health department each quarter and the State Controller shall thereupon draw the necessary warrants, and the State Treasurer shall pay to the administrative body of each local health department the amount so certified. Any such payments may be withheld by the State Department of Health if a local health department fails to continue to meet the minimum standards established, provided that not less than 45 days' advance notice of intention to withhold such payments, and the reasons therefor, shall be given to the governing body of the local health department.

SEC. 144. Section 1157 of the Health and Safety Code is amended to read:

1157. In lieu of any other provisions of this chapter, upon request of the board of supervisors of any county of less than 40,000 population and upon the appropriation for public health purposes by such county of a sum of not less than fifty-five cents ($0.55) per capita for the total county population, the State Department of Health may organize and operate a local public health service in such county. The State Department of Health may conduct such local public health service either directly, or by contract with other agencies, or by some combination of these methods as may be agreed upon by the State Department of Health and the board of supervisors of the county concerned. The creation of a county board of public health or a similar local advisory group shall be at the discretion of the board of supervisors The state financial assistance

which is appropriated for public health services in counties which have not qualified or do not elect to qualify for such funds under other provisions of this chapter, is hereby made available to the State Department of Health for such purposes. Funds expended pursuant to this section shall be in accordance with law regarding expenditures of money appropriated out of the State Treasury, including those in the Budget Act and any applicable provisions of the Government Code.

SEC. 145. Section 1203 of the Health and Safety Code is amended to read:

1203. No clinics are eligible for licensure under this chapter, except the classes as defined in the following:

(a) Charitable clinic is a clinic supported and maintained in whole or in part by donations, bequests, gifts or contributions, in which advice, diagnosis, treatment, medicines, drugs, appliances or apparatus concerning bodily and mental disease and injuries is given without charge. No corporation, other than a charitable corporation, shall operate a charitable clinic. No natural person or persons shall operate a charitable clinic. Nominal charges, made and collected from individuals advised or treated in a charitable clinic to defray administrative costs, if approved by the State Department of Health do not affect a status or classification of a charitable clinic.

(b) A teaching and research clinic is a clinic operated by or affiliated with any institution of learning which teaches a recognized healing art and is approved by the state agency having regulation of the practice of that healing art.

(c) An employer's clinic is a clinic operated by an employer, or jointly by two or more employers, without profit to them, for the prevention and treatment of accidental injuries to, and the care of the health of, their employees only.

(d) An employees' clinic is a clinic operated by a group of employees or jointly by employees and employers, without profit to the operators thereof or to any other person, for the prevention and treatment of accidental injuries to, and the care of the health of, the employees comprising such group.

SEC. 146. Section 1204 of the Health and Safety Code is amended to read:

1204. The provisions of this chapter do not apply to the following:

(a) Any clinic conducted, maintained or operated by the United States government, or by any of its departments, officers or agencies or by this state, or by any of its political subdivisions or districts, or by any city.

(b) Clinics conducted, maintained, or operated as outpatient departments of hospitals.

(c) Any clinic conducted, maintained, or operated by any establishment or institution licensed by the State Department of Health exclusively for care and treatment of any mentally disordered or other incompetent person referred to in Division 5 or 6 of the Welfare and Institutions Code.

SEC. 147. Section 1210 of the Health and Safety Code is amended to read:

1210. Any person desiring a license under the provisions of this chapter shall file with the State Department of Health a verified application on a form prescribed and furnished by the department, containing:

(a) The name and address of the clinic.

(b) The name and address of the applicant who is responsible for control, management, and direction of the clinic.

(c) The name and address of the professional licentiate responsible for the professional activities of the clinic.

(d) The class of clinic to be operated.

(e) Complete information on the character and scope of advice and treatment to be provided.

(f) Complete description of the building, its location, facilities, equipment, apparatus, and appliances to be furnished and used in the operation of the clinic.

(g) Source and anticipated amount of funds and income for the operation of the clinic covering the year for which the application is made.

(h) Anticipated volume of service to be rendered, the anticipated unit cost, and the anticipated unit charge to be made to patients, covering the year for which the application is made.

(i) Justification for the operation of the clinic.

(j) Such additional information as may be required by the department for the proper administration and enforcement of this chapter.

SEC. 148. Section 1213 of the Health and Safety Code is amended to read:

1213. Every clinic for which a license has been issued shall be periodically inspected by a duly authorized representative of the department. The department may delegate such of its authority under this chapter as it deems advisable to local health departments, the staffs and inspectoral services of which have the written approval of the State Department of Health. Reports of each inspection shall be prepared by the representative conducting it upon forms prepared and furnished by the department filed with the department.

SEC. 149. Section 1236 of the Health and Safety Code is amended to read:

1236. Any officer, employee or agent of the State Department of Health may enter and inspect any building or premises at any reasonable time to secure compliance with or to prevent a violation of any provision of this chapter.

SEC. 150. Section 1237 of the Health and Safety Code is amended to read:

1237. The district attorney of every county shall, upon application by the State Department of Health, or its authorized representative, institute and conduct the prosecution of any action for violation within his county of any provision of this chapter.

SEC. 151. Section 1402.1 of the Health and Safety Code is amended to read:

1402.1. In addition to the requirements of Section 1402, any person, political subdivision of the state or governmental agency desiring a license under the provisions of this chapter which shall cover a new facility or additional bed capacity or the conversion of existing bed capacity to a different license category, except outpatient and emergency services, shall file with the state department a verified statement on a form prescribed, prepared, and furnished by the department containing:

(a) The date applicant filed its complete application for new or additional bed capacity or conversion of an existing bed capacity with the voluntary area health planning agency or voluntary local health planning agency approved pursuant to Section 437.7.

(b) The date or dates the voluntary area health planning agency or voluntary local health planning agency held a public hearing or hearings on the proposal, and evidence that the applicant participated in the hearing in accordance with established procedures of such group.

(c) The date the voluntary area health planning agency or the consumer members of a voluntary area health planning agency acting as an appeals body or the Advisory Health Council made a final and favorable decision concerning the new or additional bed capacity or conversion of facilities and a statement that the time for appeal has expired, or in the case of a modified approval, that the modifications have been made, or

(d) That the time allowed for decision has passed and no decision has been made or that the voluntary area health planning agency failed to act upon a lack of recommendation by the voluntary local health planning agency within the time allowed, or

(e) That more than 12 months have expired since a decision has been reached by the voluntary area health planning agency.

SEC. 152. Section 1415 of the Health and Safety Code is amended to read:

1415. The provisions of this chapter do not apply to any of the following institutions:

(a) Any hospital conducted, maintained or operated by the United States government or a duly authorized agency thereof.

(b) Any hospital conducted, maintained or operated by this state or any state department, authority, bureau, commission, or officer, nor to any hospital conducted, maintained or operated by the Regents of the University of California, the autonomous character of said Regents of the University of California having been established by the provisions of Article IX, Section 9, of the Constitution of the state. However, a local hospital district or city is not a state agency or a state department, authority, bureau, commission, or officer within the

meaning of this subdivision, and this subdivision does not exempt a hospital conducted, maintained, or operated by a local hospital district or city from the provisions of this chapter.

(c) Any hospital conducted by and for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(d) Hotels or other similar places that furnish only board and room, or either, to their guests.

(e) Establishments, institutions, homes, and other places for the reception and care of the insane, alleged insane, mentally ill, mentally deficient, or other incompetent persons referred to in Division 7 (commencing with Section 7000) of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Health.

(f) Establishments, institutions, homes, and other places for the reception and care of children or of aged persons referred to in Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Health.

(g) County hospitals, except that the department shall investigate, examine and make reports upon such hospitals, and except that all plans for the use of existing buildings or for new buildings, parts of buildings, or additions to or alterations in buildings, for any such hospitals shall, before their adoption, be submitted to the department for suggestions and approval as to the social requirements of the occupants.

SEC. 153. Section 1419 of the Health and Safety Code is amended to read:

1419. Any officer, employee, or agent of the State Department of Health may enter and inspect any building or premises at any reasonable time to secure compliance with, or to prevent a violation of, any provision of this chapter.

SEC. 154. Section 1420 of the Health and Safety Code is amended to read:

1420. The district attorney of every county shall, upon application by the State Department of Health, or its authorized representative, institute and conduct the prosecution of any action for violation within his county of any provisions of this chapter.

SEC. 155. Section 1421 of the Health and Safety Code is amended to read:

1421. The State Department of Health may delegate to local health departments, the staffs and inspectoral services of which have the written approval of the State Department of Health, the authority to verify compliance with this chapter, investigate unlicensed facilities, inspect licensed facilities, consult with licensees, require licensees to comply with statutory provisions and the rules and regulations of the state de-

partment, and to recommend disciplinary action by the state department against licensees. In exercising the authority so delegated, the local health department shall conform to the requirements of this chapter and to the rules and regulations as interpreted by the state department.

SEC. 156. Section 1421.5 of the Health and Safety Code is amended to read:

1421.5. On or before the first day of January of any calendar year, the board of supervisors of any county with a population in excess of 6,000,000 persons may elect to have the county health department during the next succeeding fiscal year, commencing on July 1st of such calendar year, verify compliance with this chapter, investigate unlicensed facilities, consult with licensees, require licensees to comply with statutory provisions and the rules and regulations of the state department, recommend disciplinary action by the state department against licensees, and recommend to the district attorney the prosecution of any action for the violation of any provision of this chapter in such county.

The election shall be made by the adoption by the board of supervisors of an ordinance which recites that, pursuant to this section, the board of supervisors has elected to have the county health department perform hospital inspection and enforcement functions in such county during the next succeeding fiscal year. Immediately, upon the adoption of the ordinance, a certified copy of the ordinance shall be transmitted to the state department.

In exercising the authority which is vested in it pursuant to this section and the election of the board of supervisors, the county health department shall conform to the requirements of this chapter and to the rules and regulations as interpreted by the state department. It shall, however, have the power to recommend directly to the district attorney the prosecution of any action for the violation of any provision of this chapter.

During any fiscal year in which the board of supervisors of the county has elected to have the county health department perform hospital inspection and enforcement functions in such county, the costs of the performance of such inspection and enforcement functions by the county health department shall be paid by the state. Such expenditures shall not, however, exceed amounts appropriated by the Legislature for the purpose of such inspection and enforcement.

Each health department performing such inspection and enforcement functions shall at such times and in such manner as required by the State Director of Health, present to the director a proposed annual budget for the reasonable cost, including necessary overhead, of such inspection and enforcement functions to be conducted hereunder by the county health department. Such budget shall be examined by the director and, to the extent found by him to be reasonable for efficient inspection service, and after concurrence by the Department

of Finance, shall be approved in writing. Nothing in this section shall prevent a county health department from providing more than the minimum inspectional services as prescribed in Section 1421 providing that the cost of such additional service shall be borne by the county health department.

During any period with regard to which federal law requires state inspection of hospitals other than as provided in this section as a condition for the receipt of federal aid for medical care, the provisions of this section shall not be operative.

SEC. 157. Section 1424 of the Health and Safety Code is amended to read:

1424. The Departments of Rehabilitation and Health may enter into an agreement under the provisions of Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, whereunder either department may administer all or any portion of the licensing functions of the other department.

SEC. 157.1. Section 1430 of the Health and Safety Code is amended to read:

1430. Every insurer providing professional liability insurance to a hospital licensed pursuant to this chapter shall report periodically, but in no event less than once each year, to the State Department of Health any final judgment over three thousand dollars ($3,000) rendered against such hospital during the preceding year in, or settlement over three thousand dollars ($3,000) during the preceding year of, a claim or action for damages for personal injuries caused by an error, omission, or negligence in the performance of its professional services, or by the performance of its professional services without consent.

SEC. 157.2. Section 1432 of the Health and Safety Code is amended to read:

1432. The State Department of Health shall keep a record of all reports made pursuant to Section 1430.

The department shall prepare a statistical report based upon such records for presentation to the Legislature not later than 30 days after the commencement of each regular session of the Legislature. The first report shall be presented during the 1972 Regular Session of the Legislature and shall include recommendations for corrective legislation if the department considers legislation to be necessary.

SEC. 157.3. Section 1433 of the Health and Safety Code is amended to read:

1433. The State Department of Health shall notify every hospital licensed pursuant to this chapter of the provisions of this article.

SEC. 158. Section 1457 of the Health and Safety Code is amended to read:

1457. The State Department of Health 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.

SEC. 159. Section 1509 of the Health and Safety Code is amended to read:

1509. The State Department of Health shall make, promulgate, and may thereafter modify, amend or rescind, reasonable rules and regulations to carry out the purposes of this chapter, prescribing minimum standards regarding physical welfare, health, safety, and sanitation, which shall be maintained by any licensee or applicant for license under the provisions of this chapter.

The state department shall consult with and obtain the advice and recommendations of such other public or private authorities as it deems advisable in order that the minimum standards prescribed pursuant to this section shall give proper recognition to the interdependence of services concerned with mental, physical, and social welfare and education of handicapped persons. The State Department of Health shall give due consideration to such advice and recommendations in prescribing said minimum standards.

SEC. 160. Section 1513 of the Health and Safety Code is amended to read:

1513. The provisions of this chapter do not apply to any of the following:

(a) Establishments conducted, maintained, or operated by the United States government or a duly authorized agency thereof.

(b) Establishments whose activities are restricted solely to the reception and care of the insane, alleged insane, mentally ill, mentally deficient, or other incompetent persons referred to in Division 6 of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Health.

(c) Establishments subject to the licensing provisions of Chapter 2 of Division 2 of this code.

(d) Services, including special services, provided by licensed practitioners of the healing arts who are governed by Division 2 of the Business and Professions Code. However, any establishment operated, conducted, or maintained by any such licensed practitioner for the purpose of rendering special services to handicapped persons is subject to the provisions of this chapter.

(e) Establishments established, conducted or maintained by or under the jurisdiction of, the Department of Education, a county superintendent of schools or of any school district.

SEC. 161. Section 1514 of the Health and Safety Code is amended to read:

1514. Nothing in this chapter authorizes the state department to establish rules and regulations concerning the content of the academic curriculum of any applicant or licensee, or concerning the qualification or certification of teachers in the educational curriculum of any applicant or licensee.

SEC. 162. Section 1600.6 of the Health and Safety Code is amended to read:

1600.6. "Department" means the State Department of Health.

SEC. 163. Section 1651 of the Health and Safety Code is amended to read:

1651. The State Department of Health shall administer the provisions of this chapter.

Every provision of this chapter shall be liberally construed to protect the interests of all persons and animals affected.

As used in this chapter, "person" includes: laboratory, firm, association, corporation, copartnership, and educational institution.

As used in this chapter, "board" or "department" means the State Department of Health.

SEC. 164. Section 1685 of the Health and Safety Code is amended to read:

1685. The governing body of a city, county, city and county or school district may employ one or more school audiometrists, each of whom shall be registered with the State Department of Health and possess such qualifications as may at the date of registration be prescribed by the department.

Audiometric testing as conducted by the qualified school audiometrist, pursuant to Section 13300 of the Education Code, or by other qualified certificated school personnel, as defined in Sections 11751 and 11904 of the Education Code, shall meet the standards which the State Department of Health determines necessary to insure the adequacy of hearing testing in the schools. Subject to Section 11902 of the Education Code, audiometric tests may be administered to school and preschool children in school buldings and other places as are or may be used by schools, health departments or other agencies that provide qualified personnel to conduct such tests.

SEC. 165. Section 1686 of the Health and Safety Code is amended to read:

1686. The State Department of Health shall, subject to the provisions of Section 1685, issue certificates of registration to school audiometrists and to qualified supervisors of health, pursuant to Sections 11751 and 11903 of the Education Code. The state department shall prescribe such qualifications as may be necessary for the testing of the hearing of schoolchildren.

Candidates for registration who present evidence of having satisfactorily completed the required training in audiology and audiometry at an accredited university or college, as prescribed by the State Department of Health, may be issued certificates of registration without further examination.

The state department shall require a registration fee not in excess of ten dollars ($10) for each certificate issued. Such fee shall be based upon a determination by the department as to the amount that is reasonably necessary to pay for the costs of the issuance of certificates of registration.

SEC. 166. Section 1701 of the Health and Safety Code is amended to read:

1701. There is in the State Department of Health a Cancer Advisory Council composed of nine physicians and surgeons licensed to practice medicine in, and residing in, this state, three persons who are not physicians and surgeons, two persons representing nonprofit cancer research institutes recognized by the National Cancer Institute, and the director of the department, who shall be an ex officio member. The members of the council shall be appointed by the Governor to serve for terms of four years. The Governor, in appointing the first members, shall appoint at least one member from the faculty of each of the schools teaching medicine and surgery and located in this state that are approved by the State Board of Medical Examiners. The Governor shall endeavor to maintain one member from the faculty of each school in making subsequent appointments.

SEC. 167. Section 1725 of the Health and Safety Code is amended to read:

1725. It is the purpose of this chapter to license home health agencies in order to permit certain agencies to meet the requirements of federal law as provided in Public Law 89-97, the Social Security Amendments of 1965. By passing a licensing act it is the intent of the Legislature to allow all those who are qualified to provide home health services to the people of California. It is the further intent that the State Department of Health shall establish high standards of quality for home health agencies which provide such services.

SEC. 168. Section 1727 of the Health and Safety Code is amended to read:

1727. As used in this chapter, the following terms have the meanings set forth in this section:

(a) "State department" means the State Department of Health.

(b) "Home health agency" means a public agency or private organization, or a subdivision of any such agency or organization, which—

(1) Is primarily engaged in providing skilled nursing services and other therapeutic services to patients in the home on a part-time or intermittent basis, including but not limited to

a licensed hospital, sanatorium, nursing or convalescent home or local health department which incidentally to its primary function provides health services in the home environment;

(2) Has policies, established by a group of professional personnel, including one or more physicians and one or more public health nurses as certified by the state department pursuant to Section 600 of this code, to govern the services which it provides, and provides for supervision of such services by a physician or registered nurse, provided that skilled nursing services shall be supervised by a registered nurse. Such policies shall be written and include, but not be limited to, those concerning patient care, personnel, training and indoctrination, supervision and program evaluation;

(3) Maintains clinical records on all patients, including a plan of treatment prescribed by the patient's physician; and

(4) Meets such other standards, rules and regulations adopted by the state department.

(c) "Skilled nursing services" means those services ordinarily provided by a registered nurse or licensed vocational nurse in the home environment to patients under a plan of treatment prescribed by the patient's physician who is licensed to practice medicine in the state.

(d) "Other therapeutic services" includes but is not limited to physical, speech or occupational therapy; medical social services; and home health aide services.

(e) "Home health aide services" means those services ordinarily provided by an unlicensed person, including a practical nurse, who is employed by a home health agency to provide supportive services to the patient in the home under the supervision of a registered nurse or a physical, speech, or occupational therapist.

SEC. 169. 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 Advisory Health 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.

SEC. 170. Section 1760 of the Health and Safety Code is amended to read:

1760. The State Department of 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.

SEC. 171. Section 2283.5 of the Health and Safety Code is amended 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 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.

SEC. 171.1. Section 2950 of the Health and Safety Code is amended to read:

2950. Any physician and surgeon who knows, or has reasonable cause to believe, that a patient is suffering from pesticide poisoning or any disease or condition caused by a pesticide shall promptly report such fact to the local health officer. Each local health officer shall report to the county agricultural commissioner, the Director of Agriculture, and the State Director of Health, on a form prescribed by the State Director

of Health, each case reported to him pursuant to this section within seven days after receipt of any such report.

SEC. 172. Section 3110 of the Health and Safety Code is amended to read:

3110. Each health officer knowing or having reason to believe that any case of the diseases made reportable by regulation of the State Department of Health, or any other contagious, infectious or communicable disease exists, or has recently existed, within the territory under his jurisdiction, shall take such measures as may be necessary to prevent the spread of the disease or occurrence of additional cases.

SEC. 173. Section 3226 of the Health and Safety Code is amended to read:

3226. The laboratory shall submit such laboratory reports or records to the State Department of Health as are required by regulation of the department. The health officer may destroy any copies of reports which have been retained by him pursuant to this section for a period of two years.

SEC. 174. Section 3296 of the Health and Safety Code is amended to read:

3296. Whenever any person confined in any state institution, as provided in Section 3351 of this code, subject to the jurisdiction of the Director of Corrections, dies, and any personal funds or personal property of such person remains in the hands of the Director of Corrections, such funds may be applied in an amount not exceeding three hundred dollars ($300) to the payment of expenses relating to burial; provided, however, that if no such funds are available, the State Department of Health shall reimburse the Director of Corrections for such expenses in an amount not exceeding three hundred dollars ($300).

SEC. 175. Section 3380 of the Health and Safety Code is amended to read:

3380. No person may be unconditionally admitted as a pupil of a private elementary or secondary school or as a pupil of any school district unless prior to his first admission to school in California he has been immunized against poliomyelitis in the manner and with immunizing agents approved by the State Department of Health.

A person who presents evidence that he has received one such immunizing dose of poliomyelitis vaccine may be admitted on condition that within a period designated by regulation of the State Department of Health he presents evidence that he has been fully immunized against poliomyelitis.

A person who has not received any poliomyelitis vaccine may be admitted on condition that within two weeks of the date of his admission he shall present evidence that he has obtained his first such immunizing dose and shall thereafter within a period designated by regulation of the State Department of Health present evidence that he has been fully immunized against poliomyelitis.

This chapter does not apply to:

(a) Any person who is seeking admission to a public secondary school as an "adult" as that word is defined in Section 5756 of the Education Code.

(b) Any person who is seeking admission to a private secondary school for enrollment in a course consisting of less than 10 hours of instruction a week who attains his 21st birthday prior to the first day of the semester or other period of instruction for which he is seeking enrollment.

(c) Any person who is seeking admission to a junior college who has graduated from a high school located in this state.

(d) Students 18 years of age or older seeking enrollment in an adult school or a class for adults.

SEC. 176. Section 3382 of the Health and Safety Code is amended to read:

3382. The county health officer of each county shall organize and have in operation by January 1, 1962, an immunization program so that immunization is made available to all persons required by this chapter to be immunized. He shall also determine how the cost of such a program is to be recovered. To the extent that the cost to the county is in excess of that sum recovered from persons immunized, funds made available by the school districts may be used to pay the cost of the immunization of any person seeking admission to the public schools. The remainder of the cost shall be paid by the county in the same manner as other expenses of the county are paid.

Immunization performed by a private physician shall be acceptable for admission to school if the immunization is performed and records are made in accordance with rules established by the State Department of Health.

SEC. 177. Section 3387 of the Health and Safety Code is amended to read:

3387. In enacting this chapter, it is the intent of the Legislature to provide a means for the eventual achievement of total immunization against poliomyelitis. This chapter is intended to provide exemptions from immunization under specified conditions. It is also designed to provide for the keeping of adequate records of immunization so that appropriate public agencies and the persons immunized will be able to ascertain that a person is fully immunized or only partially immunized. It is also the intent of the Legislature that the persons required to be immunized by this chapter be allowed to obtain immunization from whatever medical source they so desire, subject only to the condition that the immunization be performed in accordance with the regulations of the State Department of Health and that a record of the immunization is made in accordance with such regulations.

SEC. 178. Section 3400 of the Health and Safety Code is amended to read:

3400. No person may be unconditionally admitted as a pupil of a private elementary or secondary school or as a pupil

of any school district unless prior to his first admission to school in California he has been immunized against measles (rubeola) in the manner and with immunizing agents approved by the State Department of Health.

A person who has not received an immunizing dose of measles (rubeola) vaccine may be admitted on condition that within two weeks of the date of his admission he shall present evidence that he has been fully immunized against measles (rubeola).

This chapter does not apply to:

(a) Any person who is seeking admission to a public secondary school as an "adult" as that word is defined in Section 5756 of the Education Code.

(b) Any person who is seeking admission to a private secondary school for enrollment in a course consisting of less than 10 hours of instruction a week who attains his 21st birthday prior to the first day of the semester or other period of instruction for which he is seeking enrollment.

(c) Any person who is seeking admission to a junior college who has graduated from a high school located in this state.

(d) Students 18 years of age or older seeking enrollment in an adult school or a class for adults.

SEC. 179. Section 3407 of the Health and Safety Code is amended to read:

3407. In enacting this chapter, it is the intent of the Legislature to provide a means for the eventual achievement of total immunization against measles (rubeola). This chapter is intended to provide exemptions from immunization under specified conditions. It is also designed to provide for the keeping of adequate records of immunization so that appropriate public agencies and the persons immunized will be able to ascertain that a person is immunized. It is also the intent of the Legislature that the persons required to be immunized by this chapter be allowed to obtain immunization from whatever medical source they so desire, subject only to the condition that the immunization be performed in accordance with the regulations of the State Department of Health and that a record of the immunization is made in accordance with such regulations.

SEC. 180. Section 3701 of the Health and Safety Code is amended to read:

3701. For the purposes of this chapter the term "common use" when applied to a drinking receptacle is defined as its use for drinking purposes by, or for, more than one person without its being thoroughly cleansed and sterilized between consecutive uses thereof by methods prescribed by or acceptable to the State Department of Health.

SEC. 181. Section 3751 of the Health and Safety Code is amended to read:

3751. Unsanitary packing material shall not be used until it has been cleaned and disinfected to the satisfaction of the State Department of Agriculture, State Department of Health,

or the agents of either or both, or by a county health officer.

SEC. 182. Section 3801 of the Health and Safety Code is amended to read:

3801. For the purpose of this chapter the term "common use" when applied to a towel means its use by, or for, more than one person without its being laundered between consecutive uses of such towel by methods prescribed by or acceptable to the State Department of Health.

SEC. 183. Section 3901 of the Health and Safety Code is amended to read:

3901. No person shall supply or furnish to his employees for wiping rags, or sell or offer for sale for wiping rags, any soiled wearing apparel, underclothing, bedding, or parts of soiled or used underclothing, wearing apparel, bedclothes, bedding, or soiled rags or cloths unless they have been sterilized by methods prescribed by or acceptable to the State Department of Health.

SEC. 184. Section 4008 of the Health and Safety Code is amended to read:

4008. (a) The provisions of this chapter shall be enforced by the State Department of Health, or any local public health department.

(b) Any health officer or inspector, upon demand and notice of his authority, may, during reasonable hours, enter and inspect the ice, equipment, premises, sources of supply, and places of storage used by any person for storing or selling ice intended for human consumption or the preservation of food.

SEC. 185. Section 4010.1 of the Health and Safety Code is amended to read:

4010.1. In areas where the service rendered by a person is primarily agricultural and domestic service is only incidental thereto, the provisions of this chapter shall not apply except in specific areas in which the State Department of Health has found its application to be necessary for the protection of the public health and has given written notice thereof to the person furnishing or supplying water in such area.

The State Department of Health may prescribe reasonable and feasible action to be taken by such persons or the consumers to insure that their domestic water will not be injurious to health.

SEC. 185.1. Section 4026 of the Health and Safety Code is amended to read:

4026. (a) Any person who furnishes or supplies water to a user for domestic purposes within the State of California shall provide at such person's expense an analysis of such water to the State Department of Health.

(b) The State Department of Health shall, after consultation with a voluntary advisory committee whose members shall be appointed by the director from among a group of representatives nominated by the water utility industry, formulate such rules and regulations covering parameters to

be tested and their limits, type of testing, frequency of testing, and such other matters as may be necessary to determine the quality of domestic water supplies.

(c) Upon determination that the quality of domestic water fails to comply with the standards established by the department, the department shall forthwith notify such person of that determination.

SEC. 186. Section 4051 of the Health and Safety Code is amended to read:

4051. All water supply reservoirs of a public agency, whether heretofore or hereafter constructed, shall be open for recreational use by the people of this state, subject to the regulations of the State Department of Health.

SEC. 187. Section 4403 of the Health and Safety Code is amended to read:

4403. A vessel upon which any garbage has been loaded with the intent that it shall be dumped or deposited upon any of the waters of the ocean where permitted by this article, shall not leave any point within the state unless it shall carry for the entire trip an inspector appointed by the State Department of Health, or where the point of departure is in a city, then by the city. The inspector shall enforce the provisions of this article.

Every person in charge of a vessel which is required to have an inspector on board by this article, and which does not carry an inspector during the entire trip, is guilty of a misdemeanor.

SEC. 188. Section 4457 of the Health and Safety Code is amended to read:

4457. Every person who violates, or refuses or neglects to conform to, any sanitary rule, order, or regulation prescribed by the State Department of Health for the prevention of the pollution of springs, streams, rivers, lakes, wells, or other waters used or intended to be used for human or animal consumption, is guilty of a misdemeanor.

SEC. 189. Section 4463 of the Health and Safety Code is amended to read:

4463. Before the reservoir and its surrounding land are opened to public fishing the public agency owning or operating the reservoir shall determine that such public fishing will not affect the purity and safety for drinking and domestic purposes of the water collected in the reservoir, and shall obtain from the State Department of Health a valid water supply permit setting forth the terms and conditions upon which public fishing may be conducted in the reservoir and on its surrounding land.

SEC. 190. Section 4470.1 of the Health and Safety Code is amended to read:

4470.1. The board of supervisors of any county wherein is located a body of water owned by a governmental agency, which is used to supply water for human consumption may by resolution request the governmental agency owning the

body of water to open the body of water to public fishing and the surrounding land area for other recreational use. The governmental agency owning the body of water shall thereupon make and file with said board of supervisors an estimate of the cost of preparing a coordinated plan for public fishing in said body of water and other recreational uses in the surrounding land area. Said board of supervisors thereupon may deposit with the governmental agency owning said body of water the amount of such estimate not exceeding two thousand five hundred dollars ($2,500), and the governmental agency owning said body of water thereupon shall proceed promptly with and complete such coordinated plan. In event the cost of preparing such plan shall be less than the amount deposited by said board of supervisors, the excess shall be repaid by the governmental agency owning the body of water to the board of supervisors which made such deposit. Such plan may provide for development of the area by stages and may exclude from public access structures, facilities or works of the agency necessary in supplying water for human consumption and such portions of the body of water and surrounding land area as may be reasonably required for the protection, maintenance or operation of such structures, facilities or works. Such plan may exclude such portions of the surrounding area as are unsuitable for public recreational use. The coordinated plan may also include an estimate of the cost of the capital improvements necessary or convenient for such public fishing and recreational uses, an estimate of the annual cost of maintenance and operation of the plan, and a recommendation as to the manner in which the plan may be financed.

After completion of the coordinated plan the governmental agency shall promptly make application to the State Department of Health for an amendment to its water supply permit, which would allow the opening of the body of water to public fishing and the surrounding land area for other recreational use pursuant to the coordinated plan.

SEC. 190.1. Section 4470.4 of the Health and Safety Code is amended to read:

4470.4. The ballot for the election authorized by Section 4470.2 shall contain such instructions required by law to be printed thereon and in addition thereto the following:

| | | |
|---|---|---|
| Shall the (insert name of governmental agency) allow fishing in the (name of body of water) and other recreational uses in the surrounding area subject to the regulations of the State Department of Health? | YES | |
| | NO | |

If the governmental agency concludes that a bond issue is required to pay for the capital improvements included in the coordinated plan as approved by the amended permit, there shall also be printed on the ballot, immediately following the

ballot proposition aforesaid, the following proposition to be voted on by the constituents of the governmental agency:

| | | |
|---|---|---|
| Shall the (insert name of governmental agency) incur a bonded indebtedness in the principal amount of $_____ for providing the capital improvements for fishing in the (name of body of water) and other recreational uses in the surrounding land area, subject to the regulations of the State Department of Health? | YES | |
| | NO | |

SEC. 190.2. Section 4471 of the Health and Safety Code is amended to read:

4471. The governmental agency owning the body of water may fix and collect fees, including charges for motor vehicle parking, for the construction of facilities, operation, and use of the area opened for public fishing and other recreational uses. Such governmental agency shall have the power to contract with others for the rendering of any or all of the services required in connection with the operation of the area including the right to rent or lease the whole or any part of the area to provide necessary or convenient facilities for the use of the public. Such governmental agency shall have the power to make and enforce rules and regulations which it may find necessary or convenient for proper control of the areas opened to public fishing and other recreational uses. The State Department of Health shall make recurring inspections of all recreational areas approved under this article to insure the continued purity of drinking water.

SEC. 191. Section 5465 of the Health and Safety Code is amended to read:

5465. Notwithstanding any other provision of law, in any district which is authorized to provide sewer facilities and the district is authorized to incur bonded indebtedness after a favorable vote of two-thirds of the votes cast at an election held for that purpose, if at the last two such elections such a favorable vote was not received, and if the health officer of the county in which the principal portion of the district is located makes a finding that the proceeds of any bond issue are necessary for the construction of sewage facilities essential to the public health and such officer certifies that a present dangerous hazard to the public health exists, and the governing body of such district or county shall, in conjunction with the public health officer, certify that they will cease and desist in any activity which may contribute to such hazard, and such finding is concurred in by the State Department of Health and the board of supervisors of such county as evidenced by resolution, or if the regional water quality control board issues an order to the district to cease and desist, and the fact of such order is stated in a resolution, then by resolution adopted by a four-fifths vote, the district board may call for a bond election and provide in the resolution call-

ing for such election that bonds for the district for the amount stated may be issued and sold if a majority of the votes cast at the election are in favor of incurring the bonded indebtedness as proposed. This section shall remain in effect until December 31, 1973, and shall have no force or effect after that date.

SEC. 192. Section 5474.29 of the Health and Safety Code is amended to read:

5474.29. The State Department of Health, after consultation with the State Departments of Agriculture and Industrial Relations, may make and promulgate reasonable regulations in accordance with this chapter pursuant to Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

SEC. 193. 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 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 Human Resources Development 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.

SEC. 194. Section 10001 of the Health and Safety Code is amended to read:

10001. The State Department of Health is charged with the uniform and thorough enforcement of this division throughout the state, and may promulgate additional regulations for its enforcement.

SEC. 195. Section 10025 of the Health and Safety Code is amended to read:

10025. The Director of Health shall be the State Registrar of Vital Statistics.

SEC. 196. Section 10066 of the Health and Safety Code is amended to read:

10066. Special county records of birth certificates and death certificates transmitted and filed with the county recorder under the provisions of this chapter shall be open for inspection by the public in accordance with rules and regulations adopted by the State Department of Health for local registrars.

Nothing in this section shall authorize the use of a certificate marked pursuant to subdivision (a) of Section 10056.5 by any person compiling a business contact list.

SEC. 197. Section 10439 of the Health and Safety Code is amended to read:

10439. All records and information specified in this article, other than the newly issued birth certificate, shall be available only upon the order of the superior court of the county of residence of the adopted child or the superior court of the county granting the order of adoption.

No such order shall be granted by the superior court unless a verified petition setting forth facts showing the necessity of such an order has been presented to the court and good and compelling cause is shown for the granting of the order. The clerk of the superior court shall send a copy of the petition to the State Department of Health and the department shall send a copy of all records and information it has concerning the adopted person with the name and address of the natural parents removed to the court. The court must review these records before making an order and the order should so state. If the petition is by or on behalf of an adopted child who has attained majority, these facts shall be given great weight, but the granting of any petition is solely within the sound discretion of the court.

The name and address of the natural parents shall be given to the petitioner only if he can demonstrate that such name and address, or either of them, are necessary to assist him in establishing a legal right.

SEC. 198. 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 Health, the Chairman of the Interagency Council on Drug Abuse, a representative of the California State Board of Pharmacy, a representative of the Attorney General, a representative of the University of California who shall be a pharmacologist or physician or a person holding a doctorate degree in the health sciences, and a representative of a private university in this state who shall be a pharmacologist or physician or a person holding a doctorate degree in the health sciences. 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. 199. Section 11722 of the Health and Safety Code is amended to read:

11722. (a) Whenever any court in this state grants probation to a person who the court has reason to believe is or has been a user of narcotics, the court may require as a condition to probation that the probationer submit to periodic tests by a city or county health officer, or by a physician and surgeon appointed by the city or county health officer with the approval of the State Division of Narcotic Enforcement, to determine, by means of the use of synthetic opiate antinarcotic in action whether the probationer is a narcotic addict.

In any case provided for in this subdivision, the city or county health officer, or the physician and surgeon appointed by the city or county health officer with the approval of the State Division of Narcotic Enforcement, shall report the results of the tests to the probation officer.

(b) In any case in which a person is granted parole by a county parole board and the person is or has been a user of narcotics, a condition of the parole may be that the parolee undergo periodic tests as provided in subdivision (a) and that the county or city health officer, or the physician and surgeon appointed by the city or county health officer with the approval of the State Division of Narcotic Enforcement, shall report the results to the board.

(c) In any case in which any state agency grants a parole to a person who is or has been a user of narcotics, it may be a condition of the parole that the parolee undergo periodic tests as provided in subdivision (a) and that the county or city health officer, or the physician and surgeon appointed by the city or county health officer with the approval of the State Division of Narcotic Enforcement, shall report the results of the tests to such state agency.

(d) The cost of administering tests pursuant to subdivisions (a) and (b) shall be a charge against the county. The cost of

administering tests pursuant to subdivision (c) shall be paid by the state.

(e) The State Department of Health, in conjunction with the State Division of Narcotic Enforcement, shall issue regulations governing the administering of the tests provided for in this section and providing the form of the report required by this section.

SEC. 200. Section 11901 of the Health and Safety Code is amended to read:

11901. "Restricted dangerous drugs," as used in this division, means any of the following:

(a) "Hypnotic drug" including acetyluria derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) "Amphetamine" including amphetamine, desoxyephedrine, or compounds or mixtures thereof.

(c) "Lysergic acid," "LSD" (lysergic acid diethylamide); "DMT" (N-N-dimethyltryptamine); "STP" (4-methyl-2,5-dimethoxy alpha methyl phenethylamine) or (4-methyl-2, 5-dimethoxyamphetamine); "Psilocybin" (ortho-phosphoryl-4-hydroxy-N-dimethyltryptamine); "psilocyn"; "bufotenine" 3-(6 dimethylaminoethyl)-5-hydroxyindole or 3-(2-dimethylaminoethyl)-5-indolol or N, N-dimethylserotonin or 5-hydroxy-N-dimethyltryptamine; "DET" N, N-diethyltryptamine; "ibogaine" 7-ethyl-6, 6ε, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido (1)′, 2′: 1, 2 azepino (4,5-b) indole; "MDA," alpha-methyl-3,4-methylenedioxyphenethylamine; and "PCP," 1-phenyl-1-piperidinocyclohexane; including their salts and derivatives, or any compounds, mixtures, or preparations which are chemically identical with such substances.

(d) Any other substance or preparation, which the State Department of Health, after investigation, has found to have, and by regulation adopted pursuant to the Administrative Procedure Act designates as having, a potential for abuse because of its hallucinogenic effect; except that the department shall not designate under this subdivision any substance included in Section 11001 or 11002 of this code or Section 23004 of the Business and Professions Code. The authority of the department to adopt regulations pursuant to this subdivision shall not be exercised except during those times when the Legislature is not meeting in regular session. The department may, by regulation, exempt any hallucinogenic drug, other than those listed in subdivision (c), from the application of all or part of this division when it finds that regulation of such drug as provided in this division is not necessary for the protection of the public health. Substances or preparations designated by regulations adopted pursuant to this subdivision shall be the same insofar as practicable as those designated as having a potential for abuse because of their hallucinogenic effect by the United States Department of Health,

Education, and Welfare. Any regulation adopted pursuant to this subdivision shall be drafted in the form of a proposed law for submission to the next succeeding regular session of the Legislature and shall not remain in effect beyond 61 days after the final adjournment of that session of the Legislature. Notwithstanding any other provision of law, any violation of Section 11910 which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment; any violation of any other provision of this division which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 201. Section 13399.6 of the Health and Safety Code is amended to read:

13399.6. The dangerously toxic concentrations of vapors of solvents not defined in this chapter shall be established by regulations adopted by the State Fire Marshal. The State Fire Marshal shall seek the advice of the State Department of Health in developing such regulations.

SEC. 202. Section 18897.2 of the Health and Safety Code is amended to read:

18897.2. The State Director of Health shall adopt, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371, Part 1, Division 3, Title 2 of the Government Code, and enforce such rules and regulations establishing minimum standards for organized camps and regulating the operation of organized camps as he determines are necessary to protect the health and safety of the campers. In adopting such rules and regulations the State Director of Health shall consider the Resident Camp Standards of the American Camping Association.

SEC. 203. Section 18897.6 of the Health and Safety Code is amended to read:

18897.6. Organized camps shall not be subject to regulation by any state agency other than the State Department of Health, California regional water quality control boards, the State Water Resources Control Board, and the State Fire Marshal; provided, that this section shall not affect the authority of the Department of Industrial Relations to regulate the wages or hours of employees of organized camps.

SEC. 204. Section 18897.7 of the Health and Safety Code is amended to read:

18897.7. No organized camp shall be operated in this state unless each site or location in which the camp operates satisfies the minimum standards for organized camps prescribed by the State Director of Health and the State Fire Marshal. Any violation of this section or of any rule or regulation adopted

pursuant to Section 18897.2 or Section 18897.3 of this code in the operation of organized camps is a misdemeanor.

SEC. 205. Section 24101 of the Health and Safety Code is amended to read:

24101. The State Department of Health has supervision of sanitation, healthfulness, and safety of public swimming pools.

SEC. 206. Section 24156 of the Health and Safety Code is amended to read:

24156. The State Department of Health has supervision of sanitation, healthfulness, and safety of the public beaches and public water-contact sport areas of the ocean waters and bays of the state and the department may make and enforce such rules and regulations pertaining thereto as it deems proper.

SEC. 207. Section 24159 of the Health and Safety Code is amended to read:

24159. Nothing contained in this article shall be construed to give the State Department of Health the authority to fix the areas wherein water-contact sports may be engaged in or to affect the authority of the State Water Pollution Control Board or regional water pollution control boards to fix appropriate areas for various uses.

SEC. 208. Section 25600 of the Health and Safety Code is amended to read:

25600. The Legislature finds and declares that radioactive contamination of the environment may subject the people of the State of California to unnecessary exposure to ionizing radiation unless it is properly controlled. It is therefore declared to be the policy of this state that the State Department of Health initiate and administer necessary programs of surveillance and control of those activities which could lead to the introduction of radioactive materials into the environment.

SEC. 209. Section 25600.5 of the Health and Safety Code is amended to read:

25600.5. As used in this chapter the following terms have the meanings described in this section.

(a) "Department" means the State Department of Health.

(b) "Environment" means all places outside the control of the person responsible for the radioactive materials.

(c) "Field tracer study" is any project, experiment, or study which includes provision for deliberate introduction of radioactive material into the environment for experimental or test purposes.

(d) "Person" includes any association of persons, copartnership or corporation.

(e) "Radiation," or "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.

(f) "Radioactive material" means any material or combination of materials that spontaneously emits ionizing radiation.

(g) "Radioactive waste" means any radioactive material that is discarded as nonusable.

(h) "Significant" or "significantly," as applied to radioactive contamination, means such concentrations or amounts of radioactive material as are likely to expose persons to ionizing radiation equal to or greater than the guide levels published by the Federal Radiation Council.

(i) "Radiological monitoring" means the measurement of the amounts and kinds of radioactive materials in the environment.

SEC. 210. Section 25661 of the Health and Safety Code is amended to read:

25661. As used in this chapter:

(a) "Department" means the State Department of Health.

(b) "Board" means the State Department of Health.

(c) "Committee" means the Radiologic Technology Certification Committee.

(d) "Radiologic technology" means the application of X-rays on human beings for diagnostic or therapeutic purposes.

(e) "Radiologic technologist" means any person other than a licentiate of the healing arts making application of X-rays to human beings for diagnostic or therapeutic purposes pursuant to subdivision (b) of Section 25668.

(f) "Limited permit" means a permit issued pursuant to subdivision (c) of Section 25668 to persons to conduct radiologic technology limited to the performance of certain procedures or the application of X-ray to specific areas of the human body.

(g) "Approved school for radiologic technologists" means a school which the department has determined provides a course of instruction in radiologic technology which is adequate to meet the purposes of this chapter.

(h) "Supervision" means responsibility for, and control of, quality, radiation safety, and technical aspects of all X-ray examinations and procedures.

(i) "Licentiate of the healing arts" means a person licensed under the provisions of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code who possesses a certificate issued under the provisions of Section 2135 of such code, and a person licensed under the provisions of the initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation thereof, and repealing all acts and parts of acts inconsistent herewith," approved by electors November 7, 1922, as amended, or under the "Osteopathic Act."

(j) "Certified supervisor or operator" means a licentiate of the healing arts who has been certified under the provisions of subdivision (e) of Section 25668, Section 25699.1, or Section 25699.2, to supervise the operation of X-ray machines or to operate X-ray machines, or both.

SEC. 211. Section 25663 of the Health and Safety Code is amended to read:

25663. The State Department of Health shall appoint a certification committee to assist, advise, and make recommendations for the establishment of rules and regulations necessary to insure the proper administration and enforcement of the provisions of this chapter, and for those purposes to serve as consultants to the department. The appointments shall be made from lists of at least three nominees for each position submitted by appropriate professional associations and societies designated by the Director of Health, and provisions shall be made for orderly rotation of membership.

SEC. 212. Section 25696 of the Health and Safety Code is amended to read:

25696. The department may establish a schedule of fees for permits issued pursuant to subdivisions (c) and (e) of Section 25668, Sections 25670, 25699.1, and 25699.2, provided that such fees do not exceed the maximum authorized in Section 25694, and further provided that the revenue from such fees shall be related to the costs of administering the provisions of this chapter.

SEC. 213. Section 25697 of the Health and Safety Code is amended to read:

25697. The department may establish a schedule of fees to be paid by schools applying for approval as approved schools for radiologic technologists and, on an annual basis, by schools which are included on the department's list of approved schools for radiologic technologists. Such fees shall not exceed ten dollars ($10) per year per registered student.

SEC. 214. Section 25771 of the Health and Safety Code is amended to read:

25771. The State Department of 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 Secretary of the Resources Agency and upon request to any state department or agency or member of the public.

SEC. 215. 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 Secretary of the Resources Agency 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 Department of Health.

SEC. 216. Section 25896 of the Health and Safety Code is amended to read:

25896. Any person is guilty of a misdemeanor who manufactures, sells, or exchanges, has in his possession with intent to sell or exchange, or exposes or offers for sale or exchange to any retailer, any toy which either (1) is coated with paints and lacquers containing compounds of lead of which the lead content (calculated as Pb) is in excess of 1 percent of the total weight of the contained solids (including pigments and drier), or soluble compounds of antimony, arsenic, cadmium, mercury, selenium or barium, introduced as such; compounds are considered soluble if quantities in excess of 0.1 percent are dissolved by 5 percent hydrochloric acid after stirring for 10 minutes at room temperature; (2) consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance; (3) has been produced, prepared, packed or held under insanitary conditions; (4) is stuffed, padded, or lined with materials which are toxic or which would otherwise be hazardous if ingested; or (5) is a stuffed, padded, or lined toy which is not securely wrapped or packaged.

The State Department of Health and local health officers shall enforce the provisions of this chapter.

SEC. 217. Section 25990.5 of the Health and Safety Code is amended to read:

25990.5. The State Department of 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.

SEC. 218. Section 26007 of the Health and Safety Code is amended to read:

26007. "Department" means the State Department of Health.

SEC. 219. Section 26008 of the Health and Safety Code is amended to read:

26008. "Director" means the Director of Health.

SEC. 220. Section 27000 of the Health and Safety Code is amended to read:

27000. "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 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 Department of Agriculture of this state.

SEC. 221. Section 27002 of the Health and Safety Code is amended to read:

27002. "Pet food ingredients" means each of the constituent materials making up a processed pet food. Pet food ingredients of animal or poultry origin shall be only from animals or poultry slaughtered or processed in an approved or licensed establishment. Such animal or poultry ingredients condemned for human food but passed for animal food in an establishment inspected by the United States Department of Agriculture or the Department of Agriculture of this state may be used for pet food, provided it is properly denatured or handled in accordance with this chapter and regulations of the State Department of Health and the regulations of the Department of Agriculture of this state so as to render the ingredients safe for pet food. Animals or poultry classified as "deads" are prohibited.

SEC. 222. Section 27010 of the Health and Safety Code is amended to read:

27010. Every person who manufactures a processed pet food in California shall first obtain a license from, and every person who manufactures a processed pet food for import into California from another state shall first obtain a registration certificate from, the State Department of Health. Each license or registration certificate is good for one calendar year from the date of issue and is nontransferable.

An application for a license or registration certificate shall be made on an application form provided by the department.

SEC. 223. Section 27041 of the Health and Safety Code is amended to read:

27041. The provisions of this chapter shall be administered by the State Department of Health in accordance with the provisions of Chapter 3 (commencing with Section 26450) of this division, and the department shall have all the powers granted to the department in that chapter.

SEC. 224. Section 28122 of the Health and Safety Code is amended to read:

28122. If it finds the plant to be in a sanitary condition and otherwise properly equipped for the business of cold storage, the department, upon the payment of the license fee specified in this chapter, shall issue a license authorizing the applicant to operate a cold storage or refrigerating warehouse for a period of not more than one year.

SEC. 225. Section 28123 of the Health and Safety Code is amended to read:

28123. No person, firm, or corporation shall engage in the operation of a cold storage or refrigerating warehouse for storing articles of food without having obtained from the department a license for each such place of business. This license is nontransferable.

SEC. 226. Section 28127 of the Health and Safety Code is amended to read:

28127. The Director of Health shall keep a full and correct account of all fees received under this chapter. At least once each month he shall deposit all such fees with the State Treasurer for credit to the State General Fund.

SEC. 227. Section 28130 of the Health and Safety Code is amended to read:

28130. If any place or portion of a place for which a license is issued is deemed by the department to be in an unsanitary condition, the department shall give written notification to the licensee of the condition, stating in particular the matters found to be unsanitary.

SEC. 228. Section 28131 of the Health and Safety Code is amended to read:

28131. Upon failure of the licensee to correct the situation within a designated time the department shall prohibit the licensee from using the place or specified portion until such time as it is restored to a sanitary condition.

SEC. 229. Section 28132 of the Health and Safety Code is amended to read:

28132. Every licensee shall keep an accurate record of receipts and withdrawals of articles of food, and the department shall have free access to these records at any time.

SEC. 230. Section 28133 of the Health and Safety Code is amended to read:

28133. When requested by the department or an agent thereof, any licensee shall within a reasonable time submit a report setting forth in itemized particulars the quantity of food products held by him in cold storage.

SEC. 231. Section 28140 of the Health and Safety Code is amended to read:

28140. No storer shall place in cold storage any article of food whose keeping qualities have been impaired by disease, taint, or deterioration, or which has not been slaughtered, handled, and prepared for storage in accordance with food laws pertaining thereto and such rules and regulations as may be prescribed by the department for the sanitary preparation of food products for cold storage.

SEC. 232. Section 28141 of the Health and Safety Code is amended to read:

28141. Any article of food intended for use other than human consumption shall, before being cold stored, be marked by the owner in accordance with forms prescribed by the department in such a way as to indicate plainly that the article is not to be sold for human food.

SEC. 233. Section 28143 of the Health and Safety Code is amended to read:

28143. The department shall inspect and supervise all cold storage or refrigerating warehouses, and make such inspection of the entry of articles of food therein as it deems necessary to secure the proper enforcement of this chapter.

SEC. 234. Section 28144 of the Health and Safety Code is amended to read:

28144. The department and its duly authorized employees shall be permitted access to cold storage or refrigerating warehouses at all reasonable times for purposes of inspection and enforcing the provisions of this chapter.

SEC. 235. Section 28145 of the Health and Safety Code is amended to read:

28145. The department may also appoint at such salary as it may designate, any person it deems qualified to make any inspection required by this chapter.

SEC. 236. Section 28147 of the Health and Safety Code is amended to read:

28147. The department shall, upon application, grant permission to extend the period of storage beyond 12 months for a particular consignment of goods, if the goods in question are found, upon examination, to be in proper condition for further storage at the end of 12 months. The length of time for which further storage is allowed shall be specified in the order granting the permission.

SEC. 237. Section 28149 of the Health and Safety Code is amended to read:

28149. For the purpose of determining whether or not food locker plants come under the provision of this act, the operators or owners of all such frozen food locker plants shall make available, upon request to any agent of the State Department of Health, the names and addresses of any and all persons, firms, or corporations renting, leasing or occupying such lockers or compartments.

SEC. 238. Section 28153 of the Health and Safety Code is amended to read:

28153. The department may make rules and regulations to secure the proper enforcement of this chapter, including rules and regulations with respect to the sanitary preparation of articles of food for cold storage, the use of marks, tags, or labels, and the display of signs.

SEC. 239. Section 28180 of the Health and Safety Code is amended to read:

28180. The State Department of Health shall enforce this chapter.

SEC. 240. Section 28182 of the Health and Safety Code is amended to read:

28182. The department may make rules and regulations to secure the proper enforcement of this chapter, including rules and regulations with respect to the sanitary preparation of articles of food for freezing, the use of containers, marks, tags, or labels, and the display of signs.

SEC. 241. Section 28211 of the Health and Safety Code is amended to read:

28211. All bakery products produced, prepared, packed, sold or offered for sale shall comply with the provisions of

this division, except as exempted in Section 28210. The State Department of Health shall enforce the provisions of this section which pertain to adulteration, standards of identity, and labeling of bakery products.

SEC. 242. Section 28214 of the Health and Safety Code is amended to read:

28214. The State Department of Health may adopt regulations for the administration of this chapter. Any violation of such regulations is a violation of this chapter.

SEC. 243. Section 28296 of the Health and Safety Code is amended to read:

28296. The department, its inspectors and agents, and all local health officers and inspectors may at all times enter any building, room, basement, cellar, or other place occupied or used, or suspected of being occupied or used, for the production, preparation, manufacture, storage, sale, or distribution of food, and inspect the premises and all utensils, implements, receptacles, fixtures, furniture, and machinery used.

SEC. 244. Section 28297 of the Health and Safety Code is amended to read:

28297. If upon inspection any such building, room, basement, cellar, or other place, or any vehicle, employer, employee, or other person is found to be in violation of or violating any of the provisions of this article, or if the production, preparation, manufacture, packing, storing, sale, or distribution of food is being conducted in a manner detrimental to the health of the employees or to the character or quality of the food being produced, prepared, manufactured, packed, stored, sold, distributed, or conveyed, the person making the inspection shall at once make a written report of the violation to the district attorney of the county, who shall prosecute the violator. He shall make a like report to the department. The department, from time to time, may publish such reports in its monthly bulletin.

SEC. 245. Section 28298 of the Health and Safety Code is amended to read:

28298. Every building, room, basement, cellar, or other place or thing kept, maintained, or operated in violation of this article, and all food produced, prepared, manufactured, packed, stored, kept, sold, distributed, or transported in violation of this article, is a public nuisance dangerous to health. Any such nuisance may be abated or enjoined in an action brought for that purpose by the local or state department or may be summarily abated in the manner provided by law for the summary abatement of public nuisances dangerous to health.

SEC. 246. Section 28313 of the Health and Safety Code is amended to read:

28313. The department shall issue a license to an applicant therefor upon the receipt of such evidence as the department may require showing that the applicant is properly equipped

for the cleansing and sterilization of bottles as herein provided, or at its option upon the recommendation of a city, county or city and county health officer. This license is nontransferable.

The license provisions of this article shall not apply to food, drug or liquor manufacturers or packers who buy bottles for their own use and purposes, but do apply to any other person, firm or corporation engaged in the business of cleaning, sterilizing and reselling bottles to such manufacturers or packers except as hereinabove provided.

SEC. 247. Section 28317 of the Health and Safety Code is amended to read:

28317. If any licensee fails to maintain his equipment and to cleanse or sterilize any bottle in the manner required by this article, and issues a certificate knowing its contents to be untrue the department may revoke or suspend his license after a hearing. The proceedings for the revocation or suspension of a license shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 248. Section 28322 of the Health and Safety Code is amended to read:

28322. A nonalcoholic soft drink, whether or not carbonated, shall be deemed to be misbranded if in a bottle or other closed container unless the name and address of the bottler or distributor thereof appears on such container by being molded, printed, or otherwise labeled thereon, or said name and address is shown on the crown or cap of such container if such container is a permanently and distinctively branded bottle. Such a beverage shall not be deemed to be misbranded under this section if in a bottle or other closed container on which is molded, printed or otherwise labeled the product name, trademark or brand of the distributor or bottler thereof and if a sworn affidavit has been filed with the State Department of Health stating the name, trademark, or brand of such beverage, a full and complete description of each territory or area of the state in which such beverage is to be distributed, and the names and addresses of such persons as are responsible for compliance with this division in the bottling and distribution of such beverage in each territory or area of the state in which such beverage is distributed. Nothing in this section shall be deemed to exempt any bottler or distributor of a beverage or beverages from any provision of this division.

SEC. 249. Section 28325 of the Health and Safety Code is amended to read:

28325. Except when sold in bulk for manufacturing purposes, it is unlawful to sell or otherwise dispose of at retail jams, jellies, preserves, marmalades, peanut butter, horseradish, mayonnaise, or salad dressings other than in closed containers approved by the department, when the department determines that any other method of sale or disposition of any

such food or food product is conducive to its contamination by flies, insects, dust, dirt, or foreign material of any kind whatsoever.

SEC. 250. Section 28332 of the Health and Safety Code is amended to read:

28332. No license shall be issued except upon application and after inspection by the department of the premises for which the license is requested, and only if the department finds that the premises comply with the standards prescribed in Sections 28280 to 28287, both inclusive, and 28295 of this chapter.

SEC. 251. Section 28333 of the Health and Safety Code is amended to read:

28333. The department shall inspect the premises within 10 days after the date of the filing of the application.

SEC. 252. Section 28334 of the Health and Safety Code is amended to read:

28334. A license issued by the department shall not be for a period of more than one year, and shall expire at the end of the period for which it is issued. This license is nontransferable.

SEC. 253. Section 28335 of the Health and Safety Code is amended to read:

28335. At any time after the issuance of the license the premises covered thereby may be reinspected by the department, and the license may be revoked or suspended after a hearing by the department if it finds that the premises no longer comply with the standards prescribed by Sections 28280 to 28287, both inclusive, and 28295 of this chapter. The proceedings for the revocation or suspension of a license shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 254. Section 28336 of the Health and Safety Code is amended to read:

28336. All licensees and others subject to Section 28337 shall keep accurate and sufficient records showing their respective shelling, cleaning, grading, packing, preparing, purchasing, and receiving operations in shelled walnuts, and the names and addresses of their employees and agents. Such records shall be kept in the form prescribed by the department, and are subject to inspection at any time by the department.

Failure to keep any records required by this section is unlawful.

SEC. 255. Section 28339 of the Health and Safety Code is amended to read:

28339. The department may issue and enforce all rules and regulations necessary to carry out this article, and may prescribe forms and accounting methods to be used by licensees with respect to operations subject to license under this article.

SEC. 256. Section 28360 of the Health and Safety Code is amended to read:

28360. "State board," or "State Board of Public Health," as used in this chapter, means the State Department of Health.

SEC. 257. Section 28364 of the Health and Safety Code is amended to read:

28364. In lieu of a license, a permit to operate such a canning center shall be issued without cost by the department upon the submission of such evidence as the department requires to show that the persons operating the center are qualified and that the center is properly equipped and meets all other provisions of this chapter.

SEC. 258. Section 28380 of the Health and Safety Code is amended to read:

28380. There is in the state government a Cannery Inspection Board consisting of the following six members:

(a) The director of the state department, who shall act as chairman.

(b) One man appointed by the Director of Health who shall have had at the time of his appointment at least ten (10) years experience in or with canning technology and has a degree in chemistry, bacteriology or medicine.

(c) Four men appointed by the state department who are experienced, have substantial investments and are actively engaged in the canning industry at the time of their appointment.

One of the four appointive members shall be engaged in the canning of animal food.

SEC. 259. Section 28383 of the Health and Safety Code is amended to read:

28383. The Cannery Inspection Board shall, subject to the approval of the state department, estimate the cost of the separate inspection and laboratory control required to be made for each food product subject to this chapter.

SEC. 260. Section 28385 of the Health and Safety Code is amended to read:

28385. For the purpose of prorating the estimated cost of inspection and laboratory control, the Cannery Inspection Board, subject to the approval of the state department, shall estimate the number of cases to be packed, the number of tons to be packed, or the number of man-hours necessary to be employed, whichever in its discretion is most equitable as a basis of proration.

SEC. 261. Section 28386 of the Health and Safety Code is amended to read:

28386. Based on the estimates required by the last three sections, the Cannery Inspection Board, subject to the approval of the state department, shall determine the probable cost of inspection and laboratory control per thousand cases, per ton, or per man-hour, whichever in its discretion is most equitable.

SEC. 262. Section 28400 of the Health and Safety Code is amended to read:

28400. At the end of each quarter, or at the close of any canning season which does not exceed three consecutive months, the state department shall determine the actual cost of inspection and laboratory control of each separate food product for the preceding quarter or preceding canning season, and shall prorate such cost to each person licensed under this chapter on the basis of cases packed, tons packed, or number of man-hours necessary to be employed, whichever has been determined by the Cannery Inspection Board, with the approval of the state department, to be most equitable.

SEC. 263. Section 28401 of the Health and Safety Code is amended to read:

28401. In making any separate inspection and laboratory control for any food product, the state department shall not spend more than the amount estimated by the Cannery Inspection Board as the cost of the inspection without the approval of the Cannery Inspection Board.

SEC. 264. Section 28402 of the Health and Safety Code is amended to read:

28402. In making estimates, determinations, assessments, and prorations under Articles 2 and 3 of this chapter, the Cannery Inspection Board and the state department may include as a part of the cost of inspection a reasonable charge for standby services of inspectors.

SEC. 265. Section 28403 of the Health and Safety Code is amended to read:

28403. In lieu of all other procedures in Articles 2 and 3 of this chapter, each person licensed under this chapter may be assessed at an estimated annual hourly rate set by the Cannery Inspection Board with the approval of the state department and in the State Director of General Services. Such annual rate shall be set for each industry group based on the estimated cost.

SEC. 266. Section 28410 of the Health and Safety Code is amended to read:

28410. It is unlawful for any person to engage in the noncommercial canning of salmon, or in the commercial canning of any fish or fish product, meat or meat product, or any other food product for the use of man or animal, the sterilization of which in the opinion of the state department requires the use of a pressure cooker or a retort, without first obtaining a license from the state department.

SEC. 267. Section 28411 of the Health and Safety Code is amended to read:

28411. The state department shall issue an annual license, which is nontransferable, to any person on the receipt of fifty dollars ($50) per plant, and such evidence as the board may require to show that (1) the applicant is properly equipped with a retort or pressure cooker which has recording thermometers, indicating thermometers, and pressure gauges to carry

out such rules and regulations as the state department may adopt for the sterilization of food products for the canning of which a license is sought and (2) the applicant is in compliance with the sanitary regulations of the state department. The applicant shall be deemed to be in compliance with such sanitary regulations unless the applicant has been given written notice by the state department not less than sixty (60) days prior to the expiration of the existing license that the cannery does not comply with such sanitary regulations, and the applicant has subsequently failed to bring the cannery into compliance therewith.

SEC. 268. Section 28411.5 of the Health and Safety Code is amended to read:

28411.5. Any person who has been denied the annual license provided in this chapter may obtain a hearing by the state department by mailing a written request therefor to the department. The state department shall give the applicant at least ten (10) days notice of such hearing and shall hold such hearing within thirty (30) days of the receipt of such request.

SEC. 269. Section 28412 of the Health and Safety Code is amended to read:

28412. In addition to the annual license fee, the state department shall demand from each licensee such cash deposit for the payment of his pro rata share of the estimated cost of inspection and laboratory control as the state department may deem necessary.

SEC. 270. Section 28413 of the Health and Safety Code is amended to read:

28413. If the deposit made by any licensee is insufficient to meet the actual cost of an inspection and laboratory control of any product determined by the state department, the latter shall demand from the licensee, and the licensee shall immediately pay to the state department, in addition to the license fee payable by the licensee, the difference between the deposit and his pro rata share of the actual cost of the inspection and laboratory control.

SEC. 271. Section 28415 of the Health and Safety Code is amended to read:

28415. No food product subject to the inspection required by this chapter shall be shipped by the licensee who packed it until the licensee has either paid his pro rata share of the estimated cost of inspection or has furnished the state department a cash deposit for the payment of his pro rata share of such cost.

SEC. 272. Section 28416 of the Health and Safety Code is amended to read:

28416. The state department may after notice and opportunity for hearing suspend or revoke a license issued under this chapter for any of the following causes:

(a) Nonpayment of the pro rata share of the cost of inspection and laboratory control, or failure to comply with a

demand for a cash deposit or other security by the holder of the license.

(b) Noncompliance with any of the regulations of the state department.

(c) Operation of an insanitary cannery after due notice by registered mail has been received.

(d) Inadequate ratproofing of a cannery throughout.

(e) Willful packing of any canned food commodity which has been rejected by an agent of the state department.

(f) Packing of any canned food commodity subject to this chapter without notifying the state department before packing.

SEC. 273. Section 28418 of the Health and Safety Code is amended to read:

28418. Proceedings for the suspension and revocation of licenses shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code; and the state department has all the powers granted therein.

SEC. 274. Section 28430 of the Health and Safety Code is amended to read:

28430. No person shall permit another to operate a steam-controlled retort used in the commercial canning industry for the sterilization of food products, unless the latter first obtains a permit from the state department. The department may pass upon and determine the qualifications of the applicant with a view to the preservation of the public health.

Any permit granted is revocable by the department whenever in its judgment the public health requires such action.

SEC. 275. Section 28431 of the Health and Safety Code is amended to read:

28431. It is unlawful for any person to place upon the label of any bottle, can, jar, carton, case, box, barrel, or any other receptacle, vessel, or container of whatever material or nature which may be used by a packer, manufacturer, producer, jobber, or dealer for enclosing any canned food product, fish or fish product, or meat or meat product, any statement relative to the product having been inspected, unless the statement has been approved in writing by the state department.

Approval of a statement is revocable at any time by the state department upon written notice.

SEC. 276. Section 28432 of the Health and Safety Code is amended to read:

28432. Any food product packed in violation of this chapter may be quarantined by the state department until a laboratory examination has established that the product meets the requirements of this chapter.

SEC. 277. Section 28433 of the Health and Safety Code is amended to read:

28433. Any person who packs any food product which has been quarantined by the state department shall pay the state department all reasonable costs of any laboratory examination, determined by the Cannery Inspection Board, subject

to the approval of the state department, to be necessary to ascertain that the seized product was packed in violation of this chapter.

SEC. 278. Section 28440 of the Health and Safety Code is amended to read:

28440. The state department may make such rules and regulations as it deems necessary for the proper enforcement of this chapter, and such rules and regulations shall have the force and effect of law.

SEC. 279. Section 28441 of the Health and Safety Code is amended to read:

28441. No rule or regulation or amendment thereto shall be adopted unless submitted by the state department to the Cannery Inspection Board at least five days prior to the date of adoption.

SEC. 280. Section 28442 of the Health and Safety Code is amended to read:

28442. The state department shall enforce its rules and regulations and the provisions of this division relating to the canning of food products. The state department shall, so far as practicable, acquaint each licensee subject to this chapter with its rules and regulations, and upon request therefor by any licensee shall furnish a copy of such rules and regulations.

SEC. 281. Section 28451 of the Health and Safety Code is amended to read:

28451. All money received by the State Department of Health under the provisions of this chapter shall be paid at least once each month to the State Treasurer, and on order of the State Controller, shall be deposited in the General Fund in the State Treasury.

SEC. 282. Section 28452 of the Health and Safety Code is amended to read:

28452. Notwithstanding the provisions of Section 28451, the State Department of Health and the Department of General Services may authorize the deposit in the Special Deposit Fund of cash deposits received by the State Department of Health under the provisions of Section 28412; and in such event, upon the determination by the State Department of Health that all or a part of any such deposit is due the state for payment on account of the depositor's pro rata share of costs incurred by the state under this chapter, the amount so determined shall, on order of the State Controller, be transferred from the Special Deposit Fund to the General Fund.

All money deposited in the Special Deposit Fund under the provisions of this section shall be subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code.

SEC. 283. Section 28478 of the Health and Safety Code is amended to read:

28478. Unless a license so to do is first obtained from the department, it is unlawful for any person in this state to

engage in the packaging or manufacture of olive oil, or in the wholesale distribution of olive oil where his name and address will appear upon olive oil containers of one pint capacity or larger, as the distributor and his name will appear upon the containers as the only California addressee.

SEC. 284. Section 28479 of the Health and Safety Code is amended to read:

28479. On receipt of an application showing that the applicant is properly equipped to package or manufacture olive oil, or is a wholesale distributor of olive oil whose name and address will appear upon olive oil containers as distributor and whose name also will appear upon such containers as the only California addressee, the department shall, free of charge, issue the applicant a license, not transferable, but good until revoked, to package, manufacture, or distribute olive oil as the case may be.

The department may revoke or suspend such license after a hearing. The proceedings for the revocation or suspension of a license shall be in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 285. Section 28483 of the Health and Safety Code is amended to read:

28483. All records of those licensed under the provisions of this act which concern the amounts of olive oil produced and/or purchased, or the sale and/or distribution of any olive oil, shall be open to inspection upon demand of any agent of this department.

SEC. 286. Section 28487 of the Health and Safety Code is amended to read:

28487. The department shall enforce the provisions of this chapter.

SEC. 287. Section 28504 of the Health and Safety Code is amended to read:

28504. The department shall prescribe the form of the tags or labels to be used.

SEC. 288. Section 28507 of the Health and Safety Code is amended to read:

28507. The department shall enforce the provisions of this chapter.

SEC. 289. Section 28508 of the Health and Safety Code is amended to read:

28508. The department shall prescribe and enforce such rules and regulations as it may deem necessary to carry into effect the full intent and meaning of this chapter.

SEC. 290. Section 28616.1 of the Health and Safety Code is amended to read:

28616.1. All mobile units, upon which food is prepared, except mobile units to which the local health officer has issued written authorization to operate at a special public event, shall operate out of a commissary or other facility approved by the

local health officer. All mobile units upon which food is prepared shall be subject to approval by the local health officer and shall be cleaned at the approved commissary or other approved facility after each day's use and before being used again. The commissary shall meet the requirements of Article 2 (commencing with Section 28540) of this chapter, any rules and the regulations applicable to commissaries adopted by the State Department of Health pursuant to Section 38694.5, and any additional local standards applicable to commissaries. All mobile units upon which food is prepared shall meet the requirements of Article 3 (commencing with Section 28590) of this chapter, any rules and regulations applicable to mobile units adopted by the State Department of Health pursuant to Section 38694.5, and any additional local standards applicable to mobile units.

No food, beverage, or ingredient of food or beverage may be placed on a mobile unit upon which food is prepared except at an approved commissary or other approved facility or directly from a vendor under inspection by the state department or a local health department, or both.

The operator of a mobile unit upon which food is prepared shall maintain a record on such mobile unit which shows the source of all foods, beverages and ingredients of foods and beverages used on such mobile unit and the location of the commissary or other approved facility from which the mobile unit is operated. Such record shall be available for examination by the local health officer or any representative of the state department when the mobile unit is being operated. The failure to maintain such record or the refusal to permit the examination shall be sufficient ground for the revocation of the approval of the mobile unit to operate.

SEC. 291. Section 28694.5 of the Health and Safety Code is amended to read:

28694.5. The State Department of Health shall adopt rules and regulations prescribing such additional requirements for commissaries and mobile units upon which food is prepared and for the administration of Articles 2 (commencing with Section 28540) and 3 (commencing with Section 28590) of this chapter as it determines are reasonably necessary for the protection of the public health and safety. Any violation of such rules and regulations is a violation of this chapter.

SEC. 292. Section 28700 of the Health and Safety Code is amended to read:

28700. When used in this chapter, unless the context otherwise requires:

(a) "Food" means any article used by man for food, drink, confectionery or condiment, or which enters into the composition thereof, whether simple, blended, mixed or compounded.

(b) "Locker" means the individual sections or compartments of a capacity of not to exceed 25 cubic feet in the locker room of a frozen food locker plant.

(c) "Frozen food locker plant" means an establishment in which space in such individual lockers is rented, leased or loaned to individuals, firms or corporations, for the storage of food for their own use and which is artificially cooled for the purpose of preserving such food. The term includes service locker plant, storage locker plant and branch locker plant.

(d) "Service locker plant" means a frozen food locker plant in which patrons' foods are prepared or packaged by the operator of such plant before such foods are placed in the lockers for storage.

(e) "Storage locker plant" means a frozen food locker plant, the operator of which does not prepare or package the foods of patrons.

(f) "Branch locker plant" means a frozen food locker plant in any location or establishment artificially cooled in which space in individual lockers are rented, leased or loaned to individuals, firms or corporations for the storage of food for their own use after preparation for storage in a central or parent plant.

(g) "Frozen" means food frozen in a room or compartment in which the temperature is plus 5 degrees F. or lower.

(h) "Temperature" means the average air temperature in refrigerated rooms.

(i) "Department" means the State Department of Health.

(j) "Operator" means any person, firm or corporation operating or maintaining a frozen food locker plant.

(k) "Processor" means an establishment in which, for compensation directly or indirectly, meat or meat products are cut, wrapped, or frozen to be delivered for frozen storage by the ultimate consumer.

SEC. 293. Section 28716 of the Health and Safety Code is amended to read:

28716. Every operator of a frozen food locker plant, shall keep a record showing names and addresses of renters of lockers and such records shall be available for examination by the Director of the Department of Agriculture or his representatives, or the State Department of Health or its representatives, during business hours of such plants.

SEC. 294. Section 28742 of the Health and Safety Code is amended to read:

28742. "Department" means the State Department of Health.

SEC. 294.1. Section 28863 of the Health and Safety Code is amended to read:

28863. The provisions of this chapter shall apply to all parts of the state. The State Department of Health may adopt such rules and regulations as it determines are reasonably necessary to interpret and carry out the provisions of this chapter. When adopted, such rules and regulations shall apply to all parts of the state. The department shall investigate to determine satisfactory enforcement of this chapter by local authorities.

SEC. 295. Section 32127.2 of the Health and Safety Code is amended 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 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. 296. Section 32201 of the Health and Safety Code is amended to read:

32201. Annually, on or before August 1st, the board of directors of each local hospital district shall furnish to the board of supervisors and county auditor of the county in which the district or any part thereof is situated an estimate in writing of the amount of money necessary to be raised by taxation for all purposes required under the provisions of this division during the next ensuing fiscal year. In addition to such written estimate the board of directors of each local hospital district shall furnish to the board of supervisors for each tax year occurring after the second full fiscal year of actual hospital operations a certified copy of a resolution of said board of directors finding that the rates and charges made for services and facilities in the hospital on an overall basis are comparable to charges made for similar services and facilities by the nonprofit hospitals operated within the hospital service area in which the district hospital is located. No such certificate need be furnished if there are no nonprofit hospitals in such service area. Such hospital service area shall be as from time to time delineated by the State Department of Health.

SEC. 297. Section 38003 of the Health and Safety Code is amended to read:

38003. As used in this division:

(a) "Regional center" means a regional diagnostic, counseling and service center for mentally retarded persons and their families.

(b) "Director" means the Director of Health.

(c) "Department" means the State Department of Health.

(d) "Secretary" means the Secretary of the Human Relations Agency.

(e) "State board" means the State Mental Retardation Program Advisory Board.

(f) "Area board" means an areawide mental retardation program board.

(g) "Area plan" means an areawide mental retardation plan.

SEC. 298. Section 38056 of the Health and Safety Code is amended to read:

38056. No member of an area board may be an employee of a regional center, the State Department of Health, or the State Department of Social Welfare.

SEC. 299. Section 38060 of the Health and Safety Code is amended to read:

38060. Area plans shall be submitted to the Areawide Comprehensive Health Planning Agency for review, and to the secretary for approval and transmission to the Advisory Health Council.

SEC. 300. Section 38101 of the Health and Safety Code is amended to read:

38101. The State Department of Health, within the limitations of funds appropriated, shall contract with appropriate agencies, either public or private nonprofit corporations, for the establishment of regional centers.

SEC. 301. Section 38150 of the Health and Safety Code is amended to read:

38150. Notwithstanding Section 6000 of the Welfare and Institutions Code, the admission of an adult mentally retarded person to a state hospital or private institution shall be upon the application of the person's parent or guardian.

SEC. 302. Section 38202 of the Health and Safety Code is amended to read:

38202. The state board shall advise the Advisory Health Council, the secretary, the Governor and the Legislature 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 by the secretary of a state plan for mental retardation services and the system of priorities contained in a program budget to be developed by the secretary.

(c) The development by the Advisory Health Council of the mental retardation portion of the state plan for all health services.

(d) Standards for services in various facilities that are now being operated or which will hereafter be created.

(e) Standards and rates of state payment for any services purchased for mentally retarded persons through the regional centers.

(f) The development of uniform recordkeeping in all services for the mentally retarded.

(g) 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.

(h) The stimulation of planning for professional training in the state universities and colleges.

SEC. 303. Section 38203 of the Health and Safety Code is amended to read:

38203. The state board shall prepare and render annually a written report of its activities and its recommendations to the Advisory Health Council, the Secretary of the Human Relations Agency, the Governor and the Legislature.

SEC. 304. Section 38250 of the Health and Safety Code is amended to read:

38250. It is the intent of this division that by July 1, 1971, state funds previously allocated to other agencies for the provision of out-of-home prehospital, hospital and posthospital care be allocated, to the fullest extent feasible, to regional centers to contract with appropriate agencies for the provision of out-of-home placements.

In the event either the Governor or the Legislature should obtain federal approval to transfer programs for the mentally retarded from other state departments to the State Department of Health 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 the State Department of Health such parts of the appropriation of the other departments that are related to mental retardation programs; provided further, that such transfer shall enable the state to make maximum utilization of available state and federal funds.

It is the intent of this division that the regional center program be funded by the state on a regional basis using the maximum of federal funds available, and that all funds be transmitted through the department to each regional center.

SEC. 305. Section 38253 of the Health and Safety Code is amended to read:

38253. The secretary, 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, 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 statewide plan and program budget, and shall seek the advice of the state board.

SEC. 306. 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 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. 307. Section 39023 of the Health and Safety Code is amended to read:

39023. The board shall appoint an executive officer and may contract for services and may employ such technical and other personnel and acquire such facilities and may call upon the State Department of Health as may be necessary for the performance of its powers and duties in carrying out the provisions of this division. The board may appoint such advisory groups and committees as it requires to effectuate the purpose of this division.

SEC. 308. Section 39051 of the Health and Safety Code is amended to read:

39051. The board shall after holding public hearings:

(a) Divide the state into basins to fulfill the purposes of this division not later than January 1, 1969.

(b) Adopt standards of ambient air quality for each basin in consideration of the public health, safety and welfare, including but not limited to health, illness, irritation to the senses, aesthetic value, interference with visibility, and effects on the economy. These standards may vary from one basin to

another. Standards relating to health effects shall be based upon the recommendations of the State Department of Health.

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

(d) Adopt emission standards for all nonvehicular air pollution sources for application for each basin as found necessary as provided in Section 39054.

(e) Adopt test procedures to measure compliance with its nonvehicular emission standards and those of local and regional authorities. The board may revise any test procedures which it has adopted when the development and improvement of testing techniques and testing instruments warrant such revision in the judgment of the board. If the board revises such test procedures, it may establish revised nonvehicular emission standards, which standards shall be applicable when such revised test procedures are used in testing nonvehicular sources. The revised standards may be expressed in terms and numerical values other than the terms and numerical values prescribed by, but shall not be less stringent than the standards prescribed by, Chapter 3.5 (commencing with Section 39077) of this part.

SEC. 309. Section 39052 of the Health and Safety Code is amended to read:

39052. The board shall:

(a) Conduct studies and evaluate the effects of air pollution upon human, plant, and animal life and the factors responsible for air pollution. The board may call upon the State Department of Health, Department of Agriculture, the University of California, and such other state agencies it may deem necessary.

(b) Encourage a cooperative state effort in combating air pollution.

(c) Inventory sources of air pollution within the basins of the state and determine the kinds and quantity of air pollutants. The board shall use, to the fullest extent, the data of local agencies in fulfilling this purpose.

(d) Monitor air pollutants in cooperation with other agencies to fulfill the purpose of this division.

(e) Coordinate and collect research data on air pollution.

(f) Review rules and regulations of local or regional authorities filed with it pursuant to Sections 39314 and 39461 to assure that reasonable provision is made to control emissions from nonvehicular sources and to achieve the air quality standards established by the board. If the board finds, after public hearing, that any rule or regulation of a local or regional authority submitted to it will not achieve applicable air quality standards, it may repeal such rule or regulation and promulgate a rule or regulation which it finds would achieve such standards. Such rule or regulation shall have the same force

and effect as a rule or regulation adopted by the local or regional authority, and shall be enforced by the local or regional authority.

(g) Adopt formal procedures, after consultation with the Department of Motor Vehicles, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned.

(h) Adopt formal procedures, after consultation with the State Department of Health, for the performance of services required by the board and for evaluating and resolving air pollution matters with which both agencies are concerned.

(i) Adopt formal procedures, after consultation with the Department of the California Highway Patrol, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned.

(j) Publish annually a report of the results of the tests administered pursuant to subdivision (k) of this section, which shall include all of the following:

(1) The total number of motor vehicles tested.

(2) The total number of each engine and transmission combination tested.

(3) The average emissions of all motor vehicles tested.

(4) The average emissions of each engine and transmission combination tested.

(5) An analysis of the emissions of each engine and transmission combination tested.

(k) Adopt test procedures specifying the manner in which new motor vehicles shall be approved based upon the emission standards contained in Article 2 (commencing with Section 39100) of Chapter 4 of this part. The board shall base its test procedures on driving patterns typical in the urban areas of California, and shall weight approval standards appropriately to reflect normal engine deposit accumulation. The board shall administer the test for new motor vehicles in accordance with such procedures. The board may revise any test procedures which it has adopted when the development and improvement of testing techniques and testing instruments warrants such revision in the judgment of the board. If the board revises such test procedures, it may establish revised emission standards for new motor vehicles which standards shall be applicable when such revised test procedures are used in testing vehicles. The revised standards may be expressed in terms and numerical values other than the terms and numerical values prescribed by, but shall not be less stringent than the standards prescribed by, Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(*l*) Adopt regulations specifying the manner in which used motor vehicles shall be accredited based upon their emissions.

(m) Adopt, by regulation, emission standards and test procedures applicable to motor vehicles manufactured for sale in this state. Such regulations shall provide for the testing of vehicles on factory assembly lines or in such other manner as

the board determines best suited to carry out the purposes of this part. The standards established by the board may deviate from the standards established as a condition of approval as the board determines is necessary to implement this section. The test procedures shall be adopted after consideration of the recommendations of the Technical Advisory Panel to the Assembly Transportation and Commerce Committee of April 14, 1968. Any manufacturer or distributor failing to comply with the standards or test procedures established under this subdivision shall be subject to a civil penalty of fifty dollars ($50) for each vehicle which does not comply with the regulations and which is first sold in this state. The payment of such penalties shall be a condition to the further sale of motor vehicles in this state.

(n) Adopt exhaust emission standards for hydrocarbons, carbon monoxide, and oxides of nitrogen for new diesel-powered vehicles, and diesel engines for vehicles first sold and registered in this state, no later than January 1, 1971.

(o) Adopt emission standards for motor vehicles which shall be applicable only to motor vehicles for which emission standards have not been specified in Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(p) Adopt low emission standards for the purpose of carrying out Section 14808.1 of the Government Code and Section 6377 of the Revenue and Taxation Code for each model year motor vehicle beginning in 1970.

(q) The board shall adopt test procedures to establish that motor vehicles which have been modified or altered to use a fuel other than gasoline or diesel are in compliance with Section 39110 giving consideration to relative reactivity and air-fuel correction factor of the fuel being tested.

SEC. 309.1. Section 11501 of the Insurance Code is amended to read:

11501. No corporation subject to the provisions of this chapter shall establish, maintain and operate its hospital service plan unless and until it shall have procured a certificate of approval from the State Department of Health approving the hospital, or hospitals, with which such corporation has entered, or proposes to enter, into contracts for the furnishing of hospital service to its subscribers and such corporation shall not enter into any contract with any hospital within this state for the furnishing of hospital service to its subscribers unless the hospital with which it contracts has procured a certificate of approval from said department; provided, however, that hospital services may be rendered to the subscriber in a hospital not holding a certificate of approval if the subscriber requiring hospitalization has removed from or is absent from the state, or in cases of emergency where immediate treatment is necessary and removal to an approved hospital would endanger the life or health of the subscriber. The State Department of Health shall not issue any certificate of approval provided for in this chapter unless and until the

applicant therefor shall have established to the satisfaction of said department that the hospitals wherein subscribers to hospital service plans concerned are to be hospitalized possess adequate physical facilities, mechanical equipment, and personnel for the study, diagnosis, treatment and care of patients.

SEC. 309.2. Section 11502 of the Insurance Code is amended to read:

11502. The State Department of Health, before issuing its certificate authorizing any hospital within the State of California to furnish hospital services under any hospital service plan, shall cause the hospital to be inspected by an inspector appointed by the said department. The report of such inspection shall be filed with the State Department of Health. If the State Department of Health shall find after such inspection that the hospital making application to render hospital services under the hospital service plan fully complies with and possesses the standards set forth in Section 11501, it shall issue its certificate of approval upon the payment of a registration fee, not to exceed twenty-five cents ($0.25) per bed, computed upon the daily average number of beds, other than bassinets, occupied during the preceding calendar year, but in no event less than fifteen dollars ($15) per hospital.

SEC. 309.3. Section 11503 of the Insurance Code is amended to read:

11503. The State Department of Health shall have the right and power to investigate, regulate and enforce the hospital standards set forth in Section 11501 in respect to all hospitals furnishing and rendering hospital services under the provisions of this chapter and to revoke certificates of approval theretofore issued to any hospital, or any hospital service corporation. Upon complaint deemed by the department to be sufficient to warrant such action, or upon its own motion, the State Department of Health shall hold a hearing at which the corporation or hospital under investigation and against which action is proposed to be taken shall have the right to be heard. At such hearing the department shall have the right to order and direct the corporation or the hospital, as the case may be, and within such period of time as the board may prescribe, to remedy and remove the causes complained of and in which to comply with the acts and things required in such order, and may continue the hearing until the expiration of said period of time. If the department upon final hearing shall find that its order has not been complied with, and that the hospital does not possess the hospital standards set forth in Section 11501, or that services are rendered by the hospital service corporation in and through hospitals not possessing said standards, the board shall enter its order revoking the certificate of approval to any such hospital or hospital service corporation and shall notify the Commissioner of Insurance in writing of the fact of such revocation and of the fact that the services rendered under the hospital service plan are not being rendered by hospitals holding certificates of ap-

proval. Upon receipt of such notice, it shall be the duty of the Commissioner of Insurance to revoke his certificate of authority to the establishment, maintenance and operation by such corporation of a nonprofit hospital service plan. The proceeding shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Department of Health shall have all the powers granted therein.

SEC. 309.4. Section 11505 of the Insurance Code is amended to read:

11505. The Commissioner of Insurance shall not issue his certificate of authority to any corporation proposing to establish, maintain or operate a nonprofit hospital service plan until such corporation shall have established:

(a) That the corporation has entered into contracts with hospitals in the State of California holding certificates of approval issued by the State Department of Health and having an aggregate bed capacity sufficient to render the services contemplated to be furnished under the hospital service plan to persons in the State of California.

(b) That the contract proposed to be entered into by such corporation with those who may become subscribers is not such as will work a fraud or injustice upon such subscribers or any person.

(c) That the rates, dues, fees or other periodic charges to be imposed upon subscribers and the fees, rates or other considerations to be paid for services rendered to subscribers, are not such as will, after providing for such legal reserves as the Insurance Commissioner may deem necessary and reasonable, result in profit to such corporation, and are such as will enable such corporation to furnish or provide the hospital services which it proposes to make available to its subscribers without impairment of the legal reserves fixed and required by the Insurance Commissioner, and without a constant depletion of the assets of such corporation.

SEC. 310. Section 830.4 of the Penal Code is amended to read:

830.4. (a) The following persons are peace officers while engaged in the performance of the duties of their respective employments:

(1) Security officers of the California State Police Division.

(2) The Sergeant at Arms of each house of the Legislature.

(3) Bailiffs of the Supreme Court and of the courts of appeal.

(4) Guards and messengers of the Treasurer's office.

(5) The Director of the Department of Navigation and Ocean Development and employees of such department designated by him pursuant to Section 71.2 of the Harbors and Navigation Code.

(6) Members of a state college police department appointed pursuant to Section 24651 of the Education Code.

(7) The hospital administrator of a state hospital under the jurisdiction of the State Department of Health and police officers designated by him pursuant to Section 4312 of the Welfare and Institutions Code.

(8) Any railroad or steamboat company policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.

(9) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.

(10) Harbor policemen regularly employed and paid as such by a county, city, or district, and the port warden and special officers of the Harbor Department of the City of Los Angeles. However, notwithstanding the provisions of Section 171c, 171d, or 12027, such persons are not peace officers for purposes of such sections except when designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, as peace officers for such purposes.

(11) Special officers of the Department of Airports of the City of Los Angeles commissioned by the city police commission.

(12) The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Public Works on vehicular crossings pursuant to Chapter 13 (commencing with Section 23250) of Division 11 of the Vehicle Code.

(13) Persons employed as members of a security patrol of a school district pursuant to Section 15832 of the Education Code.

(14) Duly authorized federal employees, when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction such property is situated.

(b) The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed with respect to persons or property the protection of which is the immediate duty of such officer.

SEC. 310.5. Section 1435.6 of the Probate Code is amended to read:

1435.6. If the alleged incompetent person is a patient in or on leave of absence from a state institution under the jurisdiction of the State Department of Health, the petition shall set forth the name of such institution, and a copy of such notice and petition shall be mailed to the Director of Health at his office in Sacramento at least 10 days prior to the hearing, and the director may appear and represent the interests of such incompetent spouse.

SEC. 311. Section 1535 of the Probate Code is amended to read:

1535. When the ward is or has been, during the guardianship, confined in a state hospital in this state, notice of the

hearing of the return must be given to the Director of Health at his office in Sacramento at least 15 days before the hearing.

SEC. 312. Section 1554 of the Probate Code is amended to read:

1554. No account of the guardian of an insane or incompetent person who is or has been during the guardianship confined in a state hospital in this state shall be settled or allowed unless notice of the time and place of hearing and a copy of the account have been given to the Director of Health at his office in Sacramento at least 15 days before the hearing. The statute of limitations shall not run against any claim of the State Department of Health against the estate of the incompetent for board, care, maintenance or transportation if the account is settled without giving the notice prescribed above.

SEC. 312.1. Section 17226 of the Revenue and Taxation Code is amended to read:

17226. (a) Every person, at his election, shall be entitled to a deduction with respect to amortization of the adjusted basis (for determining gain) of any device, machinery, or equipment for water pollution control or for the collection at the source of atmospheric pollutants and contaminants based on a period of 60 months. Such amortization deductions shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the device, machinery, or equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deductions provided by this section with respect to any month shall be in lieu of the deduction with respect to such device, machinery, or equipment provided in Section 17208 relating to exhaustion, wear and tear, and obsolescence. The 60-month period shall begin, at the election of the taxpayer, with the month following the month in which the device, machinery, or equipment was completed or acquired, or with the succeeding taxable year.

(b) The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the device, machinery, or equipment was completed or acquired, or with the taxable year succeeding the taxable year in which such device, machinery, or equipment was completed or acquired, shall be made in an appropriate statement in the taxpayer's return for the taxable year in which the device, machinery, or facility was completed or acquired, or in which the certification required by subdivision (d) was made, whichever is later.

(c) A taxpayer which has elected under subdivision (b) to take the amortization deduction provided in subdivision (a) may, at any time after making such election, discontinue the amortization deductions with respect to the remainder of the amortization period, such discontinuance to begin as of the

beginning of any month specified by the taxpayer in a notice in writing filed with the Franchise Tax Board before the beginning of such month. The deduction provided under Section 17208 shall be allowed beginning with the first month as to which the amortization deduction is not applicable, and the taxpayer shall not be entitled to any further amortization deductions with respect to such device, machinery, or equipment.

(d) In determining for the purposes of this section the adjusted basis of such device, machinery, or equipment, there shall be included only so much of the amount of such adjusted basis (computed without regard to this section) as is properly attributable to the construction, reconstruction, remodeling, installation, or acquisition of such device, machinery, or equipment after December 31, 1954, as certified by the State Department of Health.

SEC. 312.1. Section 17226.5 of the Revenue and Taxation Code is amended to read:

17226.5. (a) Every person, at his election, shall be entitled to a deduction with respect to amortization of the adjusted basis (for determining gain) of any device, machinery, or equipment for water pollution control or for the collection at the source of atmospheric pollutants and contaminants for the taxable year in which such device, machinery or equipment was completed or acquired or in which the certification required by subdivision (c) was made, whichever is later, in the full amount of the cost of the device, machinery or equipment. The amortization deductions provided by this section with respect to any taxable year shall be in lieu of the deduction with respect to such device, machinery, or equipment provided in Section 17208 relating to exhaustion, wear and tear, and obsolescence and in lieu of the election provided for in Section 17226.

(b) The election of the taxpayer to take the amortization deduction in the taxable year in which the device, machinery, or equipment was completed or acquired shall be made in an appropriate statement in the taxpayer's return for the taxable year in which the device, machinery, or facility was completed or acquired, or in which the certification required by subdivision (c) was made, whichever is later.

(c) In determining for the purposes of this section the adjusted basis of such device, machinery, or equipment, there shall be included only so much of the amount of such adjusted basis (computed without regard to this section) as is properly attributable to the construction, reconstruction, remodeling, installation, or acquisition of such device, machinery, or equipment after December 31, 1954, as certified by the State Department of Health.

SEC. 312.3. Section 24372 of the Revenue and Taxation Code is amended to read:

24372. (a) Every taxpayer, at its election, shall be entitled to a deduction with respect to amortization of the adjusted basis (for determining gain) of any device, machinery, or

equipment for water pollution control or for the collection at the source of atmospheric pollutants and contaminants based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the device, machinery, or equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deductions provided by this section with respect to any month shall be in lieu of the deduction with respect to such device, machinery, or equipment provided in Section 24349 relating to exhaustion, wear and tear, and obsolescence. The 60-month period shall begin, at the election of the taxpayer, with the month following the month in which the device, machinery, or equipment was completed or acquired, or with the succeeding income year.

(b) The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the device, machinery, or equipment was completed or acquired, or with the taxable year succeeding the taxable year in which such device, machinery, or equipment was completed or acquired, shall be made in an appropriate statement in the taxpayer's return for the income year in which the device, machinery, or facility was completed or acquired, or in which the certification required by subdivision (d) was made, whichever is later.

(c) A taxpayer which has elected under subdivision (b) to take the amortization deduction provided in subdivision (a) may, at any time after making such election, discontinue the amortization deductions with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Franchise Tax Board before the beginning of such month. The deduction provided under Section 24349 shall be allowed beginning with the first month as to which the amortization deduction is not applicable, and the taxpayer shall not be entitled to any further amortization deductions with respect to such device, machinery, or equipment.

(d) In determining for the purposes of this section the adjusted basis of such device, machinery, or equipment, there shall be included only so much of the amount of such adjusted basis (computed without regard to this section) as is properly attributable to the construction, reconstruction, remodeling, installation, or acquisition of such device, machinery, or equipment after December 31, 1954, as certified by the State Department of Health.

SEC. 312.4. Section 24372.5 of the Revenue and Taxation Code is amended to read:

24372.5. (a) Every taxpayer, at its election, shall be entitled to a deduction with respect to amortization of the ad-

justed basis (for determining gain) of any device, machinery, or equipment for water pollution control or for the collection at the source of atmospheric pollutants and contaminants for the income year in which such device, machinery, or equipment was completed or acquired, or in which the certification required by subdivision (c) was made, whichever is later, in the full amount of the cost of the device, machinery or equipment. The amortization deductions provided by this section with respect to any income year shall be in lieu of the deduction with respect to such device, machinery, or equipment provided in Section 24349 relating to exhaustion, wear and tear, and obsolescence and in lieu of the election provided for in Section 24372.

(b) The election of the taxpayer to take the amortization deduction in the income year in which the device, machinery, or equipment was completed or acquired shall be made in an appropriate statement in the taxpayers return for the income year in which the device, machinery, or facility was completed or acquired, or in which the certification required by subdivision (c) was made, whichever is later.

(c) In determining for the purposes of this section the adjusted basis of such device, machinery, or equipment, there shall be included only so much of the amount of such adjusted basis (computed without regard to this section) as is properly attributable to the construction, reconstruction, remodeling, installation, or acquisition of such device, machinery, or equipment after December 31, 1954, as certified by the State Department of Health.

SEC. 313. Section 13411 of the Water Code is amended to read:

13411. Upon a determination by the state board, after consultation with the State Department of 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.

SEC. 313.1. Section 13413 of the Water Code 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 State Department of 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. 314. Section 13521 of the Water Code is amended to read:

13521. The State Department of Health shall establish statewide reclamation criteria for each varying type of use of reclaimed water where such use involves the protection of public health.

SEC. 315. Section 13522 of the Water Code is amended to read:

13522. Whenever the State Department of 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.

SEC. 316. Section 13523 of the Water Code is amended to read:

13523. Each regional board, after consulting with and receiving the recommendations of the State Department of Health and after any necessary hearing, shall, if it determines such action to be necessary to protect the public health, safety, or welfare, prescribe water reclamation requirements for water which is used or proposed to be used as reclaimed water. Requirements may be placed upon the person reclaiming water, the user, or both. 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.

SEC. 317. Section 13528 of the Water Code is amended to read:

13528. No provision of this chapter shall be construed as affecting the existing powers of the State Department of Health.

SEC. 318. Section 13540 of the Water Code is amended to read:

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 Depart-

ment of 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 Department of 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.

SEC. 319. Section 13755 of the Water Code is amended to read:

13755. Nothing in this chapter shall affect the powers and duties of the State Department of 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.

SEC. 320. Section 13800 of the Water Code is amended to read:

13800. The department, after such studies and investigations pursuant to Section 231 as it finds necessary, on determining that water well and cathodic protection well construction, maintenance, abandonment, and destruction standards are needed in an area to protect the quality of water used or which may be used for any beneficial use, shall so report to the appropriate regional water quality control board and to the State Department of Health. The report shall contain such recommended standards for water well and cathodic protection well construction, maintenance, abandonment, and destruction as, in the department's opinion, are necessary to protect the quality of any affected water.

SEC. 321. Section 13903 of the Water Code is amended to read:

13903. Each regional board shall notify each affected city or county, the State Department of Health and the State Department of Navigation and Ocean Development 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.

SEC. 322. Section 13904 of the Water Code is amended to read:

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 Health and the State Department of Navigation and Ocean Development.

SEC. 323. Section 20 of the Welfare and Institutions Code is amended to read:

20. Whenever reference is made in this code to the adoption of regulations or personnel standards, or to the conduct of hearings, by the State Social Welfare Board, unless the context indicates otherwise, the reference shall be construed to refer to the Director of the Department of Social Welfare with respect to money payment programs or the Director of the State Department of Health with respect to social services.

References to the State Social Welfare Board in Sections 3050, 3083, 4150, 4557, and 4724 shall be construed to refer to the appropriate director.

SEC. 324. Section 727 of the Welfare and Institutions Code is amended to read:

727. When a minor is adjudged a dependent child of the court, on the ground that he is a person described by Section 600, the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of such minor, including medical treatment, subject to further order of the court.

The court may order the care, custody, control and conduct of such minor to be under the supervision of the probation officer or may commit such minor to the care, custody and control of:

(a) Some reputable person of good moral character who consents to such commitment.

(b) Some association, society, or corporation embracing within its objects the purpose of caring for such minors, with the consent of such association, society, or corporation.

(c) The probation officer, to be boarded out or placed in some suitable family home or suitable private institution, subject to the requirements of Chapter 1 (commencing with Section 16000) of Part 4 of Division 9; provided, however, that pending action by the State Department of Health, the placement of a minor in a home certified as meeting minimum standards for boarding homes by the probation officer shall be legal for all purposes.

(d) Any other public agency organized to provide care for needy or neglected children.

SEC. 325. Section 1756.5 of the Welfare and Institutions Code is amended to read:

1756.5. Whenever the authority finds that any person committed to the authority is feebleminded, insane, mentally ill, a sexual psychopath, or a defective or psychopathic delinquent, the authority may return the person to the committing court for discharge from the control of the authority and recommitment in accordance with law to the State Department of Health for placement in the appropriate state institution.

SEC. 327. 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 Correc-

tions, 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 State Department of Health shall have prior approval of the Director of Health. 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. 328. Section 4000 of the Welfare and Institutions Code is repealed.

SEC. 329. Section 4001 of the Welfare and Institutions Code is amended to read:

4001. As used in this part:

(a) "Department" means the State Department of Health.

(b) "Director" means the Director of Health.

SEC. 330. Section 4002 of the Welfare and Institutions Code is amended to read:

4002. As used in this code and in every other statute heretofore, or hereafter enacted, the terms "Department of Institutions" or "Department of Mental Hygiene" shall be construed to refer to and mean the State Department of Health.

SEC. 331. Section 4003 of the Welfare and Institutions Code is amended to read:

4003. As used in this code and in every other statute heretofore, or hereafter enacted, the terms "Director of Institutions" or "Director of Mental Hygiene" shall be construed to refer to and mean the Director of Health.

SEC. 332. Section 4004 of the Welfare and Institutions Code is amended to read:

4004. The department is under the control of an executive officer known as the Director of Health.

SEC. 333. Section 4005 of the Welfare and Institutions Code is repealed.

SEC. 334. Section 4008 of the Welfare and Institutions Code is amended to read:

4008. The department may expend money in accordance with law for the actual and necessary travel expenses of officers and employees of the department who are authorized to absent themselves from the State of California on official business.

For the purposes of this section and of Sections 11030 and 11032 of the Government Code, the following constitutes, among other purposes, official business for said officers and employees for which such officers and employees shall be allowed actual and necessary traveling expenses when incurred

either in or out of this state upon approval of the Governor and Director of Finance:

Attending meetings of any national association or organization having as its principal purpose the study of matters relating to administration of institutions, and care and treatment of mentally ill, mentally retarded, or other institutional patients; conferring with officers or employees of the United States or other states, relative to problems of institutional care, treatment or management; and obtaining information therefrom, which information would be useful in the conduct of institutional, psychiatric, medical, and similar activities of the State Department of Health.

SEC. 335. Section 4011 of the Welfare and Institutions Code is amended to read:

4011. Unless otherwise indicated in this code, the State Department of Health has jurisdiction over the execution of the laws relating to the care, custody, and treatment of mentally disordered persons, mentally retarded persons and other incompetent persons, as provided in this code.

As used in this part, "establishment" and "institution" include every hospital, sanitarium, boarding home, or other place receiving or caring for any of the persons enumerated in this section.

SEC. 336. Section 4012 of the Welfare and Institutions Code is amended to read:

4012. The State Department of Health may:

(a) Disseminate educational information relating to the prevention, diagnosis and treatment of mental disorder, or mental retardation.

(b) Upon request, advise all public officers, organizations and agencies interested in the mental health of the people of the state.

(c) Conduct such educational and related work as will tend to encourage the development of proper mental hygiene facilities throughout the state.

The department may organize, establish and maintain community mental hygiene clinics for the prevention, early diagnosis and treatment of mental retardation or disorder. Such clinics may be maintained only for persons not requiring institutional care, who voluntarily seek the aid of such clinics. Such clinics may be maintained at the locations in the communities of the state designated by the director, or at any institution under the jurisdiction of the department designated by the director.

The department may establish such rules and regulations as are necessary to carry out the provisions of this section. This section does not authorize any form of compulsory medical or physical examination, treatment, or control of any person.

SEC. 337. Section 4012.5 of the Welfare and Institutions Code is amended to read:

4012.5. The State Department of Health may obtain psychiatric, medical and other necessary aftercare services for

judicially committed patients on leave of absence from state hospitals by contracting with any city, county, local health district, or other public officer or agency, or with any private person or agency to furnish such services to patients in or near the home community of the patient. Any city, county, local health district, or other public officer or agency authorized by law to provide mental health and aftercare services is authorized to enter such contracts.

SEC. 338. Section 4100 of the Welfare and Institutions Code is amended to read:

4100. The department has jurisdiction over the following institutions:

Agnews State Hospital.
Atascadero State Hospital.
Camarillo State Hospital.
DeWitt State Hospital.
Fairview State Hospital.
Mendocino State Hospital.
Napa State Hospital.
Metropolitan State Hospital.
Pacific State Hospital.
Patton State Hospital.
Porterville State Hospital.
Sonoma State Hospital.
Stockton State Hospital.

SEC. 339. Section 4101 of the Welfare and Institutions Code is amended to read:

4101. Except as otherwise specifically provided elsewhere in this code, all of the institutions under the jurisdiction of the State Department of Health shall be governed by uniform rule and regulation of the State Department of Health and all of the provisions of this chapter shall apply to the conduct and management of such institutions.

SEC. 340. Section 4104 of the Welfare and Institutions Code is amended to read:

4104. All lands necessary for the use of state hospitals except those acquired by gift, devise, or purchase, shall be acquired by condemnation as lands for other public uses are acquired.

The terms of every purchase shall be approved by the State Department of Health. No public street or road for railway or other purposes, except for hospital use, shall be opened through the lands of any state hospital, unless the Legislature by special enactment consents thereto.

SEC. 341. Section 4105 of the Welfare and Institutions Code is amended to read:

4105. Notwithstanding the provisions of Section 4104, the Director of General Services, with the consent of the State Department of Health, may grant rights-of-way for road purposes over and across state property comprising the site of the Sonoma State Hospital, upon such terms and conditions

as the Director of General Services may deem to be for the best interests of the state.

SEC. 342. Section 4107.1 of the Welfare and Institutions Code is amended to read:

4107.1. Notwithstanding the provisions of Section 4104, the Director of General Services, with the consent of the State Department of Health, may grant to the County of Napa a right-of-way for public road purposes over the northerly portion of the Napa State Hospital lands for the widening of Imola Avenue between Penny Lane and Fourth Avenue, upon such terms and conditions as the Director of General Services may deem for the best interests of the state.

SEC. 343. Section 4108 of the Welfare and Institutions Code is amended to read:

4108. Notwithstanding Section 4104 of the Welfare and Institutions Code, the Director of General Services with the consent of the State Department of Health, may grant a right-of-way for road purposes to the City of Stockton over and along a portion of the Stockton State Hospital property adjacent to Harding Way upon such terms and conditions and with such reservations and exceptions as in the opinion of the Director of General Services may be for the best interests of the state.

The Director of General Services under the same conditions may grant a right-of-way for road purposes to the County of Orange over a portion of the Fairview State Hospital property adjacent to Harbor Boulevard.

SEC. 344. Section 4109 of the Welfare and Institutions Code is amended to read:

4109. The State Department of Health has general control and direction of the property and concerns of each state hospital. The department shall:

(a) Take care of the interests of the hospital, and see that its purpose and its bylaws, rules, and regulations are carried into effect, according to law.

(b) Establish such bylaws, rules, and regulations as it deems necessary and expedient for regulating the duties of officers and employees of the hospital, and for its internal government, discipline, and management.

(c) Maintain an effective inspection of the hospital.

SEC. 345. Section 4110 of the Welfare and Institutions Code is amended to read:

4110. The medical superintendent shall make triplicate estimates, in minute detail, as approved by the State Department of Health, of such supplies, expenses, buildings, and improvements as are required for the best interests of the hospital, and for the improvement thereof and of the grounds and buildings connected therewith. These estimates shall be submitted to the State Department of Health, which may revise them. The department shall certify that it has carefully examined the estimates, and that the supplies, expenses, build-

ings, and improvements contained in such estimates, as approved by it, are required for the best interests of the hospital. The department shall thereupon proceed to purchase such supplies, make such expenditures, or conduct such improvements or buildings in accordance with law.

SEC. 346. Section 4111 of the Welfare and Institutions Code is amended to read:

4111. The state hospitals may manufacture supplies and materials necessary or required to be used in any of the state hospitals which can be economically manufactured therein. The necessary cost and expense of providing for and conducting the manufacture of such supplies and materials shall be paid in the same manner as other expenses of the hospitals. No hospital shall enter into or engage in manufacturing any supplies or materials unless permission for the same is obtained from the State Department of Health. If, at any time, it appears to the department that the manufacture of any article is not being or cannot be economically carried on at a state hospital, the department may suspend or stop the manufacture of such article, and on receipt of a certified copy of the order directing the suspension or stopping of such manufacture, by the medical superintendent, the hospital shall cease from manufacturing such article.

SEC. 347. 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 State Department of Health 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. 348. Section 4118 of the Welfare and Institutions Code is amended to read:

4118. The State Department of Health shall cooperate with the United States Bureau of Immigration in arranging

for the deportation of all aliens who are confined in, admitted, or committed to any state hospital.

SEC. 349. Section 4119 of the Welfare and Institutions Code is amended to read:

4119. The State Department of Health 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 State Department of Health 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 Health. 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. 350. Section 4122 of the Welfare and Institutions Code is amended to read:

4122. The State Department of Health, when it deems it necessary, may, under conditions prescribed by the director, transfer any patients of a state institution under its jurisdiction to another such institution. Transfers of patients of state hospitals shall be made in accordance with the provisions of Section 7300.

Transfer of a conservatee shall only be with the consent of the conservator.

The expense of any such transfer shall be paid from the moneys available by law for the support of the department or for the support of the institution from which the patient is transferred. Liability for the care, support, and maintenance of a patient so transferred in the institution to which he has been transferred shall be the same as if he had originally been committed to such institution. The State Department of Health shall present to the county, not more frequently than

monthly, a claim for the amount due the state for care, support, and maintenance of any such patients and which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 351. Section 4123 of the Welfare and Institutions Code is amended to read:

4123. The Director of Health may authorize the transfer of persons from any institution within the department to any institution authorized by the federal government to receive such person.

SEC. 352. Section 4124 of the Welfare and Institutions Code is amended to read:

4124. The State Department of Health shall send to the Department of Veterans Affairs whenever requested a list of all persons who have been patients for six months or more in each state institution within the jurisdiction of the State Department of Health and who are known to have served in the armed forces of the United States.

SEC. 353. Section 4125 of the Welfare and Institutions Code is amended to read:

4125. The Director of Health may deposit any funds of patients in the possession of each hospital administrator of a state hospital in trust with the treasurer pursuant to Section 16305.3, Government Code, or, subject to the approval of the Department of General Services, may deposit such funds in interest-bearing bank accounts or invest and reinvest such funds in any of the securities which are described in Article 1 (commencing with Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code and for the purposes of deposit or investment only may mingle the funds of any patient with the funds of other patients. The hospital administrator with the consent of the patient may deposit the interest or increment on the funds of a patient in the state hospital in a special fund for each state hospital, to be designated the "Benefit Fund," of which he shall be the trustee. He may, with the approval of the Director of Health, expend the moneys in any such fund for the education or entertainment of the patients of the institution.

On and after December 1, 1970, the funds of a patient in a state hospital or a patient on leave of absence from a state hospital shall not be deposited in interest-bearing bank accounts or invested and reinvested pursuant to this section except when authorized by the patient; any interest or increment accruing on the funds of a patient on leave of absence from a state hospital shall be deposited in his account; any interest or increment accruing on the funds of a patient in a state hospital shall be deposited in his account, unless such patient authorizes their deposit in the state hospital's "benefit fund."

Any state hospital charges for patient care against the funds of a patient in the possession of a hospital administrator or

deposited pursuant to this section and which are used to pay for such care, shall be stated in an itemized bill to the patient.

SEC. 354. Section 4126 of the Welfare and Institutions Code is amended to read:

4126. Whenever any patient in any state institution subject to the jurisdiction of the State Department of Health dies, and any personal funds or property of such patient remains in the hands of the superintendent thereof, and no demand is made upon said superintendent by the owner of the funds or property or his legally appointed representative all money and other personal property of such decedent remaining in the custody or possession of the superintendent thereof shall be held by him for a period of one year from the date of death of the decedent, for the benefit of the heirs, legatees, or successors in interest of such decedent.

Upon the expiration of said one-year period, any money remaining unclaimed in the custody or possession of the superintendent shall be delivered by him to the State Treasurer for deposit in the Unclaimed Property Fund under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of said one-year period, all personal property and documents of the decedent, other than cash, remaining unclaimed in the custody or possession of the superintendent, shall be disposed of as follows:

(a) All deeds, contracts or assignments shall be filed by the superintendent with the public administrator of the county of commitment of the decedent;

(b) All other personal property shall be sold by the superintendent at public auction, or upon a sealed-bid basis, and the proceeds of the sale delivered by him to the State Treasurer in the same manner as is herein provided with respect to unclaimed money of the decedent. If he deems it expedient to do so, the superintendent may accumulate the property of several decedents and sell the property in such lots as he may determine, provided that he makes a determination as to each decedent's share of the proceeds;

(c) If any personal property of the decedent is not salable at public auction, or upon a sealed-bid basis, or if it has no intrinsic value, or if its value is not sufficient to justify the deposit of such property in the State Treasury, the superintendent may order it destroyed;

(d) All other unclaimed personal property of the decedent not disposed of as provided in paragraph (a), (b), or (c) hereof, shall be delivered by the superintendent to the State Controller for deposit in the State Treasury under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

SEC. 355. Section 4127 of the Welfare and Institutions Code is amended to read:

4127 Whenever any patient in any state institution subject to the jurisdiction of the State Department of Health

escapes, or is discharged or is on leave of absence from such institution, and any personal funds or property of such patient remains in the hands of the superintendent thereof, and no demand is made upon said superintendent by the owner of the funds or property or his legally appointed representative, all money and other intangible personal property of such patient, other than deeds, contracts, or assignments, remaining in the custody or possession of the superintendent thereof shall be held by him for a period of seven years from the date of such escape, discharge, or leave of absence, for the benefit of such patient or his successors in interest; provided, however, that unclaimed personal funds or property of minors on leave of absence may be exempted from the provisions of this section during the period of their minority and for a period of one year thereafter, at the discretion of the Director of Health.

Upon the expiration of said seven-year period, any money and other intangible property, other than deeds, contracts, or assignments, remaining unclaimed in the custody or possession of the superintendent shall be subject to the provisions of Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of one year from the date of such escape, discharge, or parole:

(a) All deeds, contracts or assignments shall be filed by the superintendent with the public administrator of the county of commitment of such patient;

(b) All tangible personal property other than money, remaining unclaimed in his custody or possession, shall be sold by the superintendent at public auction, or upon a sealed-bid basis, and the proceeds of the sale shall be held by him subject to the provisions of Section 4125 of this code, and subject to the provisions of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure. If he deems it expedient to do so, the superintendent may accumulate the property of several patients and may sell the property in such lots as he may determine, provided that he makes a determination as to each patient's share of the proceeds;

If any tangible personal property covered by this section is not salable at public auction or upon a sealed-bid basis, or if it has no intrinsic value, or if its value is not sufficient to justify its retention by the superintendent to be offered for sale at public auction or upon a sealed-bid basis at a later date, the superintendent may order it destroyed.

SEC. 356. Section 4133 of the Welfare and Institutions Code is amended to read:

4133. All day hospitals and rehabilitation centers maintained by the State Department of Health shall be subject to the provisions of this code pertaining to the admission, transfer, and discharge of patients at the state hospitals, except that all admissions to such facilities shall be subject to the approval of the chief officer thereof. Charges

for services rendered to patients at such facilities shall be determined pursuant to Section 4025. The liability for such charges shall be governed by the provisions of Article 4 (commencing at Section 7275) of Chapter 3 of Division 7 of this code, except at the hospitals for the mentally retarded such liability shall be governed by the provisions of Article 4 (commencing with Section 6715) of Chapter 3 of Part 2 of Division 6 of this code and Chapter 4 (commencing with Section 7500) of Division 7 of this code.

SEC. 357. Section 4134 of the Welfare and Institutions Code is amended to read:

4134. The state mental hospitals under the jurisdiction of the State Department of Health shall comply with the provisions contained in the California Food Sanitation Act, Article 1 (commencing with Section 28280) of Chapter 7 of Division 21 of the Health and Safety Code.

The state mental hospitals under the jurisdiction of the State Department of Health shall also comply with the provisions contained in the California Restaurant Act, Chapter 11 (commencing with Section 28520) of Division 21 of the Health and Safety Code.

Sanitation, health and hygiene standards which have been adopted by a city, county, or city and county which are more strict than those of the California Restaurant Act or the California Food Sanitation Act shall not be applicable to state mental hospitals which are under the jurisdiction of the State Department of Health.

SEC. 358. Section 4135 of the Welfare and Institutions Code is amended to read:

4135. Any person committed to the State Department of Health as a mentally abnormal sex offender shall remain a patient committed to the department for the period specified in the court order of commitment or until discharged by the medical director of the state hospital in which the person is a patient, whichever occurs first. The medical director may grant such patient a leave of absence upon such terms and conditions as the medical director deems proper. The petition for commitment of a person as a mentally abnormal sex offender, the reports, the court orders and other court documents filed in the court in connection therewith shall not be open to inspection by any other than the parties to the proceeding, the attorneys for the party or parties, and the State Department of Health, except upon the written authority of a judge of the superior court of the county in which the proceedings were had.

Records of the supervision, care and treatment given to each person committed to the State Department of Health as a mentally abnormal sex offender shall not be open to the inspection of any person not in the employ of the department or of the state hospital, except that a judge of the superior court may by order permit examination of such records.

The 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. 359. Section 4200 of the Welfare and Institutions Code is amended to read:

4200. Each state hospital under the jurisdiction of the State Department of Health 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. 360. 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 State Department of Health 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 State Department of Health 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. 361. Section 4203 of the Welfare and Institutions Code is amended to read:

4203. The Atascadero State Hospital shall have an advisory board of five persons appointed by the Governor, each of whom holds office for the term of three years. The board shall advise and consult with the department with respect to the

conduct of the hospital. The members of the board shall serve without compensation other than necessary expenses incurred in attendance at meetings.

SEC. 362. Section 4301 of the Welfare and Institutions Code is amended to read:

4301. The Director of the State Department of Health may appoint and define the duties, subject to the laws governing civil service, of the medical director, medical program directors and hospital administrator for each state hospital.

The director shall appoint a medical program director for each medical program at a state hospital. He shall appoint a medical director for each state hospital. The medical director of a hospital may also be a medical program director.

SEC. 363. Section 4306 of the Welfare and Institutions Code is amended to read:

4306. The hospital administrator may submit to the Director of Health any decision made by the hospital medical director which the hospital administrator believes involves a nonmedical matter.

SEC. 364. 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 State Department of Health, 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 Health 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.

SEC. 365. Section 4313 of the Welfare and Institutions Code is amended to read:

4313. The Director of Health may set aside and designate any space on the grounds of any of the institutions under the jurisdiction of the department that is not needed for other authorized purposes, to enable such institution to establish and maintain therein a store or canteen for the sale to or for the benefit of patients of the institution of candies, cigarettes, sundries and other articles. The stores shall be conducted subject to the rules and regulations of the department and the rental, utility and service charges shall be fixed as will reimburse the institutions for the cost thereof. The stores when conducted

under the direction of a hospital administrator shall be operated on a nonprofit basis but any profits derived shall be deposited in the benefit fund of each such institution as set forth in Section 4125.

Before any store is authorized or established, the Director of Health shall first determine that such facilities are not being furnished adequately by private enterprise in the community where it is proposed to locate the store, and may hold public hearings or cause surveys to be made to determine the same.

The Director of Health may rent such space to private individuals, for the maintenance of a store or canteen at any of the said institutions upon such terms and subject to such regulations as are approved by the Department of General Services, in accordance with the provisions of Section 13109 of the Government Code. The terms imposed shall provide that the rental, utility and service charges to be paid shall be fixed so as to reimburse the institution for the cost thereof and any additional charges required to be paid shall be deposited in the benefit fund of such institution as set forth in Section 4125.

SEC. 366. 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 2 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 Health, 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 2, 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 6 (commencing with Section 5300) of Chapter 2 of this part;

(k) "Court," unless otherwise specified, means a court of record or a justice court.

SEC. 367. Section 5008.1 of the Welfare and Institutions Code is amended 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 State Department of Health 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 State Department of Health 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 State Department of Health 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 State Department of Health 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 State Department of Health 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 State Department of Health or a state hospital pursuant to the Penal Code.

SEC. 368. Section 5150 of the Welfare and Institutions Code is amended to read:

5150. When any person, as a result of mental disorder, is a danger to others, or to himself, or gravely disabled, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, or other

professional person designated by the county may, upon reasonable cause, take, or cause to be taken, the person into custody and place him in a facility designated by the county and approved by the State Department of Health as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, member of the attending staff, or professional person, and stating that the officer, member of the attending staff, or professional person believes as a result of his personal observations that the person is, as a result of mental disorder, a danger to others, or to himself, or gravely disabled.

SEC. 369. Section 5170 of the Welfare and Institutions Code is amended to read:

5170. When any person is a danger to others, or to himself, or gravely disabled as a result of inebriation, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, or other person designated by the county may, upon reasonable cause, take, or cause to be taken, the person into custody and place him in a facility designated by the county and approved by the State Department of Health as a facility for 72-hour treatment and evaluation of inebriates.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, member of the attending staff, or other designated person, and stating that the officer, member of the attending staff, or other designated person believes as a result of his personal observations that the person is, as a result of inebriation, a danger to others, or to himself, or gravely disabled.

SEC. 370. Section 5174 of the Welfare and Institutions Code is amended to read:

5174. It is the intent of the Legislature that facilities for 72-hour treatment and evaluation of inebriates be subject to state funding under Part 2 (commencing with Section 5600) of this division only if they primarily provide medical services and would normally be considered an integral part of a community health program. Services provided under this act shall not be included in Priority 1 funding under the Short-Doyle program. While facilities previously receiving funds from other sources may be designated as facilities for 72-hour treatment and evaluation of inebriates, it is intended that they continue such previous funding. McAteer funds or facilities shall not be utilized for the purposes of the 72-hour involuntary holding program as outlined in this chapter.

To this end, no facility for 72-hour treatment and evaluation of inebriates shall be eligible for funding under Part 2 (commencing with Section 5600) of this division until approved by the Director of Health.

SEC. 371. Section 5202 of the Welfare and Institutions Code is amended to read:

5202. The person or agency designated by the county shall prepare the petition and all other forms required in the proceeding, and shall be responsible for filing the petition. Before filing the petition, the person or agency designated by the county shall request the person or agency designated by the county and approved by the State Department of Health to provide prepetition screening to determine whether there is probable cause to believe the allegations. The screening shall also determine whether the person will agree voluntarily to receive crisis intervention services or an evaluation in his own home or in a facility designated by the county and approved by the State Department of Health. Following prepetition screening, the person or agency designated by the county shall file the petition if satisfied that there is probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself, or gravely disabled, and that the person will not voluntarily receive evaluation or crisis intervention.

If the petition is filed, it shall be accompanied by a report containing the findings of the person or agency designated by the county to provide prepetition screening. The prepetition screening report submitted to the superior court shall be confidential and shall be subject to the provisions of Section 5328.

SEC. 372. Section 5253 of the Welfare and Institutions Code is amended to read:

5253. A copy of the certification notice, as set forth in Section 5252, shall be personally delivered to the person certified. A copy of such notice shall be filed with the superior court on the same day as the date of the certification or, if the court is not open for business on that day, as soon thereafter as the court is open for business. A copy shall also be sent to the person's attorney, to the district attorney, to the public defender, if any, to the facility providing intensive treatment, and to the State Department of Health.

The person certified shall also be asked to designate any person whom he wishes informed regarding his certification. If he is incapable of making such a designation at the time of certification, he shall be asked to designate such person as soon as he is capable.

SEC. 373. Section 5263 of the Welfare and Institutions Code is amended to read:

5263. Copies of the second notice of certification for imminently suicidal persons, as set forth in Section 5262, shall be filed with the court and personally delivered to the person certified. A copy shall also be sent to the person's attorney, to the district attorney, to the public defender, if any, to the facility providing intensive treatment, and to the State Department of Health.

The person certified shall also be asked to designate any person whom he wishes informed regarding his certification. If

he is incapable of making such a designation at the time of certification, he shall be asked to designate such person as soon as he is capable.

SEC. 374. Section 5304 of the Welfare and Institutions Code is amended to read:

5304. If the court or jury finds that the person named in the petition for postcertification treatment has (a) threatened, attempted, or actually inflicted physical harm upon the person of another after having been taken into custody for evaluation and treatment, and, as a result of mental disorder, presents an imminent threat of substantial physical harm to others, or (b) had attempted or inflicted physical harm upon the person of another, that act having resulted in his being taken into custody and who, as a result of mental disorder, presents an imminent threat of substantial physical harm to others, the court shall remand him to the custody of the State Department of Health or to a facility designated by the county of residence for a further period of intensive treatment not to exceed 90 days from the date of court judgment. Said person shall be released from involuntary treatment at the expiration of 90 days unless the superintendent or professional person in charge of the hospital in which he is confined files a new petition for postcertification treatment on the grounds that he has threatened, attempted, or actually inflicted physical harm to another during his period of postcertification treatment, and he is a person who, by reason of mental disorder, presents an imminent threat of substantial physical harm to others. Such new petition for postcertification treatment shall be filed in the superior court wherein the original petition for postcertification treatment was filed.

The county from which the person is remanded shall bear any transportation costs incurred pursuant to this section.

SEC. 375. Section 5325 of the Welfare and Institutions Code is amended to read:

5325. Each person involuntarily detained for evaluation or treatment under provisions of this part shall have the following rights, a list of which shall be prominently posted in English and Spanish in all facilities providing such services and otherwise brought to his attention by such additional means as the Director of Health may designate by regulation:

(a) To wear his own clothes; to keep and use his own personal possessions including his toilet articles; and to keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases.

(b) To have access to individual storage space for his private use.

(c) To see visitors each day.

(d) To have reasonable access to telephones, both to make and receive confidential calls.

(e) To have ready access to letter writing materials, including stamps, and to mail and receive unopened correspondence.

(f) To refuse shock treatment.

(g) To refuse lobotomy.

(h) Other rights, as specified by regulation.

SEC. 376. Section 5326 of the Welfare and Institutions Code is amended to read:

5326. A person's rights under Section 5325 may be denied for good cause only by the professional person in charge of the facility or his designee. Denial of an involuntarily detained person's rights shall in all cases be entered into the person's treatment record.

Information pertaining to a denial of rights contained in the person's treatment record shall be made available, on request, to the person, his attorney, his conservator or guardian, or the State Department of Health, Members of the State Legislature, or a member of a county board of supervisors.

SEC. 377. 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. The consent of the patient, or his guardian or conservator must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person not employed by the facility who does not have the medical responsibility for the patient's care.

(b) When the 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;

(c) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(d) If the recipient of services is a minor, ward, or conservatee, and his parent, 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 Health 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.

(h) To the Senate Rules Committee or the Assembly Rules Committee for the purposes of legislative investigation authorized by such committee.

(i) If the recipient of services who applies for life or disability insurance designates in writing the insurer to which records or information may be disclosed.

The amendment of subdivision (d) of this section enacted at the 1970 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

SEC. 378. Section 5331 of the Welfare and Institutions Code is amended to read:

5331. No person may be presumed to be incompetent because he or she has been evaluated or treated for mental disorder or chronic alcoholism, regardless of whether such evaluation or treatment was voluntarily or involuntarily received. Any person who leaves a public or private mental health facility following evaluation or treatment for mental disorder or chronic alcoholism, regardless of whether that evaluation or treatment was voluntarily or involuntarily received, shall be given a statement of California law as stated in this paragraph.

Any person who has been, or is, discharged from a state hospital and received voluntary or involuntary treatment under former provisions of this code relating to inebriates or the mentally ill shall, upon request to the state hospital superintendent or the State Department of Health, be given a statement of California law as stated in this section unless the person is found to be incompetent under proceedings for conservatorship or guardianship.

SEC. 378.5. Section 5355 of the Welfare and Institutions Code is amended to read:

5355. If the conservatorship investigation results in a recommendation for conservatorship, the recommendation shall designate the most suitable person or state or local agency or county officer or employee designated by the county to serve as conservator. No person, nor agency, shall be designated as conservator whose interests, activities, obligations or responsibilities are such as to compromise his or their ability to represent and safeguard the interests of the conservatee. Nothing in this section shall be construed to prevent the State Department of Health from serving as guardian pursuant to Section 7284.

When a public guardian is appointed conservator, his official bond and oath as public guardian are in lieu of the conservator's bond and oath on the grant of letters of conservatorship. No bond shall be required of any other public officer or employee appointed to serve as conservator.

SEC. 379. Section 5358 of the Welfare and Institutions Code is amended to read:

5358. A conservator appointed pursuant to this chapter shall have the right, if specified in the court order, to place his conservatee in a medical, psychiatric, nursing, or other state-licensed facility, or a state hospital, county hospital, hospital operated by the Regents of the University of California, a United States government hospital, or other nonmedical facility approved by the State Department of Health or an agency accredited by the State Department of Health; or in addition to any of the foregoing, in cases of chronic alcoholism, to a county alcoholic treatment center. If the conservatee is not to be placed in his own home or the home of a relative, first priority shall be to placement in a suitable facility as close as possible to his home or the home of a relative. Before doing so, the conservator shall inform the officer providing conservatorship investigation and shall, if requested by the officer, submit his conservatee to an evaluation pursuant to this part to determine whether such action is necessary.

SEC. 380. 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. After his investigation and on or

before July 1, 1971, the county officer providing conservatorship shall file a petition of conservatorship for such patients that he determines may need conservatorship. Court commitments under the provisions of law in effect prior to July 1, 1969, of such patients for whom a petition of conservatorship is not filed shall terminate and the patient shall be released unless he agrees to accept treatment on a voluntary basis.

Each state hospital and the State Department of Health shall make their records concerning such patients available to the officer providing conservatorship investigation.

SEC. 381. Section 5400 of the Welfare and Institutions Code is amended to read:

5400. The Director of Health shall administer this part and shall adopt rules, regulations and standards as necessary. In developing rules, regulations, and standards, the Director of Health 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. 382. Section 5401 of the Welfare and Institutions Code is amended to read:

5401. The State Department of Health may provide a county or combination of counties acting jointly, 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 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.

A county or combination of counties receiving services from the State Department of Health pursuant to this section shall pay for such services in an amount not to exceed the actual cost of services. Funds received by the State Department of Health under this section shall constitute a reimbursement to the appropriation from which such cost is expendable and may be used for the purposes of the appropriation.

Any services provided pursuant to this section shall be included in the county Short-Doyle plan for the county or counties.

SEC. 383. Section 5601 of the Welfare and Institutions Code is amended to read:

5601. As used in this part:

(a) "Governing body" means the county board of supervisors or boards of supervisors in the case of counties acting jointly; and in the case of a city, the city council or city councils acting jointly.

(b) "Conference" means the California Conference of Local Mental Health Directors as established under Section 5757.

(c) "County Short-Doyle Plan" means the mental health plan which must be adopted by each county, or combination of counties acting jointly, in accordance with Section 5650.

(d) "Part 1" refers to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of this division).

(e) "Director of Health" means the Director of the State Department of Health.

SEC. 384. Section 5602 of the Welfare and Institutions Code is amended to read:

5602. By July 1, 1969, the board of supervisors of every county, or the boards of supervisors of counties acting under the joint powers provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code shall establish a community mental health service to cover the entire area of the county or counties. Services to mentally disordered persons in the county or counties by county agencies and county institutions and by the hospitals of the State Department of Health shall be provided in accordance with the county Short-Doyle plan. Services of the State Department of Health shall be provided to the county, or counties acting jointly, pursuant to Section 5401, or, if both parties agree, the state facilities may, in whole or in part, be leased, rented or sold to the county or counties for county operation, subject to such terms and conditions as are approved by the Director of General Services.

SEC. 384.5. 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, however, prior to the expiration of such term a member ceases to retain the status which qualified him for appointment on the board, his membership on the board shall terminate and there shall be a vacancy on the board.

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.

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 Department of Health, 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 Health, or on the staff of a Short-Doyle contract facility.

SEC. 385. Section 5607 of the Welfare and Institutions Code is amended to read:

5607. The local mental health services shall be administered by a local director of mental health services to be appointed by the governing body. He shall meet such standards of training and experience as the State Department of Health, by regulation, shall require. Applicants for such positions need not be residents of the city, county, or state, and may be employed on a full- or part-time basis. If a county is unable to secure the services of a person who meets the standards of the State Department of Health, the county may select an alternate administrator subject to the approval of the Director of Health.

SEC. 386. Section 5609 of the Welfare and Institutions Code is amended to read:

5609. Subject to the approval of the Director of Health any community mental health service may by contract furnish community mental health services to any other county.

SEC. 386.1. Section 5617 of the Welfare and Institutions Code is amended to read:

5617. A county mental health service may include a program for the continuing treatment of narcotic addiction by methadone.

Such a program may be established only if the Research Advisory Panel approves thereof pursuant to Section 11655.7 of the Health and Safety Code.

The establishment of such a program is also subject to the approval of the State Department of Health as a part of the county Short-Doyle plan.

SEC. 386.2. Section 5618 of the Welfare and Institutions Code is amended to read:

5618. The State Department of Health shall study and evaluate, on an ongoing basis, all methadone maintenance programs established pursuant to Section 5617, and provide any appropriate assistance and advice to such programs.

The department shall also establish guidelines for the arrangements between local mental health facilities and county probation departments enabling methadone maintenance to serve as an alternative to commitment to the California Rehabilitation Center at Corona.

SEC. 387. 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 Health, 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, licensed and private institutions, 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, drug abuse programs including services offered in the public schools, 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. 388. 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 Health shall provide the counties, to the extent possible, the information upon which to base this estimate.

SEC. 389. Section 5661 of the Welfare and Institutions Code is amended to read:

5661. All departments of state government and all local public agencies shall cooperate with county officials to assist them in mental health planning. The State Department of Health shall, upon request and with available staff, provide consultation services to the local mental health directors, local governing bodies and local mental health advisory boards.

SEC. 390. Section 5662 of the Welfare and Institutions Code is amended to read:

5662. The county Short-Doyle plan shall be submitted annually to the Director of Health, in the form, and according to procedures specified by the director.

SEC. 391. Section 5701 of the Welfare and Institutions Code is amended to read:

5701. There shall be a single state appropriation for services for mentally disordered persons. The single appropriation shall be made to the State Department of Health for mental health services and shall consolidate appropriations previously made to the department for mental health services under the Short-Doyle Act, and for the operation of the state hospitals for the mentally disordered, and other direct services of the department.

SEC. 392. Section 5702 of the Welfare and Institutions Code is amended to read:

5702. The department shall continue to receive separate appropriations for central office functions, research and training functions, and state hospital services for the mentally retarded and the judicially committed.

SEC. 393. Section 5702.1 of the Welfare and Institutions Code is amended 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, 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 of Health, and the approval of the secretary, to the State Department of Health for services to eligible persons.

The secretary shall consult with the departments involved in developing the program budget.

SEC. 394. Section 5703 of the Welfare and Institutions Code is amended to read:

5703. If after the review specified in Section 5752, the county Short-Doyle plan is approved, the Director of Health shall determine the amount of state funds available for each county or city for specific services under the approved county Short-Doyle plan, from the funds appropriated for mental health services.

SEC. 395. Section 5704 of the Welfare and Institutions Code is amended to read:

5704. When allocating funds for each county, the director shall give priority to funding the county Short-Doyle plans to provide the approved required services for involuntary patients specified in Section 5652, for aftercare services as specified in Section 5652, and for diagnostic screening of voluntary patients admitted to state hospitals in accordance with Section 5655.

If in any fiscal year the approved appropriation is insufficient to finance the programs and services specified by this subdivision, the Director of Health shall have the authority to determine the amount of state funds available to each county for such purposes in accordance with the priorities in both the state and county plans.

SEC. 395.1. Section 5705.5 of the Welfare and Institutions Code is amended to read:

5705.5. It is the intent of the Legislature to encourage counties to contract with nonprofit community organizations in order to provide innovative, noninpatient treatment services for persons specified in this part. Such services should be consistent with program priorities developed by the Director of the State Department of Health after consultation with the Citizens Advisory Council and the Conference of Local Mental Health Directors. Such contracts shall provide for at least one of the following: (a) outpatient services, including indigenous, self-help services, (b) rehabilitative services, (c) precare and aftercare services, including residential facilities and halfway houses. Each contract shall also provide methods for evaluating the effectiveness of the services provided.

Contracts entered into under this section shall be financed within an approved Short-Doyle plan. For the purposes of this section the cost-sharing formula of such contracts shall be 85 percent state funds, 5 percent county funds and 10 percent funding from the contracting organization which shall not include state or federal funds.

The total amount of state funds for contracts under this section shall not exceed 5 percent of the total General Fund appropriation for services specified under this part. No single contract shall continue to be funded under the provisions of this section for more than three years.

SEC. 396. Section 5708 of the Welfare and Institutions Code is amended to read:

5708. During the course of each fiscal year, a county may reallocate funds initially allocated for the approved county Short-Doyle plan between state-operated and other approved services with the approval of the Director of Health.

The director shall approve such requests for reallocation if the services to be provided by a county requesting the reallocation are in accordance with the priorities in the county Short-Doyle and state plans.

The Director of Health may reallocate among county Short-Doyle plans the state share of any savings occurring during the year in services provided under the county Short-Doyle plans. Reallocations shall be to counties desiring to provide services supplementary to services specified in approved county Short-Doyle plans in accordance with county and state mental health priorities.

SEC. 397. Section 5712 of the Welfare and Institutions Code is amended to read:

5712. Expenditures incurred for the items specified in Section 5704, shall, in accordance with the regulations of the Director of Health, be subject to payment whether incurred by direct or joint operation of such facilities and services, by provisions therefor through contract, or by other arrangement pursuant to the provisions of this division. The Director of Health may make investigations and audits of such expenditures as he may deem necessary.

SEC. 398. Section 5714.1 of the Welfare and Institutions Code is amended to read:

5714.1. Claims for state reimbursement shall be made in such form and in such manner as the Director of Health shall determine. When certified by the Director of Health, claims for state reimbursements shall be presented to the State Controller for payment. The State Controller shall make such audit as he deems necessary, before or after disbursement, for the purpose of determining that such reimbursement is for expenditures made for the purposes and under the conditions authorized under this part.

Each claim for state reimbursement shall be payable from the appropriation made for the fiscal year in which the expenses upon which the claim is based are incurred, except that each claim for reimbursement for the last three-month period of the 1969–1970 fiscal year, for the last two-month period of the 1970–1971 fiscal year, and for the last one-month period of the 1971–1972 fiscal year, shall be payable from the appropriation made for the fiscal year next succeeding that in which the expenses upon which the claim is based are incurred.

SEC. 399. 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 Sections 5401 and 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 Health. 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 State Department of Health; 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. 400. 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 Health 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 Health 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. 400.1. Section 5719 of the Welfare and Institutions Code is amended to read:

5719. To continue county expenditures for legal proceedings involving mentally disordered people and persons with alcoholism, the following costs incurred in carrying out Part 1 (commencing with Section 5000) of this division shall be non-state-reimbursable charges:

(a) The costs involved in bringing a person in for 72-hour treatment and evaluation;

(b) The costs of court proceedings for court-ordered evaluation, including the service of the court order and the apprehension of the person ordered to evaluation when necessary;

(c) The costs of court proceedings in cases of appeal from 14-day intensive treatment;

(d) The cost of legal proceedings in conservatorship other than the costs of conservatorship investigation as defined by regulations of the State Department of Health;

(e) The court costs in postcertification proceedings;

(f) The cost of providing a public defender or other court-appointed attorneys in proceedings for those unable to pay.

SEC. 401. Section 5750 of the Welfare and Institutions Code is amended to read:

5750. The State Department of Health 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 ap-

proval, 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 Secretary of the Human Relations Agency, the Director of Health, 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 Advisory Health Council.

SEC. 402. Section 5751 of the Welfare and Institutions Code is amended to read:

5751. The Director of Health, after approval by the California Conference of Local Mental Health Directors, shall by regulation establish standards of education and experience for professional and technical personnel employed in mental health services and for the organization and operation of mental health services. Regulations pertaining to the qualifications of directors of local mental health services shall be administered in accordance with Section 5608. Such standards may include the maintenance of records of services, finances and expenditures, which shall be reported to the State Department of Health in a manner and at such times as it may specify.

The regulations shall be adopted in accordance with the Administrative Procedure Act, Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of the Government Code.

SEC. 403. Section 5755 of the Welfare and Institutions Code is amended to read:

5755. By March 15, 1971, the State Department of Health 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. 404. Section 5757 of the Welfare and Institutions Code is amended to read:

5757. There is hereby established the California Conference of Local Mental Health Directors, with which the Director of Health shall consult in establishing standards, rules, and regulations pursuant to this division.

SEC. 405. Section 5758 of the Welfare and Institutions Code is amended to read:

5758. The California Conference of Local Mental Health Directors shall consist of all regularly appointed directors of community mental health services and program chiefs as defined by regulation. It shall organize and shall annually elect

a president, a vice president, and a secretary, who shall serve as the executive committee of the conference. The president of the conference, after consultation with the Director of Health, may appoint, for the purpose of advising the director, such other committees of the conference as may from time to time be necessary.

SEC. 406. Section 5759 of the Welfare and Institutions Code is amended to read:

5759. Meetings of the conference for the purposes of this division shall be called by the Director of Health, who shall give the members at least 10 days' notice of such meetings. At official sessions of meetings of the conference the president of the conference shall preside; provided, however, that the conference may hold additional sessions as may be determined by the executive committee of the conference at which the president or other members of the conference shall preside. Each community mental health service shall have one vote cast by the director or his designee.

SEC. 407. Section 5760 of the Welfare and Institutions Code is amended to read:

5760. Actual and necessary expenses incurred by a member as incident to his attendance at meetings of the conference shall be a legal charge against the local government unit which he represents. Actual and necessary expense incurred by members of the conference incident to attendance at special meetings of the committees of the conference called by the Director of Health shall be a legal charge against any funds available for the administration of this division

SEC. 408. Section 5761 of the Welfare and Institutions Code is amended to read:

5761. The State Department of Health, after approval by the California Conference of Local Mental Health Directors, may provide for consultant and advisory services and for the training of technical and professional personnel in educational institutions and field training centers approved by the department and for the establishment and maintenance of field training centers.

SEC. 409. Section 5762 of the Welfare and Institutions Code is amended to read:

5762. The President of the California Conference of Local Mental Health Directors, for the purposes of this division, may, after consultation with the Director of Health, appoint such psychiatric and such other consultants as may be deemed necessary who shall serve without pay but who shall receive actual and necessary travel and other expenses incurred.

SEC. 410. Section 5763 of the Welfare and Institutions Code is amended to read:

5763. There is a Citizens Advisory Council to advise and assist the Director of Health in carrying out the provisions of this division.

The council shall consist of fifteen (15) appointed voting members. Each of the following professions shall be repre-

sented by one member: general medicine, general psychiatry, child psychiatry, psychology, social work, sociology, law, and nursing. Two members shall be county supervisors; one member shall be an administrator of a private hospital providing psychiatric services; one member shall be a member of the California Conference of Local Mental Health Directors who is appointed under this part; and three members shall represent the general public.

The Governor shall appoint the following nine (9) members of the council: representatives of the professions of general medicine (1), psychiatry (1), child psychiatry (1), psychology (1), social work (1), and nursing (1); an administrator of a private hospital providing psychiatric services; a county supervisor; and a representative of the general public. The Chairman of the Senate Rules Committee shall appoint the following three (3) members of the council: a representative of the profession of law; a county supervisor; and a representative of the general public. The Speaker of the Assembly shall appoint the following three (3) members of the council: a representative of the profession of sociology; a member of the California Conference of Local Mental Health Directors; and a representative of the general public.

Of the members first appointed by the Governor, three shall hold office for three years, three shall hold office for two years, and three shall hold office for one year. Of the members first appointed by the Speaker of the Assembly, one shall hold office for three years, one shall hold office for two years, and one shall hold office for one year. Of the members first appointed by the Chairman of the Senate Rules Committee, one shall hold office for three years, one shall hold office for two years, and one shall hold office for one year. Thereafter, each member shall hold office for three years. If, however, prior to the expiration of such term a member ceases to retain the status which qualified him for appointment on the council, his membership on the council shall terminate and there shall be a vacancy on the council.

The members of the Citizens Advisory Council shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this chapter.

The Citizens Advisory Council shall meet at least quarterly, and on call of the council chairman as often as necessary to fulfill its duties. All meetings and records of the Citizens Advisory Council shall be open to the public.

The Citizens Advisory Council shall, by majority vote of the voting members, elect its own chairman from among the 15 appointed members, and shall establish such committees as it deems necessary or desirable. The council chairman shall appoint all members of committees of the Citizens Advisory Council.

SEC. 411. Section 5764 of the Welfare and Institutions Code is amended to read:

5764. The powers, duties, and responsibilities of the Citizens Advisory Council shall include the following:

(a) To advise the Director of Health on the development of the state five-year mental health plan and the system of priorities contained in that plan.

(b) To periodically review all mental health services in California, conducting independent investigations and studies as necessary. The Citizens Advisory Council may prepare such reports as necessary to the Governor, the Legislature, the Director of Health, and the Advisory Health Council.

(c) To suggest rules, regulations and standards for the administration of this division.

(d) To encourage, whenever necessary and possible the coordination on a regional basis of community mental health resources, with the purpose of avoiding duplication and fragmentation of services.

(e) To mediate disputes between counties and the state arising under this part.

SEC. 412. 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 Advisory Health 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 State Department of Health 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. 413. Section 5766 of the Welfare and Institutions Code is amended to read:

5766. The Citizens Advisory Council may utilize such staff of the central and regional offices of the State Department of Health as are available, and such staff of all other public or private agencies which have an interest in the mental health of the public and which are able and willing to provide such services.

SEC. 414. Section 6000 of the Welfare and Institutions Code is amended to read:

6000. Pursuant to rules and regulations established by the State Department of Health, 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 Health 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 Health 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 State Department of Health, 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 State Department of Health 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. 415. 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 5358 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 Health 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. 416. Section 6007 of the Welfare and Institutions Code is amended 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 Health 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. 417. Section 6254 of the Welfare and Institutions Code is amended to read:

6254. Wherever provision is made in this code for an order of commitment by a superior court, the order of commitment shall be in substantially the following form:

In the Superior Court of the State of California
for the County of _____

| | |
|---|---|
| The People<br>For the Best Interest and Protection of<br>_____<br>as a _____,<br>and Concerning<br>_____ and<br>_____, Respondents | Order for Care, Hospitalization or Commitment |

The petition dated _____, alleging that _____, having been presented to this court on the _____ day of _____, 19__, and an order of detention issued thereon by a judge of the superior court of this county, and a return of the said order:

And it further appearing that the provisions of Sections 6250 to 6254, inclusive, of the Welfare and Institutions Code have been complied with;

And it further appearing that Dr. _____ and Dr. _____, two regularly appointed and qualified medical examiners of this county, have made a personal examination of the alleged _____, and have made and signed the certificate of the medical examiners, which certificate is attached hereto and made a part hereof;

Now therefore, after examination and certificate made as aforesaid the court is satisfied and believes that _____ is a _____ and is so _____.

It is ordered, adjudged and decreed:

That _____ is a _____ and that __he

*(a) Be cared for and detained in _____, a county psychiatric hospital, a community mental health service, or a licensed sanitarium or hospital for the care of the mentally disordered until the further order of the court, or

*(b) Be cared for at _____, until the further order of the court, or

*(c) Be committed to the State Department of Health for placement in a state hospital, or

*(d) Be committed to a facility of the Veterans Administration or other agency of the United States, to wit:_____ at _____ in accordance with the provisions of Section 1663 of the Probate Code of the State of California.

It is further ordered and directed that _____ of this county, take, convey and deliver _____ to the proper authorities of the hospital or establishment designated herein to be cared for as provided by law.

Dated this _____ day of _____, 19__.

_____

Judge of the Superior Court

* Strike out where inapplicable.

SEC. 418. Section 6316 of the Welfare and Institutions Code is amended to read:

6316. If, after examination and hearing, the court finds that the person is a mentally disordered sex offender and that the person could benefit by treatment in a state hospital, the court in its discretion has the alternative to return the person to the criminal court for further disposition or may make an order committing the person to the department for placement in a state hospital for an indeterminate period and a copy of such commitment shall be personally served upon said person within five days after the making of such order.

If after examination and hearing, the court finds that the person is a mentally disordered sex offender but will not benefit by care or treatment in a state hospital the court shall then cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge. Such court shall resume the proceedings and shall impose sentence or make such other suitable disposition of the case as the court deems necessary. If, however, such court is satisfied that the person is a mentally disordered sex offender but would not benefit by care or treatment in a state hospital it may recertify the person to the superior court of the county. The superior court may make an order committing the person for an indefinite period to the State Department of Health for placement in a state institution or institutional unit for the care and treatment of mentally disordered sex offenders designated by the court and provided pursuant to Section 6326.

SEC. 419. Section 6326 of the Welfare and Institutions Code is amended to read:

6326. If the opinion so certified is under subdivision (b) of Section 6325, the committing court shall forthwith order the return of the person to said committing court and shall thereafter cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

Such court shall resume the proceedings and after considering all the evidence before it shall impose sentence or make such other disposition of the case as the court may deem necessary and proper; provided, that said court, if satisfied that the person has not recovered from his mental disorder and is still a danger to the health and safety of others, may recertify the person to the superior court of the county. If said court after hearing makes a finding that the person is still a mentally disordered sex offender and is still a danger to the health and safety of others, it may make an order recommitting the person for an indeterminate period to the State Department of Health for placement in a state institution or institutional unit for the care and treatment of such mentally disordered sex offenders designated by the court. At such hearing or hearings, the person shall be entitled to present witnesses in his own behalf, to be represented by counsel and to cross-examine any witnesses who testify against him.

The Director of Health, with the approval of the Director of Corrections and the Director of Finance, may provide on the grounds of a state institution or institutions under the jurisdiction of the Department of Corrections or the State Department of Health one or more institutional units to be used for the custodial care and treatment of mentally disordered sex offenders. Each such unit shall be administered in the manner provided by law for the government of the institution in which such unit is established.

The court shall cause the person so recommitted to be delivered to the state institution or the institutional unit so designated. The person shall remain therein or in any other such institution or institutional unit to which he may be transferred by the Director of Health until the person is no longer a danger to the health and safety of others. Thereupon the proceedings set forth in Section 6325 shall be followed with respect to the certifying of an opinion to the committing court and the release of the person thereby.

SEC. 420. Section 6327 of the Welfare and Institutions Code is amended to read:

6327. After a person has been committed for an indeterminate period to the department for placement in a state hospital as a mentally disordered sex offender and has been confined for a period of not less than six months from the date of the order of commitment, the committing court may upon its own motion or on motion by or on behalf of the person committed, require the superintendent of the state hospital to which the person was committed to forward to the committing court, within 30 days, his opinion under (a) or (b) of Section 6325, including therein a report, diagnosis and recommendation concerning the person's future care, supervision, or treatment. After receipt of the report, the committing court may order the return of the person to the court for a hearing as to whether the person is still a mentally disordered sex offender within the meaning of this article.

The hearing shall be conducted substantially in accordance with Sections 6306 to 6314, inclusive. If, after the hearing, the judge finds that the person has not recovered from his mental disorder and is still a danger to the health and safety of others, he shall order the person returned to the State Department of Health under the prior order of commitment for an indeterminate period, or, if the opinion of the superintendent of the state hospital was under (b) of Section 6325, he may make and sign an order recommitting the person for an indeterminate period to the State Department of Health for placement in a state institution or institutional unit for the care and treatment of such mentally disordered sex offenders designated by the court and provided pursuant to Section 6326. A subsequent hearing may not be held under this section until the person has been confined for an additional period of six months from the date of his return to the department. If the court finds that the person has recovered from his mental disorder to such an extent that he is no longer a danger to the health and safety of others, or that he will not benefit by further care and treatment in the hospital and is not a danger to the health and safety of others, the committing court shall thereafter cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

SEC. 421. Section 6500 of the Welfare and Institutions Code is amended to read:

6500. As used in this code, "mentally retarded persons" means those persons, not psychotic, who are so mentally retarded from infancy or before reaching maturity that they are incapable of managing themselves and their affairs independently, with ordinary prudence, or of being taught to do so, and who require supervision, control, and care, for their own welfare, or for the welfare of others, or for the welfare of the community.

Wherever in this code or in any provision of statute heretofore or hereafter enacted the terms "feebleminded" and "feeblemindedness" are used, they shall be construed to refer to and mean "mentally retarded" and "mental retardation," respectively, as defined in this section. All persons heretofore committed or admitted as feebleminded to any state hospital for the mentally retarded, or committed to the State Department of Health for placement therein, shall be deemed to have been committed or admitted thereto as mentally retarded persons.

SEC. 421.1. Section 6500.1 of the Welfare and Institutions Code is amended to read:

6500.1. On and after July 1, 1971, no mentally retarded person may be committed to the State Department of Health pursuant to this article, unless he is a danger to himself or others.

SEC. 422. Section 6501 of the Welfare and Institutions Code is amended to read:

6501. Any mentally retarded person requiring hospitalization may be committed to the State Department of Health 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 State Department of Health 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. 423. 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 State Department of Health 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. 424. 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 State Department of Health 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 State Department of Health under Section 6501 for the purpose of transportation of such person to the state of his legal residence pursuant to Section 4119. The State Department of Health 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 State Department of Health, the person is not a suitable subject for admission thereto.

SEC. 425. Section 6551 of the Welfare and Institutions Code is amended 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 Health 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 State Department of Health 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 period 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. 426. Section 6718 of the Welfare and Institutions Code is amended to read:

6718. The State Department of Health shall present to the county, not more frequently than monthly, a claim for the amount due the state by reason of commitments of the mentally retarded which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 427. Section 6750 of the Welfare and Institutions Code is amended to read:

6750. The superior judge of each county may grant certificates in accordance with the form prescribed by the State Department of Health, showing that the persons named therein are reputable physicians licensed in this state, and have been in active practice of their profession at least five years. When certified copies of such certificates have been filed with the department, it shall issue to such persons certificates or commissions, and the persons therein named shall be known as "medical examiners." There shall at all times be at least two such medical examiners in each county. The certificate may be revoked by the department for incompetency or neglect, and shall not be again granted without the consent of the department.

SEC. 428. Section 7001 of the Welfare and Institutions Code is amended to read:

7001. No person, association, or corporation, shall establish or keep, for compensation or hire, an establishment for the care, custody, or treatment of the mentally disordered or other incompetent persons referred to in Division 6 without first having obtained a license therefor from the State Department of Health, and having paid the license fee provided in this chapter.

Any person who carries on, conducts, or attempts to carry on or conduct an establishment for the care or treatment of the mentally disordered or incompetents without first having obtained a license from the State Department of Health, as in this chapter provided, is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months or by a fine not exceeding one thousand dollars ($1,000), or by both such fine and imprisonment. The managing and executive officers of any corporation violating the provisions of this section shall be liable under the provisions of this section in the same manner and to the same effect as a private individual violating the same.

The provisions of this chapter do not apply to any hospital which maintains and operates organized medical, surgical or nursing and convalescent facilities primarily for the diagnosis, care, and treatment of physical human illness, including care during and after pregnancy, and to which persons may be admitted for overnight stay or longer, and holds a license in good standing issued under the provisions of Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code.

SEC. 429. Section 7002 of the Welfare and Institutions Code is amended to read:

7002. The district attorney of every county shall, upon application by the State Department of Health or its authorized representatives, institute and conduct the prosecution of

any action brought for the violation within his county of any of the provisions of this chapter.

SEC. 430.1. Section 7003.1 of the Welfare and Institutions Code is amended to read:

7003.1. In addition to the requirements of Section 7003, any private institution desiring a license under the provisions of this chapter which shall cover a new facility or additional bed capacity or the conversion of existing bed capacity to a different license category, except for outpatient and emergency services, shall file with the department a verified statement on a form prescribed, prepared and furnished by the department containing:

(a) The date applicant filed its complete application for new or additional bed capacity or conversion of an existing bed capacity with the voluntary area health planning agency or voluntary local health planning agency approved pursuant to Section 437.7 of the Health and Safety Code.

(b) The date or dates the voluntary area health planning agency or voluntary local health planning agency held a public hearing or hearings on the proposal, and evidence that the applicant participated in the hearing in accordance with established procedures of such group.

(c) The date the voluntary health planning agency, a voluntary area health planning agency acting as an appeals body or the Advisory Health Council made its final and favorable decision concerning the new or additional bed capacity or conversion of facilities and a statement that the time for appeal has expired, or in the case of a modified approval, that the modifications have been made, or

(d) That the time allowed for decision has passed and no decision has been made or that the voluntary area health planning agency failed to act upon a lack of recommendation by the voluntary local health planning agency within the time allowed, or

(e) That more than 12 months have expired since a decision has been reached by the voluntary area health planning agency.

SEC. 430. Section 7025 of the Welfare and Institutions Code is amended to read:

7025. Upon proof of the violation of any provision of this chapter, the license to any person to operate such private institution, hospital, establishment, home, or sanitarium may be suspended or revoked by the State Department of Health. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 431. Section 7026 of the Welfare and Institutions Code is amended to read:

7026. The Director of Health may bring an action to enjoin the threatened violation, or continued violation of the provisions of this chapter, including the operation of an

establishment or institution without a license, or of any of the regulations promulgated under this chapter, in the superior court located in the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show the lack of an adequate remedy at law or to show or tending to show irreparable damage or loss.

At least 30 days prior to the filing of a complaint against a licensee, the director shall serve the licensee with a written notice specifying each deficiency in the licensed establishment or institution, and of the violation or continued violation by such establishment or institution of this part or any of the regulations promulgated under this part. No restraining order or injunction, either temporary or permanent, shall be granted by the court which would cause a licensed establishment or institution to cease operations or which would seriously impede the continued operation of the establishment or institution, unless the operator thereof has been accorded a prior judicial hearing with respect to whether or not such restraining order or injunction shall issue.

SEC. 432. Section 7100 of the Welfare and Institutions Code is amended to read:

7100. The board of supervisors of each county may maintain in the county hospital or in any other hospital situated within or without the county, suitable facilities and hospital service for the detention, supervision, care, and treatment of persons who are mentally disordered, mentally retarded, or who are alleged to be such.

The county may contract with public or private hospitals for such facilities and hospital service when they are not suitably available in any institution or establishment maintained or operated by the county.

The facilities and services shall be subject to the approval of the State Department of Health and each person having charge and control of any such hospital shall allow the department to make such investigations thereof as it deems necessary at any time.

Nothing in this chapter means that mentally disordered, or mentally retarded persons may not be detained, supervised, cared for, or treated, subject to the right of inquiry or investigation by the department, in their own homes, or the homes of their relatives or friends, or in a licensed establishment.

SEC. 433. Section 7200 of the Welfare and Institutions Code is amended to read:

7200. There are in the state the following state hospitals for the care and treatment of the mentally disordered:

1. Stockton State Hospital at the City of Stockton.
2. Napa State Hospital near the City of Napa.
3. Agnews State Hospital near the City of San Jose.

4. Mendocino State Hospital near the City of Ukiah.
5. Patton State Hospital near the City of San Bernardino.
6. Metropolitan State Hospital near the City of Norwalk, Los Angeles County.
7. Camarillo State Hospital near Camarillo, Ventura County.
8. DeWitt State Hospital near the City of Auburn.
9. Atascadero State Hospital near the City of Atascadero, San Luis Obispo County.

SEC. 434. Section 7201 of the Welfare and Institutions Code is amended to read:

7201. All of the institutions under the jurisdiction of the State Department of Health shall be governed by the uniform rules and regulations of the State Department of Health and all of the provisions of Chapter 2 (commencing with Section 4100) of Part 1 of Division 4 of this code on the administration of state institutions shall apply to the conduct and management of the state hospitals for the mentally disordered and, except as provided in Chapter 4 (commencing with Section 7500) of this division, to state hospitals for the mentally retarded.

SEC. 435. Section 7204 of the Welfare and Institutions Code is amended to read:

7204. The Director of General Services, with the consent of the State Department of Health, may sell the water treatment plant at the DeWitt State Hospital to the Nevada Irrigation District or the County of Placer under such terms, conditions, and restrictions as he deems to be for the best interests of the state. No such sale shall be made unless the district or county agrees to provide a sufficient amount of satisfactorily treated water to the hospital for its needs, at a cost no greater than that incurred by the hospital for water at the time of the sale.

SEC. 436. Section 7205 of the Welfare and Institutions Code is amended to read:

7205. The Director of General Services with the consent of the State Department of Health is hereby authorized to transfer to the City of Costa Mesa and to convey to said city all of the state's rights, title and interest, and upon such terms and conditions and with such reservations and exceptions as in the opinion of the Director of General Services may be in the best interest of the state, and subject to such use or uses as may be agreed upon by the city and the State Department of Health with the approval of the Director of General Services, in all or any part of the real property consisting of approximately five acres lying at the southwest corner of the Fairview State Hospital property in Orange County, being a parcel of land lying within Lot A of the Banning Tract, in the Rancho Santiago de Santa Ana, City of Orange, State of California, as shown on a map of said tract filed in action No. 6385 in the Superior Court of

the State of California in and for the City of Los Angeles, being an action for partition entitled Hancock Banning et al. vs. Mary H. Banning, more particularly described as follows:

Beginning at the most southeasterly corner of Parcel G as shown on a record of survey filed in Book 53, pages 34 through 36, of records of Surveys in the office of the County Recorder of Orange County, California; thence along the boundary of said Parcel G northwesterly along a curve concave southwesterly having a radius of 540.00 feet through a central angle of 23 degrees, 01 minutes, 33 seconds, an arc distance of 217.01 feet, thence north 34 degrees, 32 minutes, 30 seconds west, 97.50 feet to a point on a line parallel with and 280.00 feet measured at right angles northerly of the north line of Fairview Farms as shown on said record of Survey; thence departing from the boundary of said Parcel G north 89 degrees, 27 minutes, 30 seconds east along said parallel line 936.97 feet; thence south 0 degrees, 32 minutes, 30 seconds east, 280.00 feet to said north line of Fairview Farms; thence south 89 degrees, 27 minutes, 30 seconds, west, 800.00 feet to the point of beginning.

The conveyance of such property shall be subject to the following conditions:

(a) There shall be excepted and reserved in the state all deposits of minerals, including oil and gas, in the property and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the property.

(b) If the city shall cease to use the property for public purposes, all right, title, and interest of the county in and to the property shall cease and the property shall revert and rest in the state.

SEC. 437. Section 7206 of the Welfare and Institutions Code is amended to read:

7206. Notwithstanding the provisions of Section 4104 of this code, the Director of General Services, with the consent of the Director of Health, may grant a right-of-way for road purposes to the County of San Bernardino over and along a portion of the Patton State Hospital property adjacent to Arden Way and Pacific Street upon such terms and conditions and with such reservations and exceptions as in the opinion of the Director of General Services will be for the best interests of the state.

SEC. 438. Section 7226 of the Welfare and Institutions Code is amended to read:

7226. The State Department of Health may admit to any state hospital for the mentally disordered, if there is room therein, any mentally disordered soldier or sailor in the service of the United States on such terms as are agreed upon between the department and the properly authorized agents, officers, or representatives of the United States government.

SEC. 439. Section 7250 of the Welfare and Institutions Code is amended to read:

7250. Any person who has been committed is entitled to a writ of habeas corpus, upon a proper application made by the State Department of Health, by such person, or by a relative or friend in his behalf to the judge of the superior court of the county in which the hospital is located. Upon the return of the writ, the truth of the allegations under which he was committed shall be inquired into and determined. The medical history of the person as it appears in the clinical records shall be given in evidence, and the superintendent in charge of the state hospital wherein the person is held in custody and any other person who has knowledge of the facts shall be sworn and shall testify relative to the mental condition of the person.

SEC. 440. Section 7252 of the Welfare and Institutions Code is amended to read:

7252. Any patient in a state hospital, upon the consent of the superintendent and medical director of such hospital, may voluntarily donate blood to any nonprofit blood bank duly licensed by the State Department of Health.

SEC. 441. Section 7254 of the Welfare and Institutions Code is amended to read:

7254. The provisions of this section apply to any person who has been lawfully committed or admitted to any state hospital for the mentally disordered or mentally retarded and who is afflicted with, or suffers from, any of the following conditions:

(a) Mental disease which may have been inherited and is likely to be transmitted to descendants.

(b) Mental retardation, in any of its various grades.

(c) Marked departures from normal mentality.

The State Department of Health, upon compliance with the provisions of this section, may cause any such person to be sterilized by the operation of vasectomy upon the patient if a male and of salpingectomy if a female or any other operation or treatment that will permanently sterilize but not unsex the patient. When the superintendent of the state hospital or state home is of the opinion that a patient who is afflicted with or suffering from any of the conditions specified in this section should be sterilized, he shall certify such opinion to the Director of Health and shall at the same time give written notice of such certification to the patient and to his known parents, spouse, adult children, or guardian, if any, by registered mail to their last known address. If the patient has no known relatives or guardian, such notice shall be given to the person who petitioned for the patient's commitment. Such notice shall further state that written objection or written consent to the proposed sterilization, should be filed with the Director of Health at his office in Sacramento within 30 days by the patient, spouse, next of kin or guardian.

When a written consent is filed, or if no objection is filed within the 30 days, the Director of Health, if satisfied that the sterilization will not unduly endanger the patient's health and that it is a proper case for sterilization, may authorize the superintendent to proceed with the sterilization of the patient. The director may cause such examination of the patient and other inquiry to be made as he deems advisable before issuing the authorization to the superintendent.

If a written objection is filed within the 30 days by the patient, his spouse, next of kin, or guardian, and in those cases where the patient has no known relatives or guardian, the proposed sterilization shall not be authorized or performed until the Director of Health has determined the matter. He shall make full inquiry into the case, and may hold a hearing at the institution at which hearing the patient shall be present, and the objecting party and others interested on behalf of the patient may be heard. If the decision of the director is that the patient shall not be sterilized, he shall so order and notify the superintendent, the patient and the objecting party. If the decision of the director is that the patient should be sterilized, he shall send notice of such decision to the patient, his known parents, spouse, adult children, and guardian, if any, and the objecting party, by registered mail to their last known address. Such notice shall further state that any such party has the right within 30 days to petition the superior court of the county in which the institution is situated or of the county of the patient's residence for a review of the decision.

If such petition is filed in court within 30 days, and a true copy thereof is served upon the Director of Health, the patient shall not be sterilized unless and until the court, after hearing, issues an order authorizing the sterilization of the patient in accordance with the provisions of this section. If such petition is not filed in court within 30 days, the director may authorize the superintendent to proceed with such sterilization. The sterilization of a patient in accordance with the provisions of this section, whether performed with or without the consent of the patient, shall be lawful and shall not render the department, its officers or employees, or any persons participating in the operation liable either civilly or criminally.

SEC. 442. Section 7276 of the Welfare and Institutions Code is amended to read:

7276. The charge for the care and treatment of all mentally disordered persons and alcoholics at state hospitals for the mentally disordered for whom there is liability to pay therefor shall be determined pursuant to Section 4025. The Director of Health may reduce, cancel or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the care and treatment of any mentally disordered person or alcoholic who is a patient at a state hospital for the mentally disordered, on satisfactory proof that the estate or rela-

tives, as the case may be, are unable to pay the cost of such care and treatment or that the amount is uncollectible. In any case where there has been a payment under this section, and such payment or any part thereof is refunded because of the death, leave of absence, or discharge of any patient of such hospital, such amount shall be paid by the hospital or the State Department of Health to the person who made the payment upon demand, and in the statement to the Controller the amounts refunded shall be itemized and the aggregate deducted from the amount to be paid into the State Treasury, as provided by law. If any person dies at any time while his estate is liable for his care and treatment at a state hospital, the claim for the amount due may be presented to the executor or administrator of his estate, and paid as a preferred claim, with the same rank in order of preference, as claims for expenses of last illness.

SEC. 443. Section 7277 of the Welfare and Institutions Code is amended to read:

7277. The State Department of Health shall collect all the costs and charges mentioned in Section 7275, and shall determine, pursuant to Section 7275, and collect the charges for care and treatment rendered persons in any community mental hygiene clinics maintained by the department and may take such action as is necessary to effect their collection within or without the state. The Director of Health may, however, at his discretion, refuse to accept payment of charges for the care and treatment in a state hospital of any mentally disordered person or inebriate who is eligible for deportation by the federal immigration authorities.

SEC. 444. Section 7281 of the Welfare and Institutions Code is amended to read:

7281. There is at each institution under the jurisdiction of the State Department of Health, a fund known as the patients' personal deposit fund. Any funds coming into the possession of the superintendent, belonging to any patient in that institution, shall be deposited in the name of that patient in the patients' personal deposit fund, except that if a guardian of the estate is appointed for the patient then he shall have the right to demand and receive such funds. Whenever the sum belonging to any one patient, deposited in the patients' personal deposit fund, exceeds the sum of five hundred dollars ($500), the excess may be applied to the payment of the care, support, maintenance and medical attention of the patient. After the death of the patient any sum remaining in his personal deposit account in excess of burial costs may be applied for payment of care, support, maintenance and medical attention. Any of the funds belonging to a patient deposited in the patients' personal deposit fund may be used for the purchase of personal incidentals for the patient or may be applied in an amount not exceeding five hundred dollars ($500) to the payment of his burial expenses.

SEC. 445. Section 7282 of the Welfare and Institutions Code is amended to read:

7282. The State Department of Health may in its own name bring an action to enforce payment for the cost and charges of transportation of a person to a state hospital against any person, guardian or relative liable for such transportation. The department also may in its own name bring an action to recover for the use and benefit of any state hospital or for the state the amount due for the care, support, maintenance, and expenses of any patient therein, against any county, or officer thereof, or against any person, guardian, or relative, liable for such care, support, maintenance, or expenses.

SEC. 446. Section 7283 of the Welfare and Institutions Code is amended to read:

7283. All moneys collected by the State Department of Health for the cost and charges of transportation of persons to state hospitals shall be remitted by the department to the State Treasury for credit to, and shall become a part of, the current appropriation from the General Fund of the state for the transportation of the mentally disordered, correctional school, or other state hospital patients and shall be available for expenditure for such purposes. In lieu of exact calculations of moneys collected for transportation charges the department may determine the amount of such collections by the use of such estimates or formula as may be approved by the Department of Finance.

SEC. 447. Section 7284 of the Welfare and Institutions Code is amended to read:

7284. If any incompetent person, who has no guardian and who has been admitted or committed to the State Department of Health for placement in any state hospital for the mentally disordered or the mentally retarded is the owner of any property, the State Department of Health, acting through its designated officer, may apply to a court of competent jurisdiction for its appointment as guardian of the estate of such incompetent person.

For the purposes of this section, the State Department of Health is hereby made a corporation and may act as executor, administrator, guardian of estates, assignee, receiver, depositary or trustee, under appointment of any court or by authority of any law of this state, and may transact business in such capacity in like manner as an individual, and for this purpose may sue and be sued in any of the courts of this state.

If a person admitted or committed to the State Department of Health dies, leaving any estate, and having no relatives at the time residing within this state, the State Department of Health may apply for letters of administration of his estate, and, in the discretion of the court, letters of administration may be issued to the department. When the State Department of Health is appointed as guardian or administrator, the department shall be appointed as guardian or administrator without bond. The officer designated by the department shall

be required to give a surety bond in such amount as may be deemed necessary from time to time by the director, but in no event shall the initial bond be less than ten thousand dollars ($10,000), which bond shall be for the joint benefit of the several estates and the State of California. The State Department of Health shall receive such reasonable fees for its services as such guardian or administrator as the court allows. The fees paid to the State Department of Health for its services as guardian or administrator of the various estates may be used as a trust account from which may be drawn expenses for filing fees, bond premiums, court costs, and other expenses required in the administration of the various estates. Whenever the balance remaining in such trust fund account shall exceed a sum deemed necessary by the department for the payment of said expenses, such excess shall be paid quarterly by the department into the State Treasury to the credit of the General Fund.

SEC. 448. Section 7285 of the Welfare and Institutions Code is amended to read:

7285. The State Department of Health may invest funds held as executor, administrator, guardian of estates, or trustee, in bonds or obligations issued or guaranteed by the United States or the State of California. Such investments may be made and such bonds or obligations may be sold or exchanged for similar bonds or obligations without notice or court authorization.

SEC. 449. Section 7286 of the Welfare and Institutions Code is amended to read:

7286. The State Department of Health may establish one or more common trusts for investment of funds held as executor, administrator, guardian of estates, or trustee and may designate from time to time the amount of participation of each estate in such trusts. The funds in such trusts may be invested only in bonds or obligations issued or guaranteed by the United States or the State of California.

The income and profits of each trust shall be the property of the estates participating and shall be distributed, when received, in proportion to the amount of participation of each estate in such trust. The losses of each trust shall be the losses of the estates participating and shall be apportioned, as the same occur, upon the same basis as income and profits.

SEC. 450. Section 7287 of the Welfare and Institutions Code is amended to read:

7287. Upon the death of an incompetent person over whom the State Department of Health has obtained jurisdiction pursuant to Section 7284, the department may make proper disposition of the remains, and pay for the disposition of the remains together with any indebtedness existing at the time of the death of such person from the assets of the guardianship estate, and thereupon it shall file its final account with the court or otherwise close its administration of the estate of such person.

SEC. 451. Section 7288 of the Welfare and Institutions Code is amended to read:

7288. Whenever it appears that a person who has been admitted to a state institution and remains under the jurisdiction of the State Department of Health does not have a guardian and owns personal property which requires safekeeping for the benefit of the patient, the State Department of Health may remove or cause to be removed such personal property from wherever located to a place of safekeeping.

Whenever it appears that such patient does not own property of a value which would warrant guardianship proceedings, the expenses of such removal and safekeeping shall be paid from funds appropriated for the support of the institution in which the patient is receiving care and treatment; provided, however, that if the sum on deposit to the credit of such patient in the patients' personal deposit fund exceeds the sum of three hundred dollars ($300), the excess may be applied to the payment of such expenses of removal and safekeeping.

When it is determined by the superintendent at any time after the removal for safekeeping of such personal property, that the patient is incurable or is likely to remain in a state institution indefinitely, then any of those articles of personal property which cannot be used by the patient at the institution may be sold at public auction and the proceeds therefrom shall first be applied in reimbursement of the expenses so incurred and the balance shall be deposited to the patient's credit in the patients' personal deposit fund. All moneys so received as reimbursement shall be deposited in the State Treasury in augmentation of the appropriation from which the expenses were paid.

SEC. 452. Section 7289 of the Welfare and Institutions Code is amended to read:

7289. When a person who is a patient of a state hospital in the State Department of Health has no guardian and has money due or owing to him, the total amount of which does not exceed the sum of three thousand dollars ($3,000), the superintendent of the institution of which the person is a patient may collect any money so due or owing upon furnishing to the person, representative, officer, body or corporation in possession of or owing any such sums, an affidavit executed by the superintendent or acting superintendent. The affidavit shall contain the name of the institution of which the person is a patient, and the statement that the total amount of such sums known to be due to the person does not exceed the sum of three thousand dollars ($3,000). Payments from retirement systems and annuity plans which are due or owing to such patients may also be collected by the superintendent of the institution of which the person is a patient, upon the furnishing of an affidavit executed by the superintendent or acting superintendent, containing the name of the institution of which the person is a patient and the statement that such person is entitled to receive such payments. Such sums shall be delivered

to the superintendent and shall be deposited by him in the patients' personal deposit fund as provided in Section 7281 of this code.

The receipt of such superintendent shall constitute sufficient acquittance for any payment of money made pursuant to the provisions of this section and shall fully discharge such person, representative, officer, body or corporation from any further liability with reference to the amount of money so paid.

The superintendent of each institution shall render such reports and accounts annually or more often as may be required by the State Department of Health or the Department of Finance of all moneys of patients deposited in the patients' personal deposit accounts of the institution.

SEC. 453. Section 7290 of the Welfare and Institutions Code is amended to read:

7290. The State Department of Health may enter into a special agreement, secured by a properly executed bond, with the relatives, guardian, or friend of any patient therein, for his care, support, maintenance, or other expenses at the institution. Such agreement and bond shall be to the people of the State of California and action to enforce the same may be brought thereon by the department. All charges due under the provisions of this section, including the monthly rate for the patient's care and treatment as established by or pursuant to law, shall be collected monthly. No patient, however, shall be permitted to occupy more than one room in any state institution.

SEC. 454. Section 7292 of the Welfare and Institutions Code is amended to read:

7292. The cost of such care shall be determined and fixed from time to time by the Director of Health, but in no case shall it exceed the rate of forty dollars ($40) per month.

SEC. 455. Section 7293 of the Welfare and Institutions Code is amended to read:

7293. The State Department of Health shall present to the county, not more frequently than monthly, a claim for the amount due the state under Section 7291 which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 456. Section 7294 of the Welfare and Institutions Code is amended to read:

7294. Any person who has been committed as a defective or psychopathic delinquent may be paroled or granted a leave of absence by the medical superintendent of the institution wherein the person is confined whenever the medical superintendent is of the opinion that the person has improved to such an extent that he is no longer a menace to the health and safety of others or that the person will receive benefit from such parole or leave of absence, and after the medical superintendent and the Director of Health have certified such opinion to the committing court.

If within 30 days after the receipt of such certification the committing court orders the return of such person, the person shall be returned forthwith to await further action of the court. If within 30 days after the receipt of such certification the committing court does not order the return of the person to await the further action of the court, the medical superintendent may thereafter parole the person under such terms and conditions as may be specified by the superintendent. Any such paroled inmate may at any time during the parole period be recalled to the institution. The period of parole shall in no case be less than five years, and shall be on the same general rules and conditions as parole of the mentally disordered.

When any person has been paroled for five consecutive years, if in the opinion of the medical superintendent and the Director of Health the person is no longer a menace to the health, person, or property of himself or of any other person, the medical superintendent, subject to the approval of the Director of Health, may discharge the person. The committing court shall be furnished with a certified copy of such discharge and shall thereupon make such disposition of the court case as it deems necessary and proper.

When, in the opinion of the medical superintendent, a person heretofore committed as a defective or psychopathic delinquent will not benefit by further care and treatment under any facilities of the department and should be returned to the jurisdiction of the court, the superintendent of the institution and the Director of Health shall certify such opinion to the committing court including therein a report, diagnosis and recommendation concerning the person's future care, supervision or treatment. Upon receipt of such certification, the committing court shall forthwith order the return of the person to the court. The person shall be entitled to a court hearing and to present witnesses in his own behalf, to be represented by counsel and to cross-examine any witness who testifies against him. After considering all the evidence before it, the court may make such further order or commitment with reference to such person as may be authorized by law.

SEC. 457. 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 Health, it appears that a person admitted prior to July 1, 1969, or that a person judicially committed or remanded to the State Department of Health 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 depart-

ment. 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 Health, 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. 458. Section 7301 of the Welfare and Institutions Code is amended to read:

7301. Whenever, in the opinion of the Director of Health 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 State Department of Health 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.

SEC. 459. 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 rela-

tives or friends, if there is room in the like institution to which transfer is sought and if the State Department of Health 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. 460. Section 7303 of the Welfare and Institutions Code is amended to read:

7303. Whenever a person, committed to the care of the State Department of Health under one of the commitment laws which provides for reimbursement for care and treatment to the state by the county of commitment of such person, is transferred under Section 7300 to an institution under the jurisdiction of the department where the state rather than the county is liable for the support and care of patients, the county of commitment may have the original commitment vacated and a new commitment issued, designating the institution to which the person has been transferred, in order to absolve the county from liability under the original commitment.

SEC. 461. Section 7304 of the Welfare and Institutions Code is amended to read:

7304. Whenever a person, committed to the State Department of Health under one of the commitment laws providing for no reimbursement for care and treatment to the state by the county of commitment, is transferred under Section 6700 to an institution under the jurisdiction of the department where the county is required to reimburse the state for such care and treatment, the State Department of Health may have the original commitment vacated and a new commitment issued, designating the institution to which the person has been transferred, in order to make the county liable for the care and treatment of the committed person to the extent provided by Sections 7511 and 7512 of the Welfare and Institutions Code.

SEC. 462. 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 State Department of Health to a different state hospital without the consent of his parent, or guardian, if any.

SEC. 463. 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 au-

thorized or ordered by the State Department of Health 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 State Department of Health 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 State Department of Health, 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 State Department of Health 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. 464. Section 7328 of the Welfare and Institutions Code is amended to read:

7328. Whenever a person, committed to an institution subject to the jurisdiction of the State Department of Health under one of the commitment laws which provides for reimbursement for care and treatment to the state by the county of commitment of such person, is accused of committing a crime while confined in such institution and is committed by the court in which the crime is charged to another institution under the jurisdiction of the State Department of Health or the Department of Corrections, the state rather than the county of commitment shall bear the subsequent cost of supporting and caring for such person.

SEC. 464.1. Section 7329 of the Welfare and Institutions Code is amended to read:

7329. When any patient, who is subject to judicial commitment, has escaped from any public mental hospital in a state of the United States other than California and is present in this state, any peace officer, health officer, county physician, or assistant county physician may take such person into custody within five years after the escape. Such person may be admitted and detained in the quarters provided in any county hospital or state hospital upon application of the peace officer, health officer, county physician, or assistant county physician. The application shall be in writing and shall state the identity of the person, the name and place of the institution from which he escaped and the approximate date of the escape, and the fact that the person has been apprehended pursuant to this section.

As soon as possible after the person is apprehended, the district attorney of the county in which the person is present shall file a petition in the superior court alleging the facts of the escape, and requesting an immediate hearing on the ques-

tion of whether the person has escaped from a public mental hospital in another state within five years prior to his apprehension. The hearing shall be held within three days after the day on which the person was taken into custody. If the court finds that the person has not escaped from such a hospital within five years prior to his apprehension, he shall be released immediately.

If the court finds that the person did escape from a public mental hospital in another state within five years prior to his apprehension, the superintendent or physician in charge of the quarters provided in such county hospital or state hospital may care for and treat the person, and the district attorney of the county in which such person is present immediately shall present to a judge of the superior court a petition asking that the person be judicially committed to a state hospital in this state. The hearing on the petition shall be held within seven days after the court's determination in the original hearing that the person did escape from a public mental hospital in another state within five years prior to his apprehension. Proceedings shall thereafter be conducted as on a petition for judicial commitment of the particular type of person subject to judicial commitment. If the court finds that the person is subject to judicial commitment it shall order him judicially committed to a state hospital in this state; otherwise, it shall order him to be released. It shall be the duty of the superintendent of the state hospital to accept custody of such person, if he has been determined to be subject to judicial commitment. The State Department of Health will promptly cause such person to be returned to the institution from which he escaped if the authorities in charge of such institution agree to accept him. If such authorities refuse to accept such person, the superintendent of the state hospital in which the person is confined shall continue to care for and treat the person in the same manner as any other person judicially committed to the hospital as mentally disordered.

SEC. 465. 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 State Department of Health.

The State Department of Health 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. 465.1. Section 7354 of the Welfare and Institutions Code is amended to read:

7354. Any mentally retarded or mentally disordered patient who is released or discharged from a state hospital may be granted care in a licensed hospital or other suitable licensed

facility. The State Department of Social Welfare may pay for such care at a rate not exceeding the average cost of care of patients in the state hospitals as determined by the Director of Social Welfare. Such payments shall be made from funds available to the State Department of Social Welfare for that purpose.

The State Department of Social Welfare may make payments for services for mentally retarded and mentally disordered patients in private facilities released or discharged from state hospitals on the basis of reimbursement for reasonable cost, using the same standards and rates consistent with those established by the Director of Health for similar types of care. Such payments shall be made within the limitation of funds appropriated to the State Department of Social Welfare for that purpose.

No payments for care or services of a mentally disordered patient shall be made by the Department of Social Welfare pursuant to this section unless such care or services are requested by the local director of the mental health services of the county of the patient's residence, unless provision for such care or services is made in the county Short-Doyle plan of the county, and unless the State Department of Health and the local mental health services enter a contract in accordance with the Short-Doyle Act (commencing with Section 5600) under which the county shall reimburse the department for 10 percent of the amount expended by the department, exclusive of such portion of the cost as is provided by the federal government.

The provision for such 10-percent county share shall be inapplicable with respect to any county with a population of under 100,000 which has not elected to participate financially in providing services under Division 5 of this code in accordance with Section 5709.5.

No payments for care or services of a mentally retarded person shall be made by the Department of Social Welfare pursuant to this section on and after July 1, 1971, unless requested by the regional center having jurisdiction over the patient and provision for such care or services is made in the areawide mental retardation plan.

SEC. 466. Section 7355 of the Welfare and Institutions Code is amended to read:

7355. No patient shall be discharged or granted a leave of absence from a state hospital without suitable clothing adapted to the season in which he is discharged; and, if it cannot otherwise be obtained, the superintendent, under general conditions prescribed by the State Department of Health, shall furnish such clothing and money, not exceeding fifty dollars ($50) to defray the necessary expenses of such patient who is going on leave of absence or is to be discharged until he can reach his relatives or friends, or find employment to earn a subsistence.

The superintendent may, under general conditions pre-

scribed by the State Department of Health, furnish to patients while on leave of absence such incidental moneys, supplies or services as are necessary and advisable in the care, supervision and rehabilitation of such patients on leave of absence. Payments therefor shall be made from funds available for support of patients in the state hospital or hospitals from which such patients have been granted a leave of absence.

SEC. 467. 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 State Department of Health 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 State Department of Health shall collect or adjust such charges in accordance with Article 4 (commencing with Section 7275) of Chapter 3 of this division.

SEC. 468. Section 7357 of the Welfare and Institutions Code is amended to read:

7357. The superintendent of a state hospital, on filing his written certificate with the Director of Health, may discharge any patient who, in his judgment, has recovered or was not, at time of admission, mentally disordered.

SEC. 469. Section 7359 of the Welfare and Institutions Code is amended to read:

7359. The superintendent of a state hospital, on filing his written certificate with the Director of Health, may discharge as improved, or may discharge as unimproved, as the case may be, any judicially committed patient who is not recovered, but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient.

SEC. 470. Section 7362 of the Welfare and Institutions Code is amended to read:

7362. The medical superintendent of a state hospital, on filing his written certificate with the Director of Health, may on his own motion, and shall on the order of the State Department of Health, discharge any patient who comes within any of the following descriptions:

(a) Who is not a proper case for treatment therein.

(b) Who is mentally deficient or is affected with a chronic harmless mental disorder.

Such person, when discharged, shall be returned to the county of his residence at the expense of such county, and delivered to the sheriff or other appropriate county official to be designated by the board of supervisors, for delivery to the official or agency in that county charged with the responsibility for such person. Should such person be a poor and indigent person, he shall be cared for by such county as are other indigent poor.

No person who has been discharged from any state hospital under the provisions of subdivision (b) above shall be again committed to any state hospital for the mentally disordered unless he is subject to judicial commitment.

SEC. 471. Section 7503 of the Welfare and Institutions Code is amended to read:

7503. The object of each home is such care, training, and education of the persons committed thereto as will render them more comfortable and happy and better fitted to care for and support themselves. To this end the State Department of Health shall furnish them with such agricultural and mechanical education as they are capable of receiving and that the facilities offered by the state allow, including farmwork, shops, and the employment of trade teachers.

SEC. 472. Section 7508 of the Welfare and Institutions Code is amended to read:

7508. The State Department of Health may authorize the superintendent of each state hospital mentioned in Section 7500 to admit persons suspected of being mentally retarded thereto, temporarily, without commitment, under rules and regulations prescribed by the department, for purposes of observation and diagnosis, to ascertain whether or not they are actually mentally retarded and proper cases for care, treatment, and training in a state hospital for the mentally retarded. If any person so admitted is found to be mentally retarded and a proper case for institutional care, treatment, and training, application may be made to the superior court for an order of commitment of the person to a state hospital for the mentally retarded.

SEC. 473. Section 7509 of the Welfare and Institutions Code is amended to read:

7509. The State Department of Health shall prescribe and publish instructions and forms, in relation to the commitment and admission of patients, and may include in them such interrogatories as it deems necessary or useful. Such instructions and forms shall be furnished to anyone applying therefor, and shall also be sent in sufficient numbers to the county clerks of the several counties of the state.

SEC. 474. Section 7511 of the Welfare and Institutions Code is amended to read:

7511. The portion of the cost of such care payable by the county for mentally retarded persons placed in state hospitals prior to July 1, 1971, shall be determined by the State Department of Health from time to time, subject to the approval of the Department of Finance, but in no case shall it exceed the rate of twenty dollars ($20) per month.

SEC. 475. Section 7512 of the Welfare and Institutions Code is amended to read:

7512. The State Department of Health shall present to the county, not more frequently than monthly, a claim for the amount due the state under Section 7510 which the county

shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 476. Section 7514 of the Welfare and Institutions Code is amended to read:

7514. The State Department of Health may transfer any patient of a state hospital for the mentally retarded to another state hospital for the mentally retarded, at any time and from time to time, upon the application of the parent, guardian, or other person charged with the support of such patient, if the expenses of the transfer are paid by the applicant. The liability of any estate, person, or county for the care, support and maintenance of such patient in the institution to which he is transferred shall be the same as if he had originally been committed to such institution.

SEC. 477. Section 7515 of the Welfare and Institutions Code is amended to read:

7515. The superintendent may, with the approval of the State Department of Health, cause the peremptory discharge of any person who has been a patient for the period of one month.

SEC. 478. Section 7517 of the Welfare and Institutions Code is amended to read:

7517. The superintendent of each state hospital for the mentally retarded shall, on or before the fifth day of each month, prepare a true and correct report, verified by oath, of all patients supported, cared for, trained, and educated in the hospital for the preceding month, whose support, care, training, and education in such hospital are to be paid for by the several counties from which they came. This report shall give the names and counties from which committed of all such patients, and the name of the committing judge. Copies of this report shall be filed in the offices of the Department of Finance, the Controller, the State Treasurer, and the State Department of Health, but shall not be printed, or used, nor permitted to be used, for any other purpose than the special information of the officers designated. The superintendent shall also, within the time above designated, prepare a report, verified by his oath, showing substantially the facts set forth in the above report, which shall be filed with the county auditors of the several counties from which the commitments have been made to the institution, showing the name of each patient supported, and for which such county is liable to the state for support and maintenance.

SEC. 479. Chapter 4.5 (commencing with Section 7550) of Division 7 of the Welfare and Institutions Code is repealed.

SEC. 480. Chapter 5 (commencing with Section 7600) of Division 7 of the Welfare and Institutions Code is repealed.

SEC. 481. Chapter 5 (commencing with Section 7600) is added to Division 7 of the Welfare and Institutions Code, to read:

CHAPTER 5. LANGLEY PORTER NEUROPSYCHIATRIC INSTITUTE

7600. The Department of General Services shall grant to the Regents of the University of California in fee simple all of its right, title and interest in the land adjacent to the campus of the University of California Medical School Center, San Francisco, at no cost to the regents, upon which the Langley Porter Neuropsychiatric Institute is located, for the purpose of integrating the institute into the total educational system of the University of California.

SEC. 482. Chapter 6 (commencing with Section 7700) of Division 7 of the Welfare and Institutions Code is repealed.

SEC. 483. Chapter 6 (commencing with Section 7700) is added to Division 7 of the Welfare and Institutions Code, to read:

CHAPTER 6. THE NEUROPSYCHIATRIC INSTITUTE, UNIVERSITY OF CALIFORNIA AT LOS ANGELES MEDICAL CENTER

7700. A neuropsychiatric hospital for which an appropriation for planning was provided by Item 328.1 of the Budget Act of 1954, hereafter referred to as the institute, shall be established on the grounds belonging to the Regents of the University of California at Los Angeles as a part of the medical center. The institute shall be integrated into the total educational system of the University of California.

SEC. 497. Section 8007 of the Welfare and Institutions Code is amended to read:

8007. When the public guardian makes application under Section 8006 of this code for guardianship or conservatorship of the person and estate or person or estate of any person who is under the jurisdiction of the State Department of Health such application may be granted, if sufficient under said Section 8006, with the written consent of said department.

SEC. 498. Section 8051 of the Welfare and Institutions Code is amended to read:

8051. Upon the recommendation of the superintendent of the Langley Porter Clinic, the State Department of Health may enter into contracts with the Regents of the University of California for the conduct, by either for the other, of all or any portion of the research provided for in this chapter.

SEC. 499. Section 8053 of the Welfare and Institutions Code is amended to read:

8053. The State Department of Health with the approval of the Director of Finance may accept gifts or grants from any source for the accomplishment of the objects and purposes of this chapter. The provisions of Section 16302 of the Government Code do not apply to such gifts or grants and the money so received shall be expended to carry out the purposes of this chapter, subject to any limitation contained in such gift or grant.

SEC. 500. Section 8104 of the Welfare and Institutions Code is amended to read:

8104. The State Department of Health 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 with regard to applications for permits for explosives as defined in Section 12000 of the Health and Safety Code, concealable weapons as defined in Section 12001 of the Penal Code, machineguns as defined in Section 12200 of the Penal Code and destructive devices as defined in Section 12301 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 with respect to applications for permits for explosives, destructive devices, concealable weapons, and machineguns.

SEC. 501. Section 8105 of the Welfare and Institutions Code is amended to read:

8105. Upon request of the State Department of Health, 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. 502. Section 8200 of the Welfare and Institutions Code is amended to read:

8200. If provision is made by law of the United States for the administration by public agencies of this state of federal appropriations for the welfare of the Indians in this state, such state agencies may administer the expenditure of such federal appropriations within the scope of their legal powers.

The State Department of Health shall administer the expenditure of all such federal appropriations for the care and hospitalization of, and for medical attention to, sick or injured Indians and for the control and prevention of communicable and infectious diseases and general sanitation among the Indians in this state.

The State Department of Education shall administer the expenditure of such federal appropriations for the construction and maintenance of schools and the education of the Indians in this state.

The State Department of Social Welfare shall administer the expenditure of such federal appropriations for the relief of aged, infirm, and indigent Indians in this state.

Subject to such limitations as the law of the United States or the Secretary of the Interior lawfully imposes upon the administration of such funds, the state departments above mentioned may expend the same for the purposes within their respective jurisdictions which the respective heads of the de-

partments deem best to conserve the interests and welfare of all the Indians residing within the state.

SEC. 503. Section 10051 of the Welfare and Institutions Code is amended to read:

10051. "Public social services" means those activities and functions of state and local government administered or supervised by the department or the State Department of Health and involved in providing aid or services or both to those people of the state who, because of their economic circumstances or social condition, are in need thereof and may benefit thereby.

SEC. 504. Section 10053 of the Welfare and Institutions Code is amended to read:

10053. "Services" means those activities and functions performed by social work staff and related personnel of the State Department of Health and county departments with or in behalf of individuals or families, which are directed toward the improvement of the capabilities of such individuals or families maintaining or achieving a sound family life, rehabilitation, self-care, and economic independence.

Services for children shall include the coordinated efforts of the State Department of Social Welfare and the State Department of Education to insure that all children in receipt of aid under Aid to Families with Dependent Children are afforded the opportunity to participate and progress under an educational program which will lead to their functioning at full capacity upon reaching maturity. The educational services aspect of public social services includes education for parents in food preparation and provision for nutritional supplements to the extent necessary and as authorized by Article 7 (commencing with Section 11901) of Chapter 4 of Division 9 of the Education Code.

SEC. 505. Section 10053.5 of the Welfare and Institutions Code is amended to read:

10053.5. The State Department of Health shall directly or through the county department provide protective social services:

(a) For the care of mentally retarded patients released from state hospitals of the State Department of Health, or to prevent the unnecessary admission of mentally retarded persons to state hospitals of the State Department of Health or to facilitate the release of mentally retarded patients for whom such hospital care is no longer the appropriate treatment; provided that, on and after July 1, 1971, such services may be rendered only if requested by the regional center having jurisdiction over the mentally retarded patient and if provision for such services is made in the areawide mental retardation plan.

(b) For the care of mentally disordered patients released from state hospitals or to prevent the unnecessary admission of mentally disordered persons to state hospitals of the State Department of Health or to facilitate the release of mentally

disordered patients for whom such hospital care is no longer the appropriate treatment; provided that such services may be rendered only if requested by the local director of mental health and if provision for such services is made in the county Short-Doyle plan for the county.

The State Department of Social Welfare, to the extent funds are appropriated and available, shall pay for the cost of providing for care in a private home, certified by the State Department of Health, for mentally disordered or mentally retarded persons described in, and subject to the request and plan conditions of, subdivisions (a) and (b) above. The monthly rate for such private home care shall be set by the State Department of Social Welfare at an amount which will provide the best possible care at minimum cost and also insure:

(1) That the person will receive proper treatment and may be expected to show progress in achieving the maximum adjustment toward returning to community life; and

(2) That sufficient homes can be recruited to achieve the stated objectives of this section.

For all such persons without public or private financial resources who are placed in private homes at the expense of the State Department of Social Welfare, if requested by the local director of mental health services in the case of mentally disordered persons, the State Department of Health may provide from local assistance budget funds, at a rate to be determined by the Secretary of the Human Relations Agency, moneys necessary to furnish clothing and to meet incidental living expenses. No such moneys shall be provided by the State Department of Health for mentally retarded patients after July 1, 1971.

It is the legislative intent, that the State Department of Health may make fullest possible use of available resources in serving the mentally retarded in regional centers now existing or as may hereafter be created.

Any funds expended for the care of persons in a private home certified by the State Department of Health, including costs of administration and staffing and including money necessary to furnish clothing and to meet incidental living expenses, at the request of the local director of a mental health service pursuant to this section shall be expended by the State Department of Social Welfare only if the State Department of Social Welfare and the local mental health service enter a contract in accordance with the Short-Doyle Act (commencing with Section 5600) under which the county shall reimburse the State Department of Social Welfare for 10 percent of the amount expended by the State Department of Social Welfare, exclusive of such portion of the cost as is provided by the federal government.

The provision for such 10-percent county share shall be inapplicable with respect to any county with a population of under 100,000 which has not elected to participate financially

in providing services under Division 5 of this code in accordance with Section 5709.5.

The State Department of Health may directly or through the county department provide protective social services, including the cost of care in a private home pursuant to this section or in a suitable facility as specified in Section 7354 for judicially committed patients released from a state hospital on leave of absence or parole, and payments therefor shall be made from funds available to the State Department of Social Welfare for that purpose or for the support of patients in state hospitals.

SEC. 506. Section 10060 of the Welfare and Institutions Code is amended to read:

10060. "Regulations" includes but is not limited to standards of eligibility for aid and services, procedures necessary for the proper and efficient administration of public social services, and standards as to conditions which must be met by agencies or individuals subject to licensing or supervision by the department or the State Department of Health.

SEC. 507. Section 10062 is added to the Welfare and Institutions Code, to read:

10062. Notwithstanding any other provision of law, the State Department of Health and the Director of Health shall have those powers and duties conferred by state law upon the Department of Social Welfare and its director as is necessary to carry out the purposes imposed on it by this chapter.

SEC. 508. Section 10553 of the Welfare and Institutions Code is amended to read:

10553. The director shall:

(a) Be responsible for the management of the department.

(b) Administer the laws pertaining to the administration of aid.

(c) Observe and report to the Governor on the conditions of aid throughout the state.

(d) Formulate, adopt, amend or repeal regulations and general policies affecting the purposes, responsibilities, and jurisdiction of the department and which are consistent with law and necessary for the administration of aid.

All regulations heretofore adopted shall remain in effect and shall be fully enforceable unless and until readopted, amended or repealed by the director.

(e) Perform such other duties as may be prescribed by law and such other administrative and executive duties as have by other provisions of law been previously imposed.

SEC. 509. Section 10553.1 is added to the Welfare and Institutions Code, to read:

10553.1. The Director of Health shall:

(a) Administer the laws pertaining to the administration of services.

(b) Observe and report to the Governor on the condition of services throughout the state.

(c) Formulate, adopt, amend or repeal regulations and general policies affecting the purposes, responsibilities, and jurisdiction of the State Department of Health and which are consistent with law and necessary for the administration of services.

All regulations heretofore adopted by the Director of Social Welfare relating to services shall remain in effect and shall be fully enforceable unless and until readopted, amended or repealed by the Director of Health.

(d) Perform such other duties as may be prescribed by law and such other administrative and executive duties as have by other provisions of law been previously imposed upon the Director of Health.

SEC. 510. Section 10554 of the Welfare and Institutions Code is amended to read:

10554. The director is the only person authorized to adopt regulations, orders, or standards of general application to implement, interpret, or make specific the law enforced by the department, and such regulations, orders, and standards shall be adopted, amended, or repealed by the director only in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, provided that such regulations need not be printed in the California Administrative Code or California Administrative Register if they are included in the publications of the department.

In adopting regulations the director shall strive for clarity of language which may be readily understood by those administering aid or subject to such regulations.

The rules of the department need not specify or include the detail of forms, reports or records, but shall include the essential authority by which any person, agency, organization, association or institution subject to the supervision or investigation of the department is required to use, submit or maintain such forms, reports or records.

SEC. 511. Section 10554.1 is added to the Welfare and Institutions Code, to read:

10554.1. The Director of Health is the only person authorized to adopt regulations, orders, or standards of general application to implement, interpret, or make specific the law enforced by the State Department of Health, and such regulations, orders, and standards shall be adopted, amended, or repealed by the director only in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, provided that regulations relating to services need not be printed in the California Administrative Code or California Administrative Register if they are included in the publications of the department and are not promulgated pursuant to Section 16003, 16201, or 16309. If such regulations are promulgated pursuant to Section 16003, 16201 or 16309, they shall be printed in the

California Administrative Code or California Administrative Register.

In adopting regulations the Director of Health shall strive for clarity of language which may be readily understood by those administering services or subject to such regulations.

The rules of the State Department of Health need not specify or include the detail of forms, reports or records, but shall include the essential authority by which any person, agency, organization, association or institution subject to the supervision or investigation of the State Department of Health is required to use, submit or maintain such forms, reports or records.

SEC. 512. Section 10555 of the Welfare and Institutions Code is amended to read:

10555. Subject to the State Civil Service Act, the director shall appoint such assistants and other employees as are necessary for the administration of the affairs of the department and shall prescribe their duties and, subject to the approval of the Department of Finance, fix their salaries.

SEC. 513. Section 10600 of the Welfare and Institutions Code is amended to read:

10600. It is hereby declared that provision for public social services in this code is a matter of statewide concern. The State Department of Social Welfare is hereby designated as the single state agency with full power to supervise every phase of the administration of aid and the State Department of Health is hereby designated as the single state agency with full power to supervise every phase of the administration of services for which grants-in-aid are received from the United States government or made by the state in order to secure full compliance with the applicable provisions of state and federal laws.

SEC. 514. Section 10602 of the Welfare and Institutions Code is amended to read:

10602. The State Department of Health shall investigate, examine and make reports upon:

(a) The charitable institutions of the state and of the counties and cities of the state, other than county hospitals.

(b) The public officers who are in any way responsible for the administration of public funds used for services.

SEC. 515. Section 10602.1 is added to the Welfare and Institutions Code, to read:

10602.1. The State Department of Social Welfare shall investigate, examine and make reports upon the public officers who are in any way responsible for the administration of public funds used for aid.

SEC. 516. Section 10603 of the Welfare and Institutions Code is amended to read:

10603. The State Department of Social Welfare shall advise public officers regarding the administration of aid by public agencies throughout the state, and shall supervise the administration of state aid to all persons receiving or eligible

to receive state aid. It shall also supervise the expenditure of any funds for Indian relief which may be granted to the state by the federal government.

SEC. 517. Section 10603.1 is added to the Welfare and Institutions Code to read:

10603.1. The State Department of Health shall advise public officers regarding the administration of services by public agencies throughout the state, and shall supervise the administration of services to all persons receiving or eligible to receive such services.

SEC. 518. Section 10604 of the Welfare and Institutions Code is amended to read:

10604. In administering any funds appropriated or made available to the department for disbursement through the counties for welfare purposes, the department shall:

(a) Require as a condition for receiving such grants-in-aid, that the county shall bear that proportion of the total expense of furnishing aid, as is fixed by the law relating to such aid.

(b) Establish regulations, not in conflict with the law fixing statewide standards for the administration of all state or federally assisted aid programs, defining and controlling the conditions under which aid may be granted or refused. All regulations established by the department shall be binding upon the boards of supervisors and the county department.

SEC. 519. Section 10604.1 is added to the Welfare and Institutions Code, to read:

10604.1. In administering any funds appropriated or made available to the State Department of Health for disbursement through the counties for welfare purposes the Department of Health shall establish regulations, not in conflict with the law fixing statewide standards for the administration of all state or federally assisted service programs. All regulations established by the State Department of Health shall be binding upon the boards of supervisors and the county department.

SEC. 520. Section 10605 of the Welfare and Institutions Code is amended to read:

10605. If the director considers a county director to be failing, in a substantial manner, to comply with any provision of this code or any regulation, over the administration of which the department has supervision, he shall put the county director on written notice to that effect, and shall give a copy of the notice to the board of supervisors.

If within 60 days the county director fails to give reasonable assurance that he is complying and will continue to comply with the laws and regulations, the director shall order the county to appear at a hearing, before the director, with the State Social Welfare Board, to show cause why the department should not take action to secure compliance. The county shall be given at least 30 days' notice of such hearing. The director shall consider the case on the record established at the hearing, and the advice of the State Social Welfare Board, and, within 30 days, shall render proposed findings and a

proposed decision on the issues. The proposed findings and decision shall be submitted to the county, and the county shall have an opportunity to appear within 10 days at such time and place as may be fixed by the director, for the purpose of presenting oral arguments respecting the proposed findings and decision. Thereupon the director shall make his final findings and decision.

If the director determines that there is a failure on the part of the county to comply with the provisions of this code or the established regulations, or if the State Personnel Board certifies to the director that a county is not in conformity with established merit system standards under Part 2.5 (commencing with Section 19800) of Division 5 of Title 2 of the Government Code, and that administrative sanctions are necessary to secure compliance, the department may invoke any of the following sanctions:

(a) Withhold part or all of state and federal funds from such county until the county shall make a showing to the director of compliance; or

(b) Assume, temporarily, direct responsibility for the administration of any or all state-assisted aid programs in such county until the county shall provide reasonable assurance to the director of its intention and ability to comply with such laws and regulations. During such period of state administrative responsibility for county programs, the director or his authorized representative shall have all of the powers and responsibilities of the county director, with the exception that he shall not be subject to the authority of the board of supervisors; or

(c) Bring an action in mandamus or such other action in court as may be appropriate to compel compliance. Any such action shall be entitled to a preference in setting a date for a hearing.

Nothing in this section shall be construed as relieving the board of supervisors of the responsibility to provide funds necessary for the continued aid required by law.

Nothing contained in this section shall be construed as preventing a county from seeking judicial review of action taken by the director pursuant to this section under Section 1094.5 of the Code of Civil Procedure or, except in cases arising under Sections 10962 and 10963, from seeking injunctive relief when deemed appropriate.

SEC. 521. Section 10605.1 is added to the Welfare and Institutions Code, to read:

10605.1 If the Director of Health considers a county director to be failing, in a substantial manner, to comply with any provision of this code or any regulation over the administration of which the State Department of Health has supervision, he shall put the county director on written notice to that effect, and shall give a copy of the notice to the board of supervisors.

If within 60 days the county director fails to give reasonable assurance that he is complying and will continue to comply

with the laws and regulations, the Director of Health shall order the county to appear at a hearing, before the Director of Health to show cause why the State Department of Health should not take action to secure compliance. The county shall be given at least 30 days notice of such hearing. The Director of Health shall consider the case on the record established at the hearing and, within 30 days, shall render proposed findings and a proposed decision on the issues. The proposed findings and decision shall be submitted to the county, and the county shall have an opportunity to appear within 10 days at such time and place as may be fixed by the Director of Health for the purpose of presenting oral arguments respecting the proposed findings and decision. Thereupon the Director of Health shall make his final findings and decision.

If the Director of Health determines that there is a failure on the part of the county to comply with the provisions of this code or the established regulations, or if the State Personnel Board certifies to the Director of Health that a county is not in conformity with established merit system standards under Part 2.5 (commencing with Section 19800) of Division 5 of Title 2 of the Government Code, and that administrative sanctions are necessary to secure compliance, the State Department of Health may invoke any of the following sanctions:

(a) Withhold part or all of state and federal funds from such county until the county shall make a showing to the Director of Health of compliance; or

(b) Assume, temporarily, direct responsibility for the administration of any or all state-aided service programs in such county until the county shall provide reasonable assurance to the Director of Health of its intention and ability to comply with such laws and regulations. During such period of state administrative responsibility for county programs, the Director of Health or his authorized representative shall have all of the powers and responsibilities of the county director, with the exception that he shall not be subject to the authority of the board of supervisors; or

(c) Bring an action in mandamus or such other action in court as may be appropriate to compel compliance. Any such action shall be entitled to a preference in setting a date for a hearing.

Nothing in this section shall be construed as relieving the board of supervisors of the responsibility to provide funds necessary for the continued services required by law.

Nothing contained in this section shall be construed as preventing a county from seeking judicial review of action taken by the Director of Health pursuant to this section under Section 1094.5 of the Code of Civil Procedure or, except in cases arising under Sections 10962 and 10963, from seeking injunctive relief when deemed appropriate.

SEC. 522. Section 10606 of the Welfare and Institutions Code is amended to read:

10606. The department shall cause to be published and made available for sale to the public, at the cost of publishing, all of its rules and regulations relating to:

(a) The government of the department.

(b) Any form of public assistance for which state aid is granted to the counties or over the administration of which the department has supervision.

The department shall also provide at cost such subscription service as may be necessary to assure to purchasers of the printed rules and regulations prompt receipt of all additions and amendments to the rules and regulations of the department and digests of decisions compiled under Section 10964.

SEC. 523. Section 10606.1 is added to the Welfare and Institutions Code, to read:

10606.1. The State Department of Health shall cause to be published and made available for sale to the public, at the cost of publishing, all of its rules and regulations relating to:

(a) The government of the State Department of Health.

(b) Any form of services for which state aid is granted to the counties or over the administration of which the State Department of Health has supervision.

The State Department of Health shall also provide at cost such subscription service as may be necessary to assure to purchasers of the printed rules and regulations with respect to services prompt receipt of all additions and amendments to the rules and regulations of the State Department of Health.

SEC. 524. Section 10607.1 is added to the Welfare and Institutions Code, to read:

10607.1. When the State Department of Health causes to be published for public distribution informational pamphlets and related materials relating to public assistance programs administered or supervised by the State Department of Health, they shall be printed in English and may be printed separately in Spanish, or at the discretion of the State Department of Health, in English and Spanish, in such numbers as the State Department of Health may determine.

SEC. 525. Section 10608 of the Welfare and Institutions Code is amended to read:

10608. Copies of all laws relating to any form of public social service for which state aid is granted to counties, and over the administration of which the State Department of Social Welfare or the State Department of Health has supervision, and of all bulletins and rules and regulations of the department, shall be made available to the public and for public inspection during regular office hours at each county office administering such aid and in each local or regional office of these departments.

SEC. 526. Section 10609 of the Welfare and Institutions Code is amended to read:

10609. The department may act as the agent or representative of or cooperate with the federal government in any mat-

ters within the scope of the functions of the department, for the administration of federal funds granted to this state or for any other purpose in furtherance of those functions.

Any contract or agreement entered into by the department with the federal government or any agency thereof for the expenditure of any funds in the exercise of any power granted to the department by this section shall be subject to approval by the State Department of Finance.

SEC. 527. Section 10609.1 is added to the Welfare and Institutions Code, to read:

10609.1. The State Department of Health may act as the agent or representative of or cooperate with the federal government in any matters within the scope of the functions of the State Department of Health under this division, for the administration of federal funds granted to this state or for any other purpose in furtherance of those functions.

The State Department of Health may cooperate with the federal government, its agencies or instrumentalities, in establishing, extending, and strengthening services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent, and may receive and expend all funds made available for such purposes by the federal government to the State Department of Health, the state, a county, a district, a municipal corporation, or a political subdivision.

Any contract or agreement entered into by the State Department of Health with the federal government or any agency thereof for the expenditure of any funds in the exercise of any power granted to the State Department of Health by this section shall be subject to approval by the State Department of Finance.

SEC. 528. Section 10610 of the Welfare and Institutions Code is amended to read:

10610. The department or the State Department of Health may join associations of social welfare agencies having as their purpose the interchanging or supplying of information relating to the technique of social welfare administration.

SEC. 529. Section 10611 of the Welfare and Institutions Code is amended to read:

10611. All plans for the use of existing buildings or for new buildings, parts of buildings, or additions to or alterations in buildings, for any public institution under the supervision of the State Department of Health or for any state, city, or county charitable institution (other than county hospitals and institutions under the jurisdiction of another state department) or for any privately operated institution which receives state aid for the care or support of its inmates shall, before their adoption, be submitted to the State Department of Health for suggestions and approval as to the social requirements of the occupants.

SEC. 530. Section 10613 of the Welfare and Institutions Code is amended to read:

10613. The functions of the department may include the administration and the supervision of the administration of aid within this state as an agent of the federal government.

SEC. 531. Section 10613.1 is added to the Welfare and Institutions Code, to read:

10613.1. The functions of the State Department of Health may include the administration and the supervision of the administration of services within this state as an agent of the federal government and acting as a service agency for the federal government in the field of social service and welfare.

SEC. 532. Section 10616 of the Welfare and Institutions Code is amended to read:

10616. The State Department of Health shall formulate plans for the recruitment, utilization, and training of volunteers to assist in performing services and other duties for the county public social services for the purpose of improving participation in the county public welfare programs. Such plans shall not become effective in a county until approved by a resolution adopted by the board of supervisors.

SEC. 533. Section 10617 of the Welfare and Institutions Code is amended to read:

10617. In fixing rates for out-of-home care in nonmedical facilities authorized to provide care for recipients of public assistance, the State Department of Social Welfare shall establish a rate plan providing a differential in rate allowances related to the differences in the degree of care required by recipients. The rate structure shall reflect differences in accordance with the specific types of services that are rendered by the facility in providing care for recipients.

In establishing the rate structure, the State Department of Social Welfare shall strive to improve and increase the range of services provided by out-of-home facilities in order that recipients may receive the type of care they require at a reasonable cost.

In order to keep people in their own homes whenever possible, the State Department of Health shall develop an expanded range of home-care services that will make it possible for people to remain in their own homes or homes of their own choosing with safety. The State Department of Health shall give particular attention to the training of homemakers to be employed directly by county departments.

In developing plans for the recruitment and training of homemakers, the State Department of Health shall give priority to the training and employment of recipients of public assistance. Emphasis shall be given to arranging hours of work and training so that mothers can participate in the program.

The feasibility of expanding home-care services as a means of reducing more costly out-of-home care, of preventing physical and mental deterioration leading to institutionalization,

and of affording employment opportunities to recipients of public assistance shall be tested by pilot projects in three counties to be selected by the State Department of Health.

There is appropriated from the General Fund to the State Department of Social Welfare the sum of fifty thousand dollars ($50,000), in augmentation of Item 284 of the Budget Act of 1967, to be used for the purposes of this section. Federal matching and federal demonstration project funds shall be used to the maximum extent possible.

SEC. 534. Chapter 3.5 (commencing with Section 10750) of Part 2 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 535. Section 10800 of the Welfare and Institutions Code is amended to read:

10800. The administration of public social services in each of the several counties of the state is hereby declared to be a county function and responsibility and therefore rests upon the boards of supervisors in the respective counties pursuant to the applicable laws, and in the case of public social services for which federal or state funds are provided, subject to the regulations of the department relating to aid, and to the regulations of the State Department of Health relating to services.

For the purpose of providing for and carrying out this function and responsibility, the board of supervisors of each county, or other agency as may be otherwise provided by county charter, shall establish a county department, unless otherwise provided by the county charter. Except as provided herein, the county department shall be the county agency for the administration of public social services and for the promotion of public understanding of the public social services provided under this code and the problems with which they deal.

SEC. 536. Section 10802 of the Welfare and Institutions Code is amended to read:

10802. The county director shall, for and in behalf of the board of supervisors, have full charge of the county department and the responsibility for administering and enforcing the provisions of this code pertaining to public social services under the regulations of the department relating to aid and the regulations of the State Department of Health relating to services. He shall abide by all lawful directives of the department relating to aid and the lawful directive of the State Department of Health relating to services, transmitted through the board of supervisors.

SEC. 537. Section 10804 of the Welfare and Institutions Code is amended to read:

10804. The board of supervisors in any county may contract with any other county or counties or with the department for the operation and maintenance of such aid as is provided in one or more of the contracting counties, or for the establishment and maintenance of such aid as the board of

supervisors shall deem to be desirable to discharge the duties of the county to provide for aid for those eligible therefor or the health and care of the sick. The cost of contracted services shall be borne by the contracting county or counties and shall, insofar as state or federal funds are involved, conform to department standards and regulations generally applicable to such aid.

SEC. 538. Section 10804.1 is added to the Welfare and Institutions Code, to read:

10804.1. The board of supervisors in any county may contract with any other county or counties or with the State Department of Health for the operation and maintenance of such services as are provided in one or more of the contracting counties, or for the establishment and maintenance of such services as the board of supervisors shall deem to be desirable to discharge the duties of the county to provide for services for those eligible therefor or the health and care of the sick. The cost of contracted services shall be borne by the contracting county or counties and shall, insofar as state or federal funds are involved, conform to department standards and regulations generally applicable to such services.

SEC. 539. Section 10805 of the Welfare and Institutions Code is amended to read:

10805. Each social worker employed by the State Department of Health shall be provided with an identification card, showing the name and position of the worker, and containing a recent picture. Upon calling at the home of any applicant for or recipient of public social services, the social worker shall display the identification card to the applicant or recipient.

Should a social worker terminate his employment with the agency, he shall return his identification card to the agency.

SEC. 540. Section 10809 of the Welfare and Institutions Code is amended to read:

10809. The county department shall administer the public social services authorized or permitted under the applicable portions of this code in accordance with the regulations of the department relating to aid and of the State Department of Health relating to services.

The county department shall make such reports to the appropriate department as may be required.

SEC. 541. Section 10810 of the Welfare and Institutions Code is amended to read:

10810. Subject to the approval of the State Department of Social Welfare and the State Department of Health, each county department is authorized to sponsor and conduct programs for the recruitment, training, and utilization of volunteers to assist county department employees in the performance of office duties and to aid in performing services in the counties including but not limited to the following:

(a) Friendly visiting of the indigent aged;

(b) Finding homes for foster children;

(c) Escorting and transporting recipients to clinics and other destinations;

(d) Aiding in location of improved housing;

(e) Teaching homemaking skills and aiding in budgeting and care of the household;

(f) Providing tutoring and other educational aid.

Volunteers shall not duplicate services performed by county department employees.

The county department shall maintain the confidentiality of records of recipients.

SEC. 542. Section 10900 of the Welfare and Institutions Code is amended to read:

10900. The State Department of Social Welfare and the State Department of Health shall, within the limits of funds made available, provide welfare personnel training courses and services, including in-service training, educational leaves or stipends, traineeships, internships, and the expansion of field work training facilities within county departments for the use of colleges and universities in preparing students for employment in the administration of public social services programs. The training courses and services provided pursuant to this section shall be designed to promote welfare personnel training in every county in this state, which will provide the quality and quantity of trained personnel required to eliminate or reduce the circumstances or conditions which impede or prevent an individual or a family from making progress toward proper social adjustment, self-support, and self-direction.

SEC. 543. Section 10905 of the Welfare and Institutions Code is amended to read:

10905. If, when, and during such times as the federal government allots money to this state for training grants for aid personnel, pursuant to Title VII of the Federal Social Security Act, the department is authorized to act as the agent and representative of this state.

SEC. 544. Section 10905.1 is added to the Welfare and Institutions Code, to read:

10905.1. If, when and during such times as the federal government allots money to this state for training grants for service personnel, pursuant to Title VII of the Federal Social Security Act, the State Department of Health is authorized to act as the agent and representative of the state.

SEC. 545. Section 10906 of the Welfare and Institutions Code is amended to read:

10906. Employees of the State Department of Social Welfare or the State Department of Health who are engaged in the administration of public social services are authorized (1) to attend courses of training provided by institutions of higher learning, (2) to attend special courses of study or seminars of short duration conducted by experts on a temporary basis for the purpose, (3) to accept fellowships

or traineeships at institutions of higher learning with such stipends as are permitted by regulations of the federal government.

Any leave of absence granted to any employee of these departments, as authorized by this section, shall be subject to the approval of the State Personnel Board.

SEC. 546. Section 11170 of the Welfare and Institutions Code is amended to read:

11170. The State Department of Health shall establish a program of homemaker services in cooperation with the county welfare department in each county of the state where such service is essential to maintaining recipients of public assistance in their own home in preference to placement in protective living arrangements.

In developing these services, the State Department of Health shall program a plan for the orderly development of the service on a county-by-county basis to the end that service becomes available in all counties of the state.

SEC. 547. Section 11172 of the Welfare and Institutions Code is amended to read:

11172. The county welfare department shall file a certificate with the State Department of Health stating that they have developed a plan pursuant to Section 11171. Notwithstanding the provisions of Section 12152, 12652, or 13700, upon approval of the county plan by the State Department of Health, 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. 547.1. Section 11205 of the Welfare and Institutions Code is amended to read:

11205. It is the object and purpose of this chapter to provide aid for children whose dependency is caused by circumstances defined in Sections 11250 and 11251, to keep children in their own homes wherever possible, and to provide the best substitute for their own homes for those children who must be given foster care.

Those engaged in the administration of aid under this chapter are responsible to the community for its effective, humane, and economical administration.

It is the intent of the Legislature that the children shall be given every opportunity to progress in the educational system and that their capacity for such shall not be impaired by nutritional deficiencies. The employment and self-maintenance of parents of needy children shall be encouraged to the maximum extent and that this chapter shall be administered in such a way that needy children and their parents will be encouraged and inspired to assist in their own maintenance. The State Department of Social Welfare and the State Department of Health shall take all steps necessary to implement this section.

SEC. 548. Section 11209 of the Welfare and Institutions Code is amended to read:

11209. The department shall make rules and regulations for the administration of aid to families with dependent children. Such rules and regulations shall be binding upon the counties.

The department may inquire at any time into the management by any county of aid to families with dependent children.

If a county fails to comply promptly with the provisions of this chapter and the rules and regulations of the department cannot be enforced in any other manner, the county failing or refusing to comply with such provisions, rules, and regulations, or to permit the inquiry provided for in this section, shall not thereafter receive aid under the provisions of this chapter until it has complied with all such provisions, rules, and regulations and has permitted the inquiry by the department, if such inquiry is demanded.

SEC. 549. Section 11209.1 is added to the Welfare and Institutions Code, to read:

11209.1. The State Department of Health shall make rules and regulations for the proper maintenance and care of needy children. Such rules and regulations shall be binding upon the institutions and counties.

The State Department of Health may inquire at any time into the management of any institution receiving aid under the provisions of this chapter.

If an institution or county fails to comply promptly with the provisions of this chapter and the rules and regulations of the State Department of Health cannot be enforced in any other manner, the institution or county failing or refusing to comply with such provisions, rules, and regulations, or to permit the inquiry provided for in this section, shall not thereafter receive aid under the provisions of this chapter until it has complied with all such provisions, rules, and regulations and has permitted the inquiry by the State Department of Health, if such inquiry is demanded.

SEC. 550. Section 11250 of the Welfare and Institutions Code is amended to read:

11250. Aid shall be granted under the provisions of this chapter, and subject to the regulations of the department, to families with related children under the age of 18 years, except as provided in Section 11253, in need thereof because they have been deprived of parental support or care due to:

(a) The death, physical or mental incapacity, or incarceration of a parent; or

(b) The divorce, separation or desertion of a parent or parents and resultant continued absence of a parent from the home for these or other reasons; or

(c) The unemployment of a parent or parents.

SEC. 551. Section 11251 of the Welfare and Institutions Code is amended to read:

11251. Aid shall also be provided under this chapter to or in behalf of any child under the age of 18, except as provided in Section 11253, who is in need and lacks parental support and care and who:

(a) Has been relinquished, for purposes of adoption, to a county adoption agency or an organization licensed by the State Department of Health as an adoption agency, if such child was receiving assistance under this chapter at the time of relinquishment, or subsequent to relinquishment has been found to be unplaceable for adoption; or

(b) Lacks parental support for the same reasons set out in Section 11250, is in need of aid as well as protection or care by persons other than his parents, and has been placed in foster care for purposes of providing such care and protection.

For purposes of this chapter, "foster care" means care other than in the home of his parent or relative, as these terms are used in Title IV of the Federal Social Security Act.

SEC. 552. Section 11251.1 is added to the Welfare and Institutions Code, to read:

11251.1. Services shall be granted under this chapter, and subject to the regulations of the State Department of Health to persons described in Sections 11250 and 11251.

SEC. 553. Section 11450.6 of the Welfare and Institutions Code is amended to read:

11450.6. Out of any money made available under the provisions of Item 282 of the Budget Act of 1968, the department shall allocate to the county departments, together with any federal funds available, an amount equal to the nonfederal share of the total cost of child care services pursuant to this section. To the extent of funds so allocated, each county department shall provide child care services subject to the regulations of the State Department of Health for persons receiving aid under this chapter who are in need of such services because they are engaged in, or, if provided such services, could engage in a work incentive program or approved vocational development program.

SEC. 554. Section 11451.5 of the Welfare and Institutions Code is amended to read:

11451.5. The purpose of this section is to provide the department with the necessary support and authority to implement provisions of the Work Incentive Program as established pursuant to Division 2 (commencing with Section 5000) of the Unemployment Insurance Code. The cost of work or training-related expenses shall be paid from special funds appropriated by the Legislature for the purpose. The state shall pay 67½ percent and the county shall pay 32½ percent of the additional aid furnished for such work or training-connected expenses after a deduction therefrom of any funds received from the United States government.

The county welfare department in each county of this state shall establish a program of day care services, subject to regulations of the State Department of Health, in order to permit mothers of children, qualified for aid under this chapter, to exercise their right to participate in the Work Incentive Program authorized by Division 2 (commencing with Section 5000) of the Unemployment Insurance Code.

It is the intent of this section to make maximum use of federal funds that are available to provide training or work-related expenses and home care services. Accordingly, each county shall be required to provide or purchase day care services and to pay for training or work-related expenses under that plan which provides the greatest financial participation by the United States government. No allowance for day care of children shall be included in the grant authorized by Section 11450 of this code.

The state shall pay 67½ percent and the county shall pay 32½ percent of the cost of day care services after deducting therefrom the amount of funds received from the United States government.

SEC. 555. Section 11505 of the Welfare and Institutions Code is amended to read:

11505. The State Department of Health shall set standards of health, safety, and quality of home care in its regulations.

SEC. 556. Section 12016 of the Welfare and Institutions Code is amended to read:

12016. The State Department of Health may contract with one or more public agencies or nonprofit corporations lawfully operating under Section 9200 or 9201 of the Corporations Code, so as to provide for the State Department of Health to manage, staff, administer and provide group services at a nonprofit facility for aged persons or their families.

SEC. 557. Section 13902 of the Welfare and Institutions Code is amended to read:

13902. Insofar as practicable and consistent with the best interest of the recipients, the provisions of this chapter shall be administered as a separate program which provides the aged, blind or disabled persons who qualify under the provisions of the separate aid categories with a unified and com-

prehensive program of care. In developing administrative plans to implement the provisions of this chapter priority shall be given to the plan utilizing the most favorable federal cost-sharing formula.

The State Department of Health and the county departments of the various counties in a manner consistent with efficient administration shall, where recruitment, training and employment of personnel is economical and practical, establish special civil service or merit system classifications for the employment of supportive home care service personnel.

In the recruitment, training and employment of staff to carry out the provisions of this chapter, preference shall be given whenever possible to recipients of public assistance. Persons engaged in training under programs conducted by the Department of Human Resources Development shall be given every consideration in competing and qualifying for employment under the applicable civil service and merit system requirements.

In the event that it is not consistent with efficient administration to recruit, train and employ in-home supportive care service workers as regular county employees, the service may be provided pursuant to contract with another public agency, or with a voluntary nonprofit agency. Such a contract shall include a provision that assures preference will be given to the employment of recipients of public assistance.

SEC. 558. Section 13911 of the Welfare and Institutions Code is amended to read:

13911. In developing in-home supportive services, the State Department of Health shall program a plan for the orderly development of such services on a county-by-county basis to the end that service becomes available in all counties of the state.

SEC. 559. Section 13912 of the Welfare and Institutions Code is amended to read:

13912. Each county welfare department shall file a certificate with the State Department of Health stating that they have developed a plan pursuant to the objectives and conditions of this chapter with regard to in-home supportive services. Notwithstanding the provisions of Sections 12152, 12652, or 13700, upon approval of the county plan by the State Department of Health, no further aid allowances shall be made by the county to allow recipients to employ homemaker or attendant care services, or other in-home supportive care services under this chapter. State funds appropriated to such county pursuant to the provisions of Sections 15201 to 15204, inclusive, of this code, for that purpose shall constitute the nonfederal share of the costs of services provided under this article.

SEC. 560. 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 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. 561. Section 14061 of the Welfare and Institutions Code is amended to read:

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

SEC. 562. Section 14062 of the Welfare and Institutions Code is amended to read:

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

SEC. 563. 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 Advisory Health 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. 564. Section 14103.4 of the Welfare and Institutions Code is amended to read:

14103.4. The director with the advice of the Advisory Health Council, shall determine which of the health care and related remedial or preventive services are elective. The director and the Advisory Health Council shall consult with representatives of providers of such services before making a determination.

SEC. 565. 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 Advisory Health 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.

SEC. 566. 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. Cost reports and other data submitted by providers to a state agency for the purpose of determining reasonable costs for services or establishing rates of payment shall be considered true and correct unless audited within eighteen (18) months after July 1, 1969, the close of the period covered by the report, or after the date of submission of the original or amended report by the provider, whichever is later.

Nothing in this section shall be construed to limit the correction of cost reports or rates of payment when inaccuracies are determined to be the result of intent to defraud, or when a delay in the completion of an audit is the result of willful

acts by the provider or inability to reach agreement on the terms of final settlement.

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 appropriate 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 Advisory Health Council and in ways consistent with the requirements of the Federal Social Security Act.

SEC. 567. Section 14105.5 of the Welfare and Institutions Code is amended to read:

14105.5. The director shall make no payment for services to any hospital facility which secures a license under the provisions of Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code or Chapter 1 (commencing with Section 7000) of Division 7 of this code after July 1, 1970, covering a new facility or additional bed capacity or the conversion of existing bed capacity to a different license category, unless such licensee received a favorable final decision by the voluntary area health planning agency in the area, the consumer members of a voluntary area health planning agency acting as an appeals body or the Advisory Health Council pursuant to Sections 437.7 to 438.5, inclusive, of the Health and Safety Code; or unless the licensee had filed an application for a license prior to January 1, 1970, and the application met all then-existing requirements and regulations of the appropriate state agency at the time of application including, at least, preliminary submission of plans, and if such licensee commences construction of facilities prior to July 1, 1971. The exception provided for in the preceding sentence with respect to applications filed prior to January 1, 1970, shall not apply to transferees of the applications of the original applicants.

SEC. 568. 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 Advisory Health 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. 569. Section 14110 of the Welfare and Institutions Code is amended to read:

14110. No cost of care shall be paid for under this part to a medical facility unless:

(a) It is licensed by the State Department of Health as a hospital within the meaning of Section 1401 of the Health and Safety Code; or

(b) It is licensed by a comparable agency in another state; or

(c) It is exempt from licensure pursuant to subdivision (c) of Section 1415 of the Health and Safety Code; or

(d) It is operated by the Regents of the University of California.

(e) It meets the utilization review plan criteria for certification or is certified as an institutional provider of services under Title XVIII of the Federal Social Security Act and regulations issued thereunder.

Nothing in this section shall preclude payments for care for aged patients in medical facilities or institutions operated or licensed by the State Department of Health, or by the State Department of Rehabilitation.

SEC. 570. 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 Advisory Health 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.

SEC. 571. The heading of Article 4 (commencing with Section 14125) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code is amended to read:

Article 4. Advisory Health Council

SEC. 572. Section 14125 of the Welfare and Institutions Code is repealed.

SEC. 573. Section 14126 of the Welfare and Institutions Code is repealed.

SEC. 573.1. Section 15510 of the Welfare and Institutions Code is amended to read:

15510. The Director of Health shall administer the provisions of this chapter and shall adopt such rules and regulations as are necessary to carry out the provisions of this chapter.

SEC. 574. Section 16000 of the Welfare and Institutions Code is amended to read:

16000. No person, association, or corporation shall, without first having obtained a written license or permit therefor from the State Department of Health or from an inspection service approved or accredited by the department:

(a) Maintain or conduct any institution, boarding home, day nursery, or other place for the reception or care of children under 16 years of age, nor engage in the business of receiving or caring for such children, nor receive nor care for any such child in the absence of its parents or guardian, either with or without compensation.

(b) Engage in the finding of homes for children under 16 years of age, or place any such child in any home or other place either for temporary or permanent care or for adoption.

The provisions of subdivision (a) do not apply to any hospital or establishment holding a license in good standing issued under the provisions of Chapter 2 or Chapter 3 of Division 2 of the Health and Safety Code. However, where a hospital or establishment holding such a license from the State Department of Health provides services not incidental to its primary purpose, the provisions of subdivision (a) continue to apply to the hospital or establishment in respect to such additional services.

SEC. 575. Section 16018 of the Welfare and Institutions Code is amended to read:

16018. Before issuing a license to any person to operate a boarding home, foster home, or other place maintained to receive and care for children, the State Department of Health or the county or city inspection service, as the case may be,

shall secure from the Federal Bureau of Investigation or State Bureau of Criminal Identification and Investigation a full criminal record to determine whether the applicant or his spouse has ever been convicted of a crime other than a minor traffic violation. If it is found that the applicant, or his spouse living in the same location, has been so convicted, the application shall be denied, unless otherwise provided pursuant to the following paragraph.

After review of the record, the Director of Health, or the person in charge of the county or city inspection service, as the case may be, may exempt any applicant for a license from the provisions of this section, if the record reveals no conviction of a felony involving intentional bodily harm or a sex offense, and if the director or person in charge of the county or city inspection service believes the applicant to be of such good character as to justify issuance of a license.

SEC. 576. Section 16150 of the Welfare and Institutions Code is amended to read:

16150. The Legislature finds and declares that preschool programs with a strong educational component are of great value to all children in preparing them for success in school, and constitute an essential component of public social services as defined in Section 16151. The Legislature further finds that such programs are often not available to many children who, because of the low income of their families, parents in training, or minimal employment, are deprived of adequate care and this valuable educational experience. Therefore, it is the intention of the Legislature in enacting this chapter to provide equal educational opportunity to children of low-income or disadvantaged families through appropriate arrangements for preschool and extended day care programs of an educational value to be developed in accordance with a contractual agreement between the State Department of Health and the State Department of Education. The Legislature believes that the introduction of young children to an atmosphere of learning will improve their performance and increase their motivation and productivity when they enter school. In order to achieve this end, all programs established under this chapter shall be centered upon a defined educational program developed, conducted, and administered with the maximum feasible participation of the families served by the program.

SEC. 577. Section 16151 of the Welfare and Institutions Code is amended to read:

16151. The State Department of Health shall enter into a contract with the Department of Education to provide for a statewide system of preschool, children's center, and day care programs of an educational value, to be established by any eligible local public or private agency which submits an application therefor.

The State Department of Health shall, in cooperation and consultation with the Department of Education, determine the areas of the state in which the approval and establishment of

such preschool, children's center, and day care educational programs are most likely to fulfill the intent of this chapter.

Any application to operate and maintain a children's center, day care, and preschool educational program pursuant to this chapter may include a provision for the use of facilities owned and maintained by an eligible local private agency, when such facilities may be necessary for the provision of a children's center, day care, and preschool educational program in the area to be served. Children between the ages of 2 and 14 years, inclusive, are eligible for child care and children between the ages of 3 and 5 years, inclusive, or until enrolled in the public schools, shall be eligible to participate in these preschool programs, provided that such instruction is deemed to be in the best interests of the child. Special priority shall be given to children from families of low income. Special priority shall also be given to children from families in which English is not the language primarily used in the home in order that they may develop that degree of English facility necessary to profit from school instruction.

All local children's center, day care, and preschool educational programs operated pursuant to any contract herein authorized shall be available to any child otherwise eligible pursuant to the procedures established by this chapter and by the contract regardless of race, religion or ethnic background; and no such local program shall be used, in whole or in part, for religious worship or instruction. No funds herein provided may be used for the general support of any private or sectarian school system.

SEC. 578. Section 16152 of the Welfare and Institutions Code is amended to read:

16152. The contract entered into pursuant to Section 16151 shall provide for a fee to be paid by the parent or other person having charge or custody of any child, or to be reimbursed from state and federal funds, on account of the child. The Department of Education shall, pursuant to the contract, establish a system of fees which may be charged to parents who have the financial ability to pay all, or part of, the cost of the children's center, day care, or preschool educational program.

The State Department of Health shall, pursuant to the contract, pay to the Department of Education a per capita reimbursement for each child certified as eligible for this program and participating in a children's center, day care, or preschool program established under this chapter. The per capita reimbursement shall not exceed the costs incurred in providing the service, less any parental fees, divided by the total number of children participating in the program.

As used in this section, "costs" include administrative costs which may be incurred by the Department of Education, the State Department of Health, and other local public agencies, necessary for the development and implementation of the public social service herein described and for the designation of those children eligible for participation.

Maximum standards for such costs, per child, shall be established by the State Department of Health, in consultation and cooperation with the Department of Education and with the advice of the advisory committee established pursuant to Section 16155, and such maximum cost standards shall be applied beginning with the 1966–67 fiscal year and each year thereafter.

SEC. 579. Section 16153 of the Welfare and Institutions Code is amended to read:

16153. The State Department of Health shall receive and administer state and federal funds for day care and preschool programs. Priority in the establishment of programs shall be given to eligible public and private agencies in communities with the greatest relative need for such programs.

Notwithstanding any other provision of this code, the State Department of Health shall not provide any per capita reimbursements pursuant to Section 16152 on account of any local educational program established pursuant to this chapter which does not meet the minimum educational standards established by the State Board of Education and set forth in the contract entered into with the Department of Education.

All programs established pursuant to this chapter shall meet the requirements pursuant to Section 107 (the Federal Interagency Day Care Requirements) of Public Law 90-222 (Economic Opportunity Amendments of 1967), approved December 23, 1967.

The State Department of Health shall have only such functions, duties and responsibilities with respect to children's center programs, day care programs, or preschool programs as is required by law and federal regulations.

The Office of Compensatory Education within the Department of Education shall have overall responsibility for the administration, at the state level, of all children's centers, day care, and preschool educational programs.

Nothing contained in this chapter shall be interpreted as restricting the establishment, fiscal support, or operating standards of children's centers which are located in areas other than those designated as target areas for the purpose of providing compensatory education programs, or for the purpose of meeting federal interagency day care guidelines.

SEC. 580. Section 16154 of the Welfare and Institutions Code is amended to read:

16154. The State Department of Health and the Department of Education shall cooperate fully to assure health services for all children enrolled in programs under this chapter.

SEC. 581. Section 16155 of the Welfare and Institutions Code is amended to read:

16155. The Governor shall appoint an advisory committee composed of one representative from the Advisory Health Council, one representative from the Department of Human Resources Development, one representative from the State

Board of Education, one representative from the State Social Welfare Board, one representative of the Director of Education, one representative of the Director of Social Welfare, one representative of the Director of Health, and one representative of private education, one representative of child welfare, one representative of private health care, one representative of a community action agency qualified under Title II of the Economic Opportunity Act of 1969, and five parents appointed from names selected by a democratic process to assure representation of the parents of the children being served, and three persons representing professional or civic groups or public or nonprofit private agencies, organizations or groups concerned with children's center, day care, and preschool educational programs.

The advisory committee shall assist the Department of Education in developing a state plan for the coordinated expansion of children's center, day care, and preschool services in cooperation with the Department of Education, Department of Social Welfare, Department of Human Resources Development, and the State Department of Health.

The state plan shall delineate specific target areas in the state identified by the Department of Social Welfare and the Department of Human Resources Development which have large concentrations of low-income families. The plan shall provide for the implementation of the 1967 Social Security Act Amendments and shall assure the coordinated and efficient operation of all children's center, day care, and preschool programs to insure that a maximum number of children will receive required services within the total state, federal, and local funds available for such programs. It is the intent of the Legislature that basic services presently provided by districts in children's centers be maintained at the current cost per child per hour.

The advisory committee shall continually evaluate the effectiveness of such programs and shall report thereon at each regular session of the Legislature.

SEC. 582. Section 16157 of the Welfare and Institutions Code is amended to read:

16157. The Superintendent of Public Instruction and the Director of Health shall jointly report to the Legislature on the results of the children's center, day care, and preschool education programs at the 1971 Regular Session and each regular session thereafter, and shall make recommendations for adjustments in the programs.

SEC. 583. Section 16200 of the Welfare and Institutions Code is amended to read:

16200. No person, association, or corporation shall, without first having obtained a written license or permit therefor from the State Department of Health or from an inspection service approved or accredited by the State Department of Health, maintain or conduct any institution, boarding home,

or other place for the reception or care of aged persons, nor receive or care for any such person not related to him by blood or affinity within the second degree. The provisions of this chapter do not apply to any hospital or establishment holding a license in good standing, issued under the provisions of Chapter 2 (commencing with Section 1400), or Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code, or to hospitals exempt from the provisions of either or both of those chapters. However, where a hospital or establishment holding such a license from the State Department of Health provides services not incidental to its primary purpose, the provisions of this chapter continue to apply to the hospital or establishment in respect to such additional services.

The State Department of Health shall require, as a condition to the issuance or retention of a license or permit, that any contracts made by the institution, home, or place, under which payment is made in advance for care of the aged person for a period of one year or more, shall be in writing and in a form approved by the department, prior to its use by the institution, home, or place.

SEC. 583.1. Section 16200.5 of the Welfare and Institutions Code, as amended by Chapter 611 of the Statutes of 1970, is amended to read:

16200.5. Notwithstanding any other provision of law any health facility or institution licensed by the State Department of Health may, upon application, be licensed under the provisions of this chapter, provided the applicant complies with the provisions of this chapter and the rules and regulations promulgated by the department pursuant to the provisions of this chapter as these rules and regulations apply to facilities for the care of the aged licensed and in operation on the effective dates of such rules and regulations, except that the facilities licensed pursuant to this section shall comply with all such rules and regulations on or before July 1, 1972.

SEC. 584. Section 16500 of the Welfare and Institutions Code is amended to read:

16500. The state, through the State Department of Health and county welfare departments, shall establish and support a public system of statewide child protective services to be developed as rapidly as possible and to be available in each county of the state. All counties or combinations of counties shall establish specialized units of protective services for children.

SEC. 584.1. Section 16503 of the Welfare and Institutions Code is amended to read:

16503. As used in this chapter, "the department" means the State Department of Health.

SEC. 585. Chapter 6 (commencing with Section 16575) is added to Part 4 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 6. GENERAL PROVISIONS

16575. Whenever the term "department" or "State Department of Social Welfare" or "Department of Social Welfare" occurs in this part it shall mean the State Department of Health. Whenever the term "director" or "Director of the State Department of Social Welfare" or "Director of the Department of Social Welfare" occurs in this part, it shall mean the Director of Health.

SEC. 586. Section 18200.1 is added to the Welfare and Institutions Code, to read:

18200.1. For the purposes of this chapter "department" means State Department of Health and "director" means Director of Health.

SEC. 587. Section 18205 is added to the Welfare and Institutions Code, to read:

18205. The State Department of Social Welfare may authorize the payment of state funds for projects pursuant to this chapter to improve the administration of aid and to promote a more effective and efficient system of public aid.

SEC. 588. Section 18351 of the Welfare and Institutions Code is amended to read:

18351. Funds appropriated by the Legislature or otherwise subject to expenditure for the purposes of this chapter shall be made available to local public agencies on a matching basis for

1. Community planning and development of services necessary to carry out the objectives and purposes of this chapter.

2. Demonstration of programs and activities by local communities which are particularly valuable in carrying out such purposes.

3. The provision of recreational and other leisure time activities, information, referral and counseling services, and opportunities for older persons to engage in paid or volunteer community or civic services.

The state share of any project shall not exceed 50 percent of the funds expended in connection with that project. The state share of any project involving a senior activities center shall be limited to the costs of providing staff, equipment and supplies necessary to the center's program of activities and of minor alterations and improvements necessary to provide safe and adequate programs for participation of older persons.

Local matching funds may be in the form of cash, facilities, or services on the basis of a local plan submitted to and approved by the Director of Health. The local plan shall be in the form of a contract setting forth the objectives of the plan and the responsibilities of the local organization. No plan shall be approved unless it is generally available to the older citizens of the community without discrimination because of race, religion, creed, color, national origin or ancestry.

SEC. 589. Section 18353 of the Welfare and Institutions Code is amended to read:

18353. The State Department of Health shall formulate and promulgate criteria by which community projects are to be approved for matching funds. Such criteria shall be developed by consultation with recognized experts in the field, and interested groups or organizations shall be afforded full opportunity to be heard prior to their publication.

The California Commission on Aging, as established by Section 18300 of this code, shall serve in an advisory capacity to the Director of Health for the purpose of assisting in the establishment of criteria and evaluating proposals under which projects of local public agencies are to be approved as being eligible to receive matching funds.

SEC. 590. Section 18354 of the Welfare and Institutions Code is amended to read:

18354. The State Department of Health shall include in its annual report an evaluative summary of the progress made in accomplishing the purpose of this chapter. Such report shall also include a synopsis of local projects submitted to the State Department of Health for matching funds, showing the action taken in relation to them.

SEC. 591. Section 19801 of the Welfare and Institutions Code is amended to read:

19801. The State Department of Health 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 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 State Department of Health is the successor to the Division of Alcoholism of the State Department of Public Health

and the Department of Rehabilitation. Whenever a reference is in any statute or contract to the Division of Alcoholism of the State Department of Public Health, or the Department of Rehabilitation it shall be construed as the State Department of Health. As used in this chapter "department" means State Department of Health.

SEC. 592. Section 19802 of the Welfare and Institutions Code is amended to read:

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 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 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 shall prescribe.

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.

SEC. 593. Section 19805 of the Welfare and Institutions Code is amended to read:

19805. The department shall consult with and render assistance to any county which requests information or advice concerning the planning and operation of its local plan.

The department also 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.

SEC. 594. Section 19812 of the Welfare and Institutions Code is amended to read:

19812. All officers and employees of the agencies enumerated in Section 19701 on the operative date of the amendments to this section made at the 1971 Regular Session of the Legislature who are serving in the state civil service, other than temporary employees, or who are engaged in the performance of a function heretofore transferred to the Department of Rehabilitation shall be transferred to the State Department of Health and their status, positions, and rights shall not be affected by their transfer and they shall continue to be retained as employees of the State Department of Health pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position exempt from civil service.

SEC. 595. Section 19852 of the Welfare and Institutions Code is amended to read:

19852. Subject to the approval of the Secretary of the Human Relations Agency, the State Department of Health shall prepare rules, standards, and procedures, necessary and proper for the planning and effective operation of treatment and rehabilitation programs. Such rules, standards, and procedures shall, to the extent feasible, be consistent and coordinated with any adopted pursuant to the McAteer Alcoholism Act.

SEC. 596. Section 19853 of the Welfare and Institutions Code is amended to read:

19853. If a county determines that it will establish a comprehensive treatment and rehabilitation program for chronic alcoholics, the county shall prepare a county plan for such a treatment and rehabilitation program in strict conformance with the rules, standards, and procedures provided for in Section 19852. Such plans shall be submitted to the State Department of Health. The State Department of Health shall review all county plans, determine whether they comply with the rules, standards, and procedures promulgated pursuant to this section, and grant or deny approval of such plans on the basis of that determination. The State Department of 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 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.

SEC. 598. The provisions of this act relating to the creation of the Advisory Health Council and the abolition of the State Board of Public Health, the Health Planning Council, and the Health Review and Program Council, and the transfer of functions therefrom, shall become operative at such time as the Director of Health shall deem appropriate but no later than one year after the operative date of the other provisions of this act.

SEC. 599. Pursuant to the provisions of Chapter 1084 of the Statutes of 1970, counties are not required to comply with the provisions of Sections 546 and 547 of this act prior to December 31, 1972.

SEC. 600. The provisions of this act shall become operative on July 1, 1972, pursuant to Chapter 1434 of the Statutes of 1970, or at such later date as may be provided by statute enacted at the 1971 Regular Session of the Legislature.

SEC. 601. In the event any other act or acts of the 1971 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. 602. 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 of 1970 dated February 26, 1970, together with such additional changes as were effected by the Legislature at its 1970 session.

# CHAPTER 1594

*An act to amend Section 8550 of the Health and Safety Code, and to amend Section 6202 of the Public Resources Code, relating to maps.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 8550 of the Health and Safety Code is amended to read:

8550. Every cemetery authority, from time to time as its property may be required for interment purposes, shall:

(a) In case of land, survey and subdivide it into sections, blocks, plots, avenues, walks or other subdivisions; make a good and substantial map or plat showing the sections, plots, avenues, walks or other subdivisions, with descriptive names or numbers.

(b) In case of a mausoleum, or crematory and columbarium it shall make a good and substantial map or plat on which shall be delineated the sections, halls, rooms, corridors, elevations, and other divisions, with descriptive names or numbers.

(c) The maps or plats shall be clearly and legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. If ink is used on a polyester base film, the ink surface shall be coated with a suitable substance to insure permanent legibility. The size of each sheet shall be 18 by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entire blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheets and the total number of sheets comprising the map shall be stated on each of the sheets and its relationship to each adjoining sheet shall be clearly shown.

SEC. 2. Section 6202 of the Public Resources Code is amended to read:

6202. The commission may make surveys and subdivisions of lands belonging to the state to be sold, leased, or to have the boundary established, and the county recorder shall file maps thereof, made by the commission, without cost to the state.

Such maps shall be the official maps of the surveys and subdivisions, and all patents, leases, or boundary line agreements issued for the lands shall refer to the maps so filed. Such maps of state lands shall be legibly drawn, printed or reproduced

by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. If ink is used on a polyester base film, the ink surface shall be coated with a suitable substance to insure permanent legibility. The size of each sheet shall be 18 by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entire blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheets and the total number of sheets comprising the map shall be stated on each of the sheets and its relationship to each adjoining sheet shall be clearly shown.

---

## CHAPTER 1595

*An act to add Section 3344 to the Civil Code, relating to invasion of privacy.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 3344 is added to the Civil Code, to read:

3344. (a) Any person who knowingly uses another's name, photograph, or likeness, in any manner, for purposes of advertising products, merchandise, goods or services, or for purposes of solicitation of purchases of products, merchandise, goods or services, without such person's prior consent, or, in the case of a minor, the prior consent of his parent or legal guardian, shall be liable for any damages sustained by the person or persons injured as a result thereof. In addition, in any action brought under this section, the person who violated the section shall be liable to the injured party or parties in an amount no less than three hundred dollars ($300).

(b) As used in this section, "photograph" means any photograph or photographic reproduction, still or moving, or any videotape or live television transmission, of any person, such that the person is readily identifiable.

(1) A person shall be deemed to be readily identifiable from a photograph when one who views the photograph with the naked eye can reasonably determine that the person depicted in the photograph is the same person who is complaining of its unauthorized use.

(2) If the photograph includes more than one person so identifiable, then the person or persons complaining of the use shall be represented as individuals rather than solely as members of a definable group represented in the photograph. A definable group includes, but is not limited to, the following examples: a crowd at any sporting event, a crowd in any street or public building, the audience at any theatrical or stage production, a glee club, or a baseball team.

(3) A person or persons shall be considered to be represented as members of a definable group if they are represented in the photograph solely as a result of being present at the time the photograph was taken and have not been singled out as individuals in any manner.

(c) Where a photograph or likeness of an employee of the person using the photograph or likeness appearing in the advertisement or other publication prepared by or in behalf of the user is only incidental, and not essential, to the purpose of the publication in which it appears, there shall arise a rebuttable presumption affecting the burden of producing evidence that the failure to obtain the consent of the employee was not a knowing use of the employee's photograph or likeness.

(d) For purposes of this section, a use of a name, photograph or likeness in connection with any news, public affairs, or sports broadcast or account, or any political campaign, shall not constitute a use for purposes of advertising or solicitation.

(e) The use of a name, photograph or likeness in a commercial medium shall not constitute a use for purposes of advertising or solicitation solely because the material containing such use is commercially sponsored or contains paid advertising. Rather it shall be a question of fact whether or not the use of the complainant's name, photograph or likeness was so directly connected with the commercial sponsorship or with the paid advertising as to constitute a use for purposes of advertising or solicitation.

(f) Nothing in this section shall apply to the owners or employees of any medium used for advertising, including, but not limited to, newspapers, magazines, radio and television stations, billboards, and transit ads, by whom any advertisement or solicitation in violation of this section is published or disseminated, unless it is established that such owners or employees had knowledge of the unauthorized use of the person's name, photograph, or likeness as prohibited by this section.

(g) The remedies provided for in this section are cumulative and shall be in addition to any others provided for by law.

# CHAPTER 1596

*An act to amend Sections 976.5, 977, 978, 982, 1280, and 1281 of the Unemployment Insurance Code, relating to unemployment insurance.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 976.5 of the Unemployment Insurance Code is amended to read:

976.5. (a) In addition to other contributions required by this division, every employer, except an employer as defined by Sections 676 or 677, and except as provided in subdivision (b) of this section, shall pay into the Unemployment Fund contributions at a rate which shall be based upon the charges and credits to the balancing account during the 36-month period ending upon the computation date immediately preceding the beginning of the calendar year. If as of the computation date the charges to the balancing account are as a percentage of the credits to such account equal to or greater than the percentage in column 1 but less than the percentage in column 2, the rate shall be the figure appearing on the same line in column 3.

| Line | Column 1 | Column 2 | Column 3 |
|---|---|---|---|
| 1 | 90% | No limitation | 1.0% |
| 2 | 80% | 90% | 0.9 |
| 3 | 70% | 80% | 0.8 |
| 4 | 60% | 70% | 0.7 |
| 5 | 40% | 60% | 0.5 |
| 6 | 20% | 40% | 0.3 |
| 7 | 0% | 20% | 0.1 |

(b) In lieu of contributions required by subdivision (a) of this section, an employer, except an employer as defined by Sections 676 or 677, whose reserve account has not been subject to benefit charges during the period of four complete consecutive calendar quarters ending on the computation date, or whose average base payroll has increased on a computation date 25 percent or more above his average base payroll on the preceding computation date, shall pay into the Unemployment Fund contributions with respect to wages paid for employment at the next lower rate than the rate applicable to other employers for the calendar year under

Column 3 of subdivision (a) of this section but not less than one-tenth of one percent (0.1%)

(c) Subdivision (b) of this section shall not apply to an employer which has had an election to reimburse the additional cost of benefits to the Unemployment Fund or the cost of benefits paid and charged to his account where such election was in effect for three or more calendar years and has been terminated.

SEC 2. Section 976.5 of the Unemployment Insurance Code is amended to read:

976.5. (a) In addition to other contributions required by this division, every employer, except an employer as defined by Section 677, and except as provided in subdivision (b) of this section, shall pay into the Unemployment Fund contributions at a rate which shall be based upon the charges and credits to the balancing account during the 36-month period ending upon the computation date immediately preceding the beginning of the calendar year. If as of the computation date the charges to the balancing account are as a percentage of the credits to such account equal to or greater than the percentage in column 1 but less than the percentage in column 2, the rate shall be the figure appearing on the same line in column 3.

| Line | Column 1 | Column 2 | Column 3 |
|---|---|---|---|
| 1 | 90% | No limitation | 1.0% |
| 2 | 80% | 90% | 0.9 |
| 3 | 70% | 80% | 0.8 |
| 4 | 60% | 70% | 0.7 |
| 5 | 40% | 60% | 0 5 |
| 6 | 20% | 40% | 0 3 |
| 7 | 0% | 20% | 0.1 |

(b) In lieu of contributions required by subdivision (a) of this section, an employer, except an employer as defined by Section 677, whose reserve account has not been subject to benefit charges during the period of four complete consecutive calendar quarters ending on the computation date, or whose average base payroll has increased on a computation date 25 percent or more above his average base payroll on the preceding computation date, shall pay into the Unemployment Fund contributions with respect to wages paid for employment at the next lower rate than the rate applicable to other employers for the calendar year under Column 3 of subdivision (a) of this section but not less than one-tenth of one percent (0.1%)

(c) Subdivision (b) of this section shall not apply to an employer which has had an election to reimburse the additional cost of benefits to the Unemployment Fund or the

cost of benefits paid and charged to his account where such election was in effect for three or more calendar years and has been terminated

SEC. 3 Section 976 5 of the Unemployment Insurance Code is amended to read.

976.5. (a) In addition to other contributions required by this division, every employer, except an employer as defined by Section 676, and except as provided in subdivision (b) of this section, shall pay into the Unemployment Fund contributions at the following rate: A rate which shall be based upon the charges and credits to the balancing account during the 36-month period ending upon the computation date immediately preceding the beginning of the calendar year. If as of the computation date the charges to the balancing account are as a percentage of the credits to such account equal to or greater than the percentage in column 1 but less than the percentage in column 2, the rate shall be the figure appearing on the same line in column 3.

| Line | Column 1 | Column 2 | Column 3 |
|---|---|---|---|
| 1 | 90% | No limitation | 1.0% |
| 2 | 80% | 90% | 0.9 |
| 3 | 70% | 80% | 0.8 |
| 4 | 60% | 70% | 0.7 |
| 5 | 40% | 60% | 0.5 |
| 6 | 20% | 40% | 0.3 |
| 7 | 0% | 20% | 0.1 |

(b) In lieu of contributions required by subdivision (a) of this section, an employer, except an employer as defined by Section 676, whose reserve account has not been subject to benefit charges during the period of four complete consecutive calendar quarters ending on the computation date, or whose average base payroll has increased on a computation date 25 percent or more above his average base payroll on the preceding computation date, shall pay into the Unemployment Fund contributions with respect to wages paid for employment at the next lower rate than the rate applicable to other employers for the calendar year under column 3 of subdivision (a) of this section but not less than one-tenth of one percent (0 1%)

(c) Subdivision (b) of this section shall not apply to an employer which has had an election to reimburse the additional cost of benefits to the Unemployment Fund or the cost of benefits paid and charged to his account where such election was in effect for three or more calendar years and has been terminated.

SEC. 4. Section 977 of the Unemployment Insurance Code is amended to read:

977. Whenever the balance in the Unemployment Fund on December 31st of any calendar year is less than 4 75 percent of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, for which an official tabulation has been completed by the department on or before such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates.

If, as of the computation date, the employer's net balance of reserve equals or exceeds that percentage of his average base payroll which appears on any line in column 1 of the following table, but is less than that percentage of his average base payroll which appears on the same line in column 2 of that table, his contribution rate shall be the figure appearing on that same line in column 3 of that table.

| Line | Reserve balance Column 1 | Column 2 | Contribution rate Column 3 |
|---|---|---|---|
| 1 | —10 0% or more | | 3.1% |
| 2 | More than 0.0% | —10.0% | 2 9% |
| 3 | 0.0% | 4.0% | 2.7% |
| 4 | 4.0% | 5.0% | 2.6% |
| 5 | 5.0% | 6.0% | 2.5% |
| 6 | 6.0% | 7.0% | 2.4% |
| 7 | 7.0% | 8.0% | 2.3% |
| 8 | 8.0% | 9.0% | 2.1% |
| 9 | 9.0% | 10.0% | 1.9% |
| 10 | 10.0% | 11.0% | 1.8% |
| 11 | 11.0% | 12.0% | 1.6% |
| 12 | 12.0% | 13 0% | 1 4% |
| 13 | 13.0% | 14.0% | 1.2% |
| 14 | 14.0% | 15.0% | 1.0% |
| 15 | 15.0% | 16.0% | 0.9% |
| 16 | 16.0% | 17.0% | 0.8% |
| 17 | 17.0% or more | | 0.7% |

SEC. 5 Section 978 of the Unemployment Insurance Code is amended to read·

978. Whenever the balance in the Unemployment Fund on December 31st of any calendar year equals or exceeds 4.75 percent of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, for which an official tabulation has been completed by the department on or before such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding

calendar year upon all wages with respect to employment at the following rates

If, as of the computation date, the employer's net balance of reserve equals or exceeds that percentage of his average base payroll which appears on any line in column 1 of the following table, but is less than that percentage of his average base payroll which appears on the same line in column 2 of that table, his contribution rate shall be the figure appearing on that same line in column 3 of that table

| Line | Reserve balance Column 1 | Column 2 | Contribution rate Column 3 |
|---|---|---|---|
| 1 | —10.0% or more | | 3.1% |
| 2 | More than 0.0% | —10.0% | 2.9% |
| 3 | 0.0% | 1.0% | 2.7% |
| 4 | 1.0% | 2.0% | 2.6% |
| 5 | 2.0% | 3.0% | 2.5% |
| 6 | 3.0% | 4.0% | 2.4% |
| 7 | 4.0% | 5.0% | 2.3% |
| 8 | 5.0% | 6.0% | 2.2% |
| 9 | 6.0% | 7.0% | 2.1% |
| 10 | 7.0% | 8.0% | 1.9% |
| 11 | 8.0% | 9.0% | 1.7% |
| 12 | 9.0% | 10.0% | 1.5% |
| 13 | 10.0% | 11.0% | 1.3% |
| 14 | 11.0% | 12.0% | 1.1% |
| 15 | 12.0% | 13.0% | 0.9% |
| 16 | 13.0% | 14.0% | 0.7% |
| 17 | 14.0% | 15.0% | 0.5% |
| 18 | 15.0% | 16.0% | 0.3% |
| 19 | 16.0% | 17.0% | 0.1% |
| 20 | 17.0% | 100.0% or more | 0.0% |

SEC. 6. Section 982 of the Unemployment Insurance Code is amended to read:

982. No employer shall be eligible for a contribution rate of more or less than 2.7 percent for any rating period unless his reserve account has been subject to benefit charges during the period of 12 complete consecutive calendar quarters ending on the computation date for that rating period and he is qualified under Section 977 or 978.

SEC. 7. It is the intent of the Legislature that if this bill and Assembly Bill No. 1355 or Assembly Bill No. 1503, or both, are chaptered and amend Section 976.5 of the Unemployment Insurance Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows

(a) If this bill and Assembly Bill No. 1355 are both chaptered and amend Section 976.5 of the Unemployment

Insurance Code, but Assembly Bill No 1503 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 1355, the amendments proposed by both bills shall be given effect and incorporated in Section 976 5 in the form set forth in Section 2 of this act. Therefore, if Assembly Bill No. 1355 is chaptered before this bill and both bills amend Section 976.5, and Assembly Bill No 1503 is not chaptered or as chaptered does not amend that section, Section 2 of this act shall be operative and Section 1 of this act shall not become operative.

(b) If this bill and Assembly Bill No. 1503 are both chaptered and amend Section 976.5 of the Unemployment Insurance Code, but Assembly Bill No 1355 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No 1503, the amendments proposed by both bills shall be given effect and incorporated in Section 976.5 in the form set forth in Section 3 of this act. Therefore, if Assembly Bill No. 1503 is chaptered before this bill and both bills amend Section 976.5, and Assembly Bill No 1355 is not chaptered or as chaptered does not amend that section, Section 3 shall be operative and Section 1 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 1355 and Assembly Bill No. 1503 are all chaptered, and all three bills amend Section 976.5 of the Unemployment Insurance Code, and this bill is chaptered after Assembly Bill No 1355 and Assembly Bill No 1503, the amendments proposed by all three bills shall be given effect and incorporated in Section 976.5 in the form set forth in Section 3 of this act. Therefore, if Assembly Bill No 1355 and Assembly Bill No. 1503 are both chaptered before this bill and all three bills amend Section 976.5 of the Unemployment Insurance Code, Section 3 of this act shall be operative and Section 1 of this act shall not become operative.

SEC. 8. The provisions of Sections 976 5, 977, 978, and 982 of the Unemployment Insurance Code, as amended by this act, shall be operative commencing with the rating period of the calendar year 1972

SEC. 9. Section 1280 of the Unemployment Insurance Code is amended to read:

1280. An individual's weekly benefit amount is the amount appearing in column B in the following table opposite that wage bracket in column A which contains the amount of wages paid to the individual for employment by employers during the quarter of his base period in which his wages were the highest

| A<br>Amount of wages in highest quarter | B<br>Weekly benefit amount |
|---|---|
| $187 50– $597 99 | 25 |
| 598 00– 625 99 | 26 |
| 626 00– 653 99 | 27 |
| 654 00– 681 99 | 28 |
| 682 00– 709 99 | 29 |
| 710 00– 737 99 | 30 |
| 738 00– 765 99 | 31 |
| 766 00– 793 99 | 32 |
| 794.00– 821 99 | 33 |
| 822.00– 849.99 | 34 |
| 850 00– 877 99 | 35 |
| 878 00– 905 99 | 36 |
| 906 00– 933 99 | 37 |
| 934 00– 961.99 | 38 |
| 962.00– 989 99 | 39 |
| 990 00–1,017 99 | 40 |
| 1,018.00–1,045 99 | 41 |
| 1,046.00–1,073.99 | 42 |
| 1,074.00–1,101 99 | 43 |
| 1,102 00–1,129 99 | 44 |
| 1,130 00–1,157 99 | 45 |
| 1,158 00–1,185 99 | 46 |
| 1,186 00–1,213.99 | 47 |
| 1,214 00–1,241 99 | 48 |
| 1,242 00–1,269 99 | 49 |
| 1,270 00–1,297 99 | 50 |
| 1,298.00–1,325.99 | 51 |
| 1,326.00–1,353.99 | 52 |
| 1,354.00–1,381 99 | 53 |
| 1,382 00–1,409.99 | 54 |
| 1,410.00–1,437 99 | 55 |
| 1,438.00–1,467.99 | 56 |
| 1,468 00–1,497.99 | 57 |
| 1,498 00–1,527.99 | 58 |
| 1,528.00–1,557.99 | 59 |
| 1,558.00–1,587 99 | 60 |
| 1,588 00–1,627 99 | 61 |
| 1,628.00–1,667 99 | 62 |
| 1,668.00–1,707 99 | 63 |
| 1,708.00–1,747 99 | 64 |
| 1,748 00–1,787.99 | 65 |
| 1,788.00–1,827 99 | 66 |
| 1,828 00–1,867 99 | 67 |
| 1,868.00–1,907.99 | 68 |
| 1,908.00–1,947 99 | 69 |
| 1,948 00–1,987 99 | 70 |

1,988.00–2,027 99 ..... 71
2,028 00–2,067 99 ..... 72
2,068 00–2,107.99 ..... 73
2,108.00–2,147.99. ..... 74
2,148 00 and over ..... 75

SEC. 10. Section 1281 of the Unemployment Insurance Code is amended to read:

1281. (a) An individual cannot establish a valid claim or a benefit year during which any benefits are payable unless he has during his base period been paid wages for employment by employers of not less than seven hundred fifty dollars ($750).

(b) The maximum amount of unemployment compensation benefits payable to an individual during any one benefit year shall be 26 times his weekly benefit amount but in no case shall the total amount of such benefits payable be more than one-half the total wages paid to the individual during his base period If the benefit is not a multiple of one dollar ($1) it shall be computed to the next higher multiple of one dollar ($1).

(c) For the purpose of this section and Section 1280, "wages" includes wages due to any individual but unpaid within the time limit provided by law.

SEC. 11 The provisions of Sections 1280 and 1281 of the Unemployment Insurance Code, as amended by this act, shall apply to new claims filed with an effective date beginning on and after the effective date of this act. The provisions of Sections 1280 and 1281 of such code as in effect prior to the amendments made by this act shall remain applicable to new claims filed with an effective date beginning prior to the effective date of this act.

SEC. 12. No right or cause of action founded upon any provision of law amended or repealed by this act as such provision existed prior to such amendment or repeal shall be abolished or impaired by this act.

---

## CHAPTER 1597

*An act to amend Sections 31240.5, 31241, 31243, 31244, 31248, and 31251 of the Education Code, relating to fellowships for graduate study and making an appropriation therefor.*

[Approved by Governor November 22, 1971 Filed with Secretary of State November 22, 1971 ]

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

SECTION 1. Section 31240.5 of the Education Code is amended to read:

31240.5. There is hereby created a state competitive graduate fellowship program with fellowships to be provided by the state and used by award winners for graduate study in colleges and universities located in California and accredited by the Western Association of Schools and Colleges. As used in this section "graduate study" shall mean that phase of education coming after the completion of the baccalaureate degree and leading toward a recognized graduate or professional degree. Awards shall be granted to students with academic ability and financial need. In determining the financial need of an applicant, the commission shall expect each student to make a self-help contribution toward college costs through loans or employment or a combination of loans and employment.

SEC. 2. Section 31241 of the Education Code is amended to read:

31241. The general purpose of the fellowship program is to afford opportunity for graduate study to unusually able persons. The awards shall be tenable for graduate work in the sciences, social sciences, humanities, the arts, mathematics, engineering, business, education, and any other graduate or professional field determined by the commission to be appropriate.

SEC. 3. Section 31243 of the Education Code is amended to read:

31243. Awards shall be for one academic year of graduate study, and may be renewed for up to three additional years if necessary for the student's degree objective if he is making normal progress toward a degree as determined by the commission. Awards of graduate fellowships shall be made upon a competitive basis. The commission may take into account such factors as the following:

(a) Grades at the undergraduate level in the subject field in which the student wishes to do graduate work.

(b) Grades in the total undergraduate program.

(c) Aptitude for graduate work in the subject field, insofar as it is measurable.

(d) General aptitude for graduate study, insofar as it is measurable.

(e) Financial need of the student as an individual, independent in his own right.

(f) Critical manpower needs in fields eligible for fellowships for graduate study.

SEC. 4. Section 31244 of the Education Code is amended to read:

31244. The graduate study fellowships shall be awarded:

(a) Without regard to race, religion, creed or sex.

(b) For not more than one academic year, plus one summer term if necessary, except as provided in Section 31243.

SEC. 5. Section 31248 of the Education Code is amended to read:

31248. Awards shall be made for full-time graduate study, as defined by the institution which the student attends. Income received through teaching assistantships, research assistantships, or other fellowships shall be considered at full value in determining the financial need of an applicant.

SEC. 6. Section 31251 of the Education Code is amended to read:

31251. The Legislature hereby declares that it is to the benefit of the state to assist in the development of the talents of able students in graduate education and that it regards the graduate education of its qualified citizens to be a public purpose of great importance; and further declares the establishment of a graduate fellowship program to be a desirable and economical method of furthering this public purpose.

SEC. 7. There is hereby appropriated from the General Fund to the State Scholarship and Loan Commission the amount of twenty thousand dollars ($20,000) for expenditure for the purposes of the graduate fellowship program as revised by this act.

This section shall not become operative unless the budget submitted to the Legislature at the 1972 Regular Session by the Governor includes an appropriation for the graduate fellowship program, and in which event, this section shall become operative on the date when such budget is submitted to the Legislature.

---

## CHAPTER 1598

*An act to amend Section 3706 of, to add Sections 3715, 3716, 3717, 3718, 3719, 3720, 3721, 3722, 3723, 3724, 3725, 3726 and 3727 to, and to repeal Section 3715 of, the Labor Code, relating to workmen's compensation, and making an appropriation therefor.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 3706 of the Labor Code is amended to read:

3706. If any employer fails to secure the payment of compensation, any injured employee or his dependents may bring an action at law against such employer for damages, as if this division did not apply.

SEC. 2. Section 3715 of the Labor Code is repealed.

SEC. 3. Section 3715 is added to the Labor Code, to read:

3715. Any employee whose employer has failed to secure the payment of compensation as required by this division, or his dependents in case death has ensued, may, in lieu of proceedings against his employer by civil action in the courts as provided in Section 3706, file his application with the appeals

board for compensation and the appeals board shall hear and determine such application for compensation in like manner as in other claims and shall make such award to such claimant as he would be entitled to receive if such employer had secured the payment of compensation as required, and such employer shall pay such award in the manner and amount fixed thereby or shall furnish to the appeals board a bond, in such an amount and with such sureties as the appeals board requires, to pay such employee such award in the manner and amount fixed thereby.

SEC. 4. Section 3716 is added to the Labor Code, to read:

3716. If the employer fails to pay such compensation to the person entitled thereto, or fails to furnish such bond within a period of 10 days after notification of such award, the award, upon application by the person entitled thereto, shall be paid by the Director of Industrial Relations from the Uninsured Employers Fund, which fund is hereby created in the State Treasury. The money in the Uninsured Employers Fund is hereby continuously appropriated for this purpose and to pay the expenses of the director in administering these provisions. Refunds may be paid from the Uninsured Employers Fund for amounts remitted erroneously to the fund, or the director may authorize offsetting subsequent remittances to the fund.

SEC. 5. Section 3717 is added to the Labor Code, to read:

3717. Such award shall constitute a liquidated claim for damages against such employer in the amount so ascertained and fixed by the appeals board, and the appeals board shall certify the same to the director who shall forthwith institute a civil action against such employer in the name of the state for the collection of such award. In such action it shall be sufficient for plaintiff to set forth a copy of the record of proceedings of the appeals board relative to such claims as certified by the appeals board to the director and to state that there is due to plaintiff on account of such finding and award of the appeals board a specified sum which plaintiff claims with interest. A certified copy of such record of proceedings in such claim shall be attached to the complaint and constitutes prima facie evidence of the truth of the facts therein contained. The answer or demurrer to such complaint shall be filed within 10 days, the reply or demurrer to the answer within 20 days, and the demurrer to the reply within 30 days after the return day of the summons or service by publication. All motions and demurrer shall be submitted to the court within 10 days after the same are filed. As soon as the issues are made up in any such case, it shall be placed at the head of the trial docket and shall be first in order for trial.

SEC. 6. Section 3718 is added to the Labor Code, to read:

3718. The cause of action provided in Section 3717 and any cause of action arising out of Section 3722 may be joined in one action against an employer. The amount of any penalty paid or recovered from such employer for the period not exceeding six months during which the injury or disease, or in-

jury or disease resulting in death, occurred shall be credited against the amount of any judgment for compensation recovered pursuant to Section 3717. The amount recovered in such action from such employer shall be paid into the Uninsured Employers Fund.

SEC. 7. Section 3719 is added to the Labor Code, to read:

3719. Any suit, action, proceeding, or award brought or made against any employer under Section 3717 may be compromised by the Director of Industrial Relations, or such suit, action, or proceeding may be prosecuted to final judgment as in the discretion of the director may best subserve the interests of the Uninsured Employers Fund.

SEC. 8. Section 3720 is added to the Labor Code, to read:

3720. When the appeals board determines under Section 3715 that a claim has been filed with it against an employer who has not secured the payment of compensation as required by this division, the administrative director shall file for record in the office of the county recorder in the counties where such employer's property is located, a certificate prepared and furnished him by the appeals board showing the date on which such application was filed with the appeals board, the name and address of the employer against whom it was filed, and the fact that the employer has not secured the payment of compensation as required by this division. Upon such recordation, such certificate constitutes a valid lien in favor of the Director of Industrial Relations, and shall have the same force, effect and priority as a judgment lien. A copy of such a certificate shall be served upon the employer by the appeals board.

SEC. 9. Section 3721 is added to the Labor Code, to read:

3721. The administrative director shall have such lien canceled of record after the employer has paid to the claimant or to the Uninsured Employers Fund the amount of the compensation or benefits which has been ordered paid to the claimant, or when the application has finally been denied after the claimant has exhausted the remedies provided by law in such cases, or when the employer has filed a bond in such amount and with such surety as the appeals board approves conditioned on the payment of all sums ordered paid to the claimant. The recorder shall make no charge for the services provided by this section to be performed by him.

SEC. 10. Section 3722 is added to the Labor Code, to read:

3722. If upon the filing of a claim for compensation under this division the appeals board finds that any employer has not secured the payment of compensation as required by this division, the appeals board shall so notify the Director of Industrial Relations and the employer. Within 20 days thereafter the employer shall furnish the director with the payroll covering the period of 12 months prior to the date of notification, and shall pay, as a penalty, into the Uninsured Employers Fund an amount equal to the amount of premium applicable to such payroll which would have been due had

the employer been insured therefor by the State Compensation Fund.

SEC. 11. Section 3723 is added to the Labor Code, to read:

3723. If the employer does not furnish the payroll and pay the applicable penalty required by Section 3722 within 20 days, the director shall forthwith make an assessment of the penalty due from the employer for the period, basing the assessment upon such information as may be in the possession of the director.

SEC. 12. Section 3724 is added to the Labor Code, to read:

3724. The director shall give to the employer assessed written notice of the penalty assessment. Such notice shall be mailed to the employer at his residence or usual place of business by registered or certified mail. Unless the employer to whom the notice of assessment is directed files with the director within 20 days after receipt thereof, a petition in writing, verified under oath by the employer, or his authorized agent having knowledge of the facts, setting forth with particularity the items of the assessment objected to, together with the reason for such objections, such assessment shall become conclusive and the amount thereof shall be due and payable from the employer so assessed to the Uninsured Employers Fund.

SEC. 13. Section 3725 is added to the Labor Code, to read:

3725. When a petition objecting to a penalty assessment is filed, the director shall assign a time and place for the hearing of the same and shall notify the petitioner thereof by registered or certified mail. When an employer files such a petition, the assessment made by the director shall become due and payable 10 days after notice of the finding made at the hearing has been sent by registered or certified mail to the party assessed. An appeal may be taken from any such finding to the appropriate superior court upon the execution by the party assessed of a bond to the state in double the amount so found due and ordered paid by the director conditioned that the party will pay any judgment and costs rendered against it for the premium.

SEC. 14. Section 3726 is added to the Labor Code, to read:

3726. When no petition objecting to a penalty assessment is filed or when a finding is made affirming or modifying such an assessment after hearing, a certified copy of the assessment as affirmed or modified may be filed by the director in the office of the clerk of the superior court in any county in which the employer has property or in which the employer has a place of business. The clerk, immediately upon the filing of such assessment, shall enter a judgment for the state against the employer in the amount shown on the assessment. The judgment may be filed by the clerk in a looseleaf book entitled "Special Judgments for State Uninsured Employers Fund." Such judgment shall bear the same rate of interest and shall have the same effect as other judgments and be given the same preference allowed by law on other judgments rendered for claims for taxes. An assessment or judgment under this sec-

tion shall not be a bar to the adjustment of the employer's account upon the employer furnishing his payroll records to the director.

SEC. 15. Section 3727 is added to the Labor Code, to read:

3727. If the appeals board on motion of the administrative director determines pursuant to Section 3722 that an employer has failed to secure the payment of compensation as required by this division, the administrative director shall file with the county recorder of any counties in which such employer's property may be located his certificate of the amount of penalty due from such employer and such amount shall be a lien in favor of the director from the date of such filing against the real property and personal property of the employer within the county in which such certificate is filed. The recorder shall accept and file such certificate and record the same as a mortgage on real estate and shall file the same as a security interest and he shall index the same as mortgage on real estate and as a security interest. The recorder shall make no charge for the services provided by this section to be performed by him.

SEC. 16. The sum of fifty thousand dollars ($50,000) is hereby appropriated to the Uninsured Employers Fund from the Department of Human Resources Development Contingent Fund to carry out the purposes of this act. This appropriation shall not reduce the amount of the unencumbered balance of the Department of Human Resources Development Contingent Fund that would be transferred to the General Fund pursuant to Section 19.1 of the Budget Act of 1971 had the appropriation not been made.

The Department of Human Resources Development Contingent Fund shall be reimbursed in the amount of fifty thousand dollars ($50,000) out of the revenue paid into the Uninsured Employers Fund pursuant to Section 3718 of the Labor Code or any other provision of law.

SEC. 17. For the fiscal year 1971–1972, expenses of the Workmen's Compensation Appeals Board and of the Division of Industrial Accidents in carrying on the purposes of this act shall be paid from the money appropriated by Section 16 of this act.

---

## CHAPTER 1599

*An act to amend Sections 263.1 and 263.7 of the Streets and Highways Code, relating to the state scenic highway system.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 263.1 of the Streets and Highways Code is amended to read:

263.1. The state scenic highway system shall include:

Routes 25, 28, 35, 38, 52, 53, 62, 74, 76, 89, 96, 97, 106, 109, 127, 150, 151, 154, 156, 158, 161, 173, 197, 199, 203, 208, 209, 221, 236, 239, 243, 247, 480, and 580 in their entirety.

SEC. 2. Section 263.7 of the Streets and Highways Code is amended to read:

263.7. The state scenic highway system shall also include:

Route 138 from:

(a) Route 2 near Wrightwood to Route 15 near Cajon Pass.

(b) Route 15 near Cajon Pass to Route 18 near Mt. Anderson.

Route 139 from Route 299 near Canby to the Oregon state line near Hatfield.

Route 140 from Route 49 near Mariposa to Yosemite National Park near El Portal.

Route 146 from Pinnacles National Monument to Route 25 in Bear Valley.

Route 152 from Route 1 to the Santa Clara county line at Hecker Pass and from Route 156 near San Felipe to Route 5.

Route 160 from Route 84 near Rio Vista to Sacramento.

Route 163 from Ash Street in San Diego to Route 8.

Route 166 from Route 101 near Santa Maria to Route 33 in Cuyama Valley.

Route 168 from:

(a) Route 65 near Clovis to Huntington Lake.

(b) Camp Sabrina to Route 395.

(c) Big Pine to the Nevada state line via Oasis.

Route 178 from the east boundary of Death Valley National Monument to Route 127 near Shoshone.

Route 180 from:

(a) Route 156 near Hollister to Route 25 near Paicines.

(b) Route 65 near Minkler to General Grant Grove Section of Kings Canyon National Park.

(c) General Grant Grove Section of Kings Canyon National Park to Kings River Canyon.

Route 190 from Route 65 near Porterville to Route 127 near Death Valley Junction.

Route 195 from Route 111 near Mecca to Route 10 near Chiriaco Summit.

---

## CHAPTER 1600

*An act to add Chapter 10.1 (commencing with Section 6961) to Division 6 of the Education Code, relating to special educational services.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Chapter 10.1 (commencing with Section 6961) is added to Division 6 of the Education Code, to read:

## CHAPTER 10.1. CONTRACTS FOR SPECIAL EDUCATIONAL PROGRAMS

6961. This act may be known and cited as "The Guaranteed Learning Achievement Act of 1971."

6962. The Legislature finds and declares, as follows:

(a) The State of California is committed to the ideal of a free public education for every child, consistent with his talents and abilities, and to this end the state and local governments expend annually substantial sums of money on local public school districts;

(b) The rising costs of public education in kindergarten and grades 1 through 12, inclusive, in the state, together with the increasing burden of property taxes for schools borne by residents of local school districts, when projected into the future, make it evident that new methods must be found to educate the children of the state to their fullest potential within the public sector, so that future projected educational costs might be reduced.

On the basis of these findings, it is the intent and purpose of the Legislature in enacting this chapter relating to experimental projects:

1. To increase significantly the achievement levels in reading and mathematics of children attending California public schools in the primary and elementary grades, as defined, through the use of contracts between public school districts and private contractors;

2. To provide that such contracting shall be on the basis of a "performance guarantee," whereby each private contractor is reimbursed on the basis of the performance and achievement of each child involved in the special experimental program;

3. To make the fullest use of federal funds which are or may become available for aid to public education in this state, especially for innovative and original public school programs;

4. To reinforce in public education the private enterprise concept of accountability for results, as measured by specific pupil achievement and mastery of basic skills, by holding the contractor and the school district directly responsible for a student's achievement and mastery of basic skills, or the lack thereof;

5. To demonstrate the effectiveness of new and innovative approaches to learning, which may later be capable of being transferred operationally to the public school system;

6. To reduce, consistent with quality and improved student achievement, future projected public school costs in this state.

6962.5. It is the further intent of the Legislature that the programs authorized by this chapter shall be experimental in nature and that the programs be conducted on a limited scale, with the results derived therefrom to be analyzed to determine the feasibility of general application of the methods of the program.

6963. As used in this chapter:

(a) "Public school district" means any public school district in this state operating any combination of kindergarten and grades 1 through 12, inclusive, but does not include community college districts.

(b) "Private contractor" means any private individual, partnership, joint venture, firm, corporation, teachers' association, or other business entity involved and doing business in the field of educational research, testing, methodology, or any other aspect of the educational program, organized, registered, or licensed to lawfully do business in the State of California, and bonded.

(c) "Primary and elementary grades" means any educational program normally conducted by a public school district for children enrolled in kindergarten and grades 1 through 6, inclusive.

(d) "Performance guarantee contract" means a contract between a public school district and a private contractor pursuant to this chapter wherein the reimbursement to be provided by the public school district to the private contractor is based upon the measurable achievement and mastery of basic skills of students enrolled in the special program, and the maintenance of that student achievement for a period not less than six months after the date of the measurement of student achievement first required to ascertain the private contractor's reimbursement.

(e) "Penalty clause" means, as an integral part of every performance guarantee contract entered into pursuant to this chapter, a money penalty paid by the private contractor to the public school district with which he has contracted on account of each student who has not reached the level of achievement, mastery of basic skills, and proficiency specified in the contract and maintained that level of achievement and proficiency for at least six months thereafter.

(f) "The Elementary and Secondary Education Act of 1965" means Public Law 10 (79 Stat. 27) of the 89th Congress, and all acts supplemental thereto.

(g) "Evaluation and testing procedure" means the method of ascertaining the beginning and ending achievement, mastery of basic skills, and proficiency level in reading and mathematics of students enrolled in the special programs authorized pursuant to this chapter, which method shall be specifically set forth in any performance guarantee contract. Such evaluation and testing procedure shall make use of measurement devices specifically approved for this purpose by the State Board of Education on recommendation of the Superintendent of Public Instruction or developed by the contracting parties who have reached agreement on evaluation and testing procedures subject to the approval of the Superintendent of Public Instruction. Such tests shall be administered by the Superintendent of Public Instruction.

6964. To participate in this experimental project, any public school district in this state may, with the approval of its governing board, submit to the Superintendent of Public Instruction a proposal to enter into a performance guarantee contract with a private contractor to provide the special programs authorized pursuant to this chapter. Such proposal shall propose special programs only in the fields of reading and mathematics. The proposal shall include a copy of the proposed performance guarantee contract, including the preschool or primary grades to be enrolled in the special program, the basis for reimbursement to the private contractor to include the penalty clause, the evaluation and testing procedure to be employed in the program, and the period of time of the program. Each such contract shall include in its terms specified levels of achievement, mastery of basic skills, and proficiency to be reached by enrollees in the program within a specified period of time, upon which any penalty under a penalty clause shall be based. Each proposal submitted pursuant to this section shall contain a description of the proposed method of funding, to include federal, state, and local sources.

The governing board shall consider the amount and degree of improvement guaranteed, as well as the total cost.

No contract submitted to the Superintendent of Public Instruction shall be entered into by any public school district without the express approval of the superintendent. The superintendent may also, at the time he approves such a contract, approve the allocation of federal funds available under the Elementary and Secondary Education Act of 1965 or any other federal act providing federal aid to public school districts to finance, in whole or in part, the special program to be conducted under the contract. He shall also determine the amount of state funds to be allowed to the district.

No proposal shall be approved by the State Board of Education which does not, in the opinion of the State Board of Education, offer a substantial chance of being transferred and duplicated by the public school system at a later date, if the special program therein contained is found to have merit in terms of improving student achievement and mastery of basic skills in the subject or subjects specified and reducing future projected public school costs.

6965. Any performance guarantee contract submitted, together with a program proposal, by a public school district shall contain:

(a) An outline of the special program to be provided by the private contractor, and whether the program is to be provided in reading, mathematics, or both.

(b) The primary and elementary grade levels to be enrolled in the special program, together with the estimate of the total number of students to be enrolled in each grade level in the program.

(c) The achievement goal of students enrolled in the special program, to be achieved by the private contractor, stated in

terms of reading or arithmetical achievement on the basis of performance objectives, mastery of basic skills, or other recognized basis of proficiency.

(d) The basis of reimbursement by the public school district to the private contractor and the penalty clause.

(e) The evaluation and testing procedure to be employed in the special project.

(f) A design for an audit of the program.

6965.2. A performance guarantee contract may include provision for:

(a) The use of regular teachers employed in the public school district in the special program, or other special certificated personnel employed in the public school district.

(b) The use of special teaching machines or other unique teaching methodology.

(c) The lease or sale of such teaching machines to the school district upon completion of the special program.

(d) The waiver of certification qualifications for persons employed in the special program.

(e) Payment for 20 percent of the work after 40 percent of it is performed, and payment for an additional 20 percent of the work after 60 percent of its is performed.

Twenty percent of the payment for the work performed shall be withheld for a period not to exceed six months following the completion of the contract services.

(f) Certificated and regular teachers employed in the public schools shall be used in performance guarantee contracts on a voluntary basis.

(g) No certificated employee currently employed by a school district shall lose his position because of any personnel and machine requirements of a performance guarantee contract.

(h) Any certificated employee of a school district who agrees to teach pursuant to a performance guarantee contract shall have the right to continue his membership in any certificated employee organization and to utilize the services of such organization to render advice about, and to negotiate, provisions of his employment contract with the private contractor.

This enumeration of provisions which may be included in a performance guarantee contract shall not be deemed to be exclusive.

6965.5. No later than 90 days following the completion of a special program authorized by virtue of an approved performance guarantee contract, the public school district contracting for the program shall submit to the Superintendent of Public Instruction a report and evaluation of the success or failure of the program in terms of the numbers of enrollees successfully completing the program. An enrollee shall be deemed to have successfully completed the program if he meets the performance standard established in the contract in the time specified in such contract. The report and evaluation shall include the numbers of student enrollees who exceeded and who did not meet the performance standards established by the

contract, and the amount of penalty assessed or incentive award granted, as the case may be, on account of such student enrollee. The report and evaluation shall also include a statement of the probability and feasibility of the transferral of the special program to the operational control of a public school district, together with the judgment of the public school district as to the success or failure of the special program conducted pursuant to the contract.

6965.6. The Superintendent of Public Instruction is responsible for the conduct of both preinstruction and postinstruction testing for performance guarantee contracts.

6965.7. The special programs authorized pursuant to this chapter shall be entered into on a purely voluntary basis by public school districts in the state.

6965.9. Participation in the program authorized by this chapter is experimental in nature. In reviewing proposals and proposed contracts submitted by public school districts pursuant to this chapter, the Superintendent of Public Instruction shall select for approval special programs conducted in five public school districts, each of which shall have one of the following general characteristics:

(a) A district located in a densely populated urban area, with higher than average rates of unemployment, welfare dependency, lower than average scores on statewide pupil achievement tests, and similar characteristics.

(b) A district located in a suburban community.

(c) A district located in a rural, agricultural area, or in a city or town surrounded largely by a rural, agricultural area.

(d) A district ranking among the largest 20 school districts, in terms of pupil enrollment, in the state.

(e) A district enrolling not more than 5,000 pupils in all grades operated by the district.

In no event shall more than one-fourth of the federal funds which may be available pursuant to this chapter be allocated for projects and contracts submitted by a public school district.

6966. No later than April 1 of each year the Superintendent of Public Instruction shall submit to the Assembly, the Senate, the Governor and the State Board of Education a comprehensive report summarizing the special programs which have been conducted in the last full year pursuant to this chapter, their effectiveness or lack thereof in improving the achievement levels of students enrolled, their cost in comparison with comparable public school costs for programs in the same subjects at the same grade levels, the total cost of all special programs approved, and any recommendations for future legislative or executive changes which might be made in the programs or the statutes.

6966.5. In undertaking his responsibilities and duties pursuant to this chapter the Superintendent of Public Instruction may recommend to the State Board of Education, and the State Board of Education may allocate funds received or allocable to California pursuant to the Elementary and Secondary

Education Act of 1965 for the purposes of special programs authorized by this chapter.

The Superintendent of Public Instruction shall also allow to those school districts the state funds appropriated for expenditure pursuant to this chapter or funds available pursuant to the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of this division). Funds appropriated for expenditure under the Miller-Unruh Basic Reading Act of 1965 are hereby reappropriated for expenditure pursuant to this chapter in such amounts as are required by the Superintendent of Public Instruction to make the allowances required or authorized by this chapter.

Public school districts may include in their budgets any amount necessary to support special programs authorized by this chapter, which are contracted for by the district.

The State Board of Education may recommend and the Governor may include in the Budget Bill for the fiscal year 1972–1973 and fiscal years thereafter an amount sufficient to partially support the special programs authorized by this chapter.

6966.7. This chapter shall remain in effect until June 30, 1975, and shall have no force or effect thereafter.

SEC. 2. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 3. Any public school district participating in this program shall continue to receive all state aid to which it would otherwise be entitled and the average daily attendance shall include pupils enrolled in special programs established by this act.

---

## CHAPTER 1601

*An act to amend Section 6254.7 of the Government Code, relating to public records.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 6254.7 of the Government Code is amended to read:

6254.7. (a) All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce, which any air pollution control district or any other state or local agency

or district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

(b) All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

(c) Trade secrets are not public records under this section. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

---

## CHAPTER 1602

*An act to amend Sections 189, 190, and 190.01 of the Streets and Highways Code, relating to grade separations.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 189 of the Streets and Highways Code is amended to read:

189. On or before the first day of each year, the Public Utilities Commission shall establish and furnish to the Department of Public Works a list of existing and proposed crossings at grade in separation of grade districts, of city streets or county roads and the tracks of any railroad corporation or corporations or the tracks of any municipal corporation, transit district, rapid transit district, or other public entity engaged in providing rail passenger transportation services, of projects effecting the elimination of grade crossing by removal or relocation of streets or railroad tracks, and of existing grade separations in need of alteration or reconstruction in the order of priority which, in the judgment of the commission, justifies the elimination of the crossing at grade by the erection or construction of separation structures, or by removal or relocation of streets or railroad tracks, or justifies the alteration or reconstruction of existing grade separations. The commission shall include in such listing only such existing and proposed crossings, and existing separations, which, in its judgment, are most urgently in need of separation or alteration, taking into consideration the possibility of financing the same under the provisions of this code.

The priority list shall terminate on the last day of the year for which it is established.

SEC. 2. Section 190 of the Streets and Highways Code is amended to read:

190. In each annual budget report prepared by the commission and the department under Section 143.1, the sum of five million dollars ($5,000,000) shall be set aside for allocations to grade separation projects, including the elimination of existing or proposed grade crossings, the elimination of grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of existing grade separations, of separation of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189 to 191, inclusive. An allocation shall be made of one-half of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of those sections, except that in no event shall allocations be made to projects for the alteration or reconstruction of grade separations unless the affected railroad or railroads have agreed, or have been required by decision of the Public Utilities Commission, to contribute not less than 10 percent of the cost of such alteration or reconstruction project. In no event shall an allocation for a project effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing alignment of the street and railroad tracks and result in the removal or relocation of more than 6,000 feet of railroad tracks. An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have been executed, that sufficient funds from the local agency or agencies are available and that all other matters prerequisite to awarding the construction contract within a period of six months have been or can be taken care of within that time. Funds of a local agency shall be deemed available for purposes of this section to the extent of the amount of any general obligation bonds authorized but unsold if all proceedings prior to the issuance and sale of the bonds have been validly taken and if the bonds may be validly issued and sold by the local agency at any time, even though at the time of allocation under this section the bonds have not been issued or sold. Where such bond proceedings have been taken, if the bonds are not issued and sold within six months after the time of such allocation, the commission may order the allocation canceled, and shall thereupon revert the amount thereof to the fund set aside by this section, for reallocation to another eligible project. In any event, regardless of the method proposed by the local agency for the financing of its share of the project cost, if after

an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the fund set aside by this section. In financing its share of the project cost, the local agency may use any funds available to it.

The department and the commission may make allocations from a succeeding fiscal year's sum of five million dollars ($5,000,000) on and after January 1st preceding the beginning of such fiscal year. Engineering, right-of-way acquired for the project and utility relocation costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds.

A local agency that furnishes evidence to the department that it has complied with all requirements for an allocation pursuant to this section may, if it has sufficient funds available for that purpose, proceed with the advertising for bids and the construction without prejudice to its right to receive an allocation if an allocation becomes available for that local agency before the termination of the priority list established for the year during which the construction commenced.

Funds set aside for the purposes specified in this section shall be available for allocation and expenditure without regard to fiscal years.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If, after completion of the project, the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission. If more projects comply with the requirements hereof than can be financed from the fund set aside by this section, allocations shall be made only to those highest on the priority list submitted by the Public Utilities Commission, except for those allocations made for projects which exceed the estimated costs. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

SEC. 3. Section 190.01 of the Streets and Highways Code is amended to read:

190.01. Allocations may be made pursuant to Section 190 to a local agency, as defined in that section, for grade separation projects, including the elimination of existing or proposed grade crossings, the elimination of grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of existing grade separations, of municipal corporations, transit districts, rapid transit districts, or other public entities which provide rail passenger transportation services. Allocations for such a project shall be for one-half of the portion of the cost of the project which the California Highway Commission and the department determine to be properly allocable to the betterment of traffic conditions on the local street or road involved. In no event shall an allocation for a project effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing alignment of the street and railroad tracks and result in the removal or relocation of more than 6,000 feet of railroad tracks.

Any references in any law or regulation to Section 190 shall also be deemed to include reference to this section.

SEC. 4. Section 190 of the Streets and Highways Code is amended to read:

190. In each annual budget report prepared by the commission and the department under Section 143.1, commencing with the 1972–1973 fiscal year, the sum of ten million dollars ($10,000,000) shall be set aside for allocations to grade separation projects, including the elimination of existing or proposed grade crossings, the elimination of grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of existing grade separations, of separations of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189 to 191, inclusive. An allocation shall be made of one-half of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of those sections, except that in no event shall allocations be made to projects for the alteration or reconstruction of grade separations unless the affected railroad or railroads have agreed, or have been required by decision of the Public Utilities Commission, to contribute not less than 10 percent of the cost of such alteration or reconstruction project. In no event shall an allocation for a project effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing align-

ment of the street and railroad tracks and result in the removal or relocation of more than 6,000 feet of railroad tracks. An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have been executed, that sufficient funds from the local agency or agencies are available and that all other matters prerequisite to awarding the construction contract within a period of six months have been or can be taken care of within that time. Funds of a local agency shall be deemed available for purposes of this section to the extent of the amount of any general obligation bonds authorized but unsold if all proceedings prior to the issuance and sale of the bonds have been validly taken and if the bonds may be validly issued and sold by the local agency at any time, even though at the time of allocation under this section the bonds have not been issued or sold. Where such bond proceedings have been taken, if the bonds are not issued and sold within six months after the time of such allocation, the commission may order the allocation canceled, and shall thereupon revert the amount thereof to the fund set aside by this section, for reallocation to another eligible project. In any event, regardless of the method proposed by the local agency for the financing of its share of the project cost, if after an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the fund set aside by this section. In financing its share of the project cost, the local agency may use any funds available to it. Notwithstanding any other provision of law, when the local agency uses funds derived from the TOPICS Program, pursuant to Chapter 6 (commencing with Section 2300) of Division 3 of the Streets and Highways Code in financing its share of the project cost, the allocation to be made pursuant to this section shall be computed as though such local agency contribution was derived from nonfederal sources and shall be computed as though the railroad had made its contribution pursuant to state law rather than pursuant to federal law.

The department and the commission may make allocations from a succeeding fiscal year's sum set aside for purposes of this section on and after January 1st preceding the beginning of such fiscal year. Engineering, right-of-way acquired for the project and utility relocation costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds.

The first five million dollars ($5,000,000) of the fund set aside by this section each fiscal year shall be available for allocation and expenditure without regard to fiscal year.

The department and the commission shall revert as of October 1st of each fiscal year any unallocated amount of the

balance of the annual sum of ten million dollars ($10,000,000) set aside by this section for that fiscal year. Any other funds that may be set aside for the purposes of this section shall be allocated prior to the allocation of the above ten million dollars ($10,000,000) and shall be available for allocation and expenditure without regard to fiscal years.

A local agency that furnishes evidence to the department that it has complied with all requirements for an allocation pursuant to this section may, if it has sufficient funds available for that purpose, proceed with the advertising for bids and the construction without prejudice to its right to receive an allocation if an allocation becomes available for that local agency before the termination of the priority list established for the year during which the construction commenced.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If, after completion of the project, the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission. If more projects comply with the requirements hereof than can be financed from the fund set aside by this section, allocations shall be made only to those highest on the priority list submitted by the Public Utilities Commission, except for those allocations made for projects which exceed the estimated costs. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

SEC. 5. It is the intent of the Legislature, if this bill and Senate Bill No. 141 are both chaptered and amend Section 190 of the Streets and Highways Code, and this bill is chaptered after Senate Bill No. 141, that the amendments to Section 190 proposed by both bills be given effect and incorporated in Section 190 in the form set forth in Section 4 of this act. Therefore, Section 4 of this act shall become operative only if this bill and Senate Bill No. 141 are both chaptered, both amend Section 190, and Senate Bill No. 141 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

## CHAPTER 1603

*An act to add Article 4 (commencing with Section 6585) to Chapter 5, Division 7, Title 1 of, and to add Section 6515 to, the Government Code, relating to joint exercise of powers.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 6515 is added to the Government Code, to read:

6515. In addition to other powers, any agency, commission or board provided for by a joint powers agreement entered into pursuant to Article 1 (commencing with Section 6500) of this chapter between an irrigation district and a city, if such entity has the power to acquire, construct, maintain or operate systems, plants, buildings, works and other facilities and property for the supplying of water for domestic, irrigation, sanitation, industrial, fire protection, recreation or any other public or private uses, may issue revenue bonds pursuant to the Revenue Bond Law of 1941 (commencing with Section 54300) to pay the cost and expenses of acquiring, constructing, improving and financing a project for any or all of such purposes.

Upon the entity adopting the resolution referred to in Article 3 (commencing with Section 54380) the irrigation district and the city shall implement the same by each conducting the election in its own territory. The proposition authorizing the bonds shall be deemed adopted if it receives the affirmative vote of a majority of all the voters voting on the proposition within the entity.

The provisions of this section shall be of no further force and effect after December 31, 1973, unless the entity is unable to accomplish the purpose of this section by reason of litigation, in which case this section shall continue to be effective until the final determination of such litigation and for one year thereafter.

---

## CHAPTER 1604

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

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 441 of the Revenue and Taxation Code is amended to read:

441. Every person owning taxable personal property having an aggregate cost of thirty thousand dollars ($30,000) or

more shall file a signed property statement with the assessor. Every person owning personal property which does not require the filing of a property statement or real property shall upon request of the assessor file a signed property statement. Failure of the assessor to request or secure the property statement does not render any assessment invalid.

(a) The property statement shall be declared to be true under the penalty of perjury and filed with the assessor between the lien date and 5 p.m. on the last Friday in May, annually, or between the lien date and such earlier time as the assessor may appoint.

(b) If the assessor appoints a time other than the last Friday in May, it shall be no earlier than April 1. In this event the penalty provided by Section 463 shall apply if the property statement is not filed with the assessor by 5 o'clock p.m. on the last Friday in May or if:

(1) The property statement is not filed within the time appointed by the assessor; and

(2) The assessor has given notice by certified or registered mail no earlier than 15 days after the time appointed by the assessor of nonreceipt of the property statement within the appointed time; and

(3) The property statement has not been filed with the assessor within 15 days following the date of receipt of such notice.

(c) The property statement may be filed with the assessor through the United States mail, properly addressed with postage prepaid. This subdivision shall be applicable to every taxing agency, including but not limited to, a chartered city and county, or chartered city.

(d) At any time, as required by the assessor for assessment purposes, every person shall make available for examination information or records regarding his property. In this connection details of property acquisition transactions, construction and development costs, rental income, and other data relevant to the determination of an estimate of value are to be considered as information essential to the proper discharge of the assessor's duties.

(e) In the case of a corporate owner of property, the property statement shall be signed either by an officer of the corporation or an employee or agent who has been designated in writing by the board of directors to sign such statements on behalf of the corporation.

(f) The assessor may refuse to accept any property statement he determines to be in error.

SEC. 2 Section 1 of this act shall apply for the 1972–1973 assessment year and assessment years thereafter.

For the 1972–1973 and 1973–1974 assessment years, any property statement which, under Section 441 of the Revenue and Taxation Code, must be filed with the assessor between the lien date and 5 p.m. on the last Friday in May, shall be considered to be timely filed if filed with the assessor between

the lien date and the last Monday in May, and the penalty provided by Section 463 of the Revenue and Taxation Code shall not apply.

For the 1972–1973 and 1973–1974 assessment years, if the assessor has appointed a time for filing other than the last Friday in May, but has not given a timely notice of nonreceipt of the property statement, any property statement filed with the assessor between the lien date and 5 p.m. on the last Monday in May shall be considered to be timely filed and the penalty provided by Section 463 of the Revenue and Taxation Code shall not apply.

---

## CHAPTER 1605

*An act to amend Sections 1170 and 1210 of the Harbors and Navigation Code, relating to bar pilots, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 1170 of the Harbors and Navigation Code is amended to read:

1170. Every vessel spoken inward or outward bound, shall pay the following rate of bar pilotage through the Golden Gate and into or out of the Bays of San Francisco, San Pablo, and Suisun:

Seven dollars and fifty cents (7.50) per draft foot of the vessel's deepest draft and fractions of a foot pro rata, and an additional charge of five mils ($0.005) per high gross registered ton. A minimum charge for such bar pilotage shall be two hundred dollars ($200) for each vessel piloted. The vessel's deepest draft shall be the maximum draft attained, on a stillwater basis, at any part of the vessel during the course of such transit inward or outward.

SEC. 2. Section 1210 of the Harbors and Navigation Code is amended to read:

1210. In preparing its recommendations to the Legislature with relationship to pilotage rates, the committee may require an independent audit or audits by a public accountant selected by the committee, such audit or audits to cover bar pilotage operations for such years as may be determined by the committee, and the committee shall further give consideration to other relevant factors, including, but not limited to, the following:

(1) The costs to the pilots, individually or jointly, of providing pilot service as required.

(2) A net return to the pilot sufficient to attract and hold persons capable of performing this service with safety to the public and protection to the property of persons using the

service; and the relationship of that income to any changes in cost-of-living indices.

(3) Pilotage rates charged for comparable services rendered in other ports and harbors in the United States.

(4) The methods of determining pilotage rates in other ports and harbors in the United States.

(5) Economic factors affecting the local shipping industry, including prospective increases or decreases in income and labor costs.

(6) Additional factors affecting income to pilots such as the volume of shipping traffic using pilotage, numbers of pilots available to perform services, income paid for comparable services, and other factors of related nature.

(7) Changes in, or additions to, navigational and safety equipment necessary to insure protection of persons, ships, and waterways.

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:

Although an income standard for bar pilots for San Francisco, San Pablo, and Suisun Bays was set forth in Chapter 1302 of the Statutes of 1970 at a level determined to be reasonable and necessary to attract and hold trained, competent pilots capable of safely guiding vessels across the hazardous San Francisco bar, current pilot income is far below that standard. The Pilotage Rate Committee for San Francisco, San Pablo, and Suisun Bays, composed of pilot, public, and industry members, has unanimously recommended the rate adjustment which would be established by this act in order to provide additional moneys for urgently needed increases in pilot income, thus it is necessary that this act take effect immediately.

---

## CHAPTER 1606

*An act to amend Section 4506 of the Business and Professions Code, relating to medical personnel.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 4506 of the Business and Professions Code is amended to read:

4506. Notwithstanding any other provision of this chapter, any person who prior to July 1, 1972, 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 the time of making application for a license is employed by the State of California in the general classification of psychiatric technician, or who during such period within the past five years prior to January 1, 1970, entered the armed services of the United States and was on military leave from such employment and remained in such service and on such leave until after January 1, 1970, but no later than January 1971, and is unable to reenter state employment as a psychiatric technician without a psychiatric technician's license, shall, upon application and payment of the fees prescribed by this chapter, be granted a psychiatric technician's license without an examination.

---

## CHAPTER 1607

*An act to amend Sections 96, 2922, and 2924 of, and to add Section 2929 to, the Labor Code, relating to employment.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 96 of the Labor Code is amended to read:

96. The Labor Commissioner and his deputies and representatives authorized by him in writing may take assignments of:

(a) Wage claims and incidental expense accounts and advances.

(b) Mechanics' and other liens of employees.

(c) Claims based on "stop orders" for wages and on bonds for labor.

(d) Claims for damages for misrepresentations of conditions of employment.

(e) Claims for unreturned bond money of employees.

(f) Claims for penalties for nonpayment of wages.

(g) Claims for the return of workmen's tools in the illegal possession of another person.

(h) Claims for vacation pay, severance pay, or other compensation supplemental to a wage agreement.

(i) Awards for workmen's compensation benefits in which the Workmen's Compensation Appeals Board has found that the employer has failed to secure payment of compensation and where the award remains unpaid more than 10 days after having become final.

(j) Claims for loss of wages as the result of discharge from employment for the garnishment of wages

SEC. 2. Section 2922 of the Labor Code is amended to read:

2922. An employment, having no specified term, may be terminated at the will of either party on notice to the other.

Employment for a specified term means an employment for a period greater than one month.

SEC. 3. Section 2924 of the Labor Code is amended to read:

2924. An employment for a specified term may be terminated at any time by the employer in case of any willful breach of duty by the employee in the course of his employment, or in case of his habitual neglect of his duty or continued incapacity to perform it.

SEC. 4. Section 2929 is added to the Labor Code, to read:

2929. (a) As used in this section:

(1) "Garnishment" means any judicial procedure through which the wages of an employee are required to be withheld for the payment of any debt.

(2) "Wages" has the same meaning as that term has under Section 200.

(b) No employer may discharge any employee by reason of the fact that the garnishment of his wages has been threatened. No employer may discharge any employee by reason of the fact that his wages have been subjected to garnishment for the payment of one judgment. A provision of a contract of employment that provides an employee with less protection than is provided by this subdivision is against public policy and void.

(c) Unless the employee has greater rights under the contract of employment, the wages of an employee who is discharged in violation of this section shall continue until reinstatement notwithstanding such discharge, but such wages shall not continue for more than 30 days and shall not exceed the amount of wages earned during the 30 calendar days immediately preceding the date of the levy of execution upon the employee's wages which resulted in his discharge. The employee shall give notice to his employer of his intention to make a wage claim under this subdivision within 30 days after being discharged; and, if he desires to have the Labor Commissioner take an assignment of his wage claim, the employee shall file a wage claim with the Labor Commissioner within 60 days after being discharged. The Labor Commissioner may, in his discretion, take assignment of wage claims under this subdivision as provided for in Section 96. A discharged employee shall not be permitted to recover wages under this subdivision if a criminal prosecution based on the same discharge has been commenced for violation of Section 304 of the Consumer Credit Protection Act of 1968 (15 U.S.C. Sec. 1674).

(d) Nothing in this section affects any other rights the employee may have against his employer.

(e) This section is intended to aid in the enforcement of the prohibition against discharge for garnishment of earnings provided in the Consumer Credit Protection Act of 1968 (15 U.S.C. Secs 1671–1677) and shall be interpreted and applied in a manner which is consistent with the corresponding provisions of such act.

## CHAPTER 1608

*An act to amend Sections 3905, 3922, and 3940 of, and to add Section 3918 to, the Business and Professions Code, relating to nursing home administrators, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 3905 of the Business and Professions Code is amended to read:

3905. On and after July 1, 1972, it shall be a misdemeanor for any person to act or serve in the capacity of a nursing home administrator, unless he is the holder of a nursing home administrator's license issued in accordance with the provisions of this chapter; except that persons carrying out functions and duties delegated by a licensed administrator shall not be construed to be committing any unlawful act under this chapter.

This section shall not apply to any person who serves as an acting administrator as provided in this paragraph when a licensed administrator is not available because of death, illness, or any other reason. A person who is acting as an administrator shall notify the board within five days of that fact and the circumstances which made it necessary. No person shall act as an administrator for more than 10 days unless arrangements have been made for part-time supervision of his activities by a nursing home administrator who holds a license or provisional license under this chapter. The board shall be notified of the nature of such arrangements. No person may act as an administrator for more than two months without the approval of the board and the board may not approve a person to act as an administrator for more than six months.

SEC. 2. Section 3918 is added to the Business and Professions Code, to read:

3918. The members of the board shall receive a per diem and expenses pursuant to the provisions of Section 103. In addition, each member of the board who is a member of the board on the effective date of this section shall receive an additional per diem of twenty-five dollars ($25) for each day actually spent in the discharge of his official duties for the first 20 such days so spent at any time on and after the effective date of this section. Such payments in each instance shall be made only from the Nursing Home Administrator's State License Examining Board Fund and shall be subject to the availability of money in that fund.

SEC. 3. Section 3922 of the Business and Professions Code is amended to read:

3922. (a) A provisional license may be issued to any individual applying therefor who has served, as shown by such individual's affidavit, as a nursing home administrator during all of the calendar year immediately preceding the calendar year in which the requirements prescribed in Section 1902 (a)(29) of Title XIX of the Social Security Act are first met by the state, and who meets the standards specified in subdivisions (a), (b), and (c) of Section 3920. Any such provisional license shall terminate upon the issuance of a permanent license or at midnight, June 30, 1972, whichever is earlier.

(b) If a provisional license is issued to an individual, there shall be provided in this state during all of the period for which such provisional license remains in effect, a program of training and instruction designed to enable all provisionally licensed nursing home administrators to attain the qualifications necessary to be fully licensed as a nursing home administrator, as provided under this chapter.

SEC. 4. Section 3940 of the Business and Professions Code is amended to read:

3940. The amount of the fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for a nursing home administrator's license or provisional license is not less than twenty-five dollars ($25) nor more than fifty dollars ($50).

(b) The initial fee for a license or provisional license is not less than fifty-five dollars ($55) nor more than one hundred dollars ($100).

(c) The renewal fee is not less than fifty-five dollars ($55) nor more than one hundred dollars ($100).

(d) The delinquency fee is 50 percent of the renewal fee.

The board shall fix the fees, within the limits of the amounts prescribed in subdivision (a), (b), and (c), in such amounts as it determines are reasonably necessary to provide sufficient funds to carry out the purpose of this chapter.

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 members of the State Board of Examiners of Nursing Home Administrators receive just compensation for their expenses; in order that provisional licenses as nursing home administrators may be issued in compliance with federal law; and in order that the board have sufficient revenue to cover its expenses, it is necessary that this act go into immediate effect.

## CHAPTER 1609

*An act to add Sections 5620, 5703.1, 5704, 5704.1, 5704.2, 5704.3, and 5713.1 to, to repeal Section 5704 of, to add Chapter 2 (commencing with Section 5650) to Part 2, Division 5 of, and to repeal Chapter 2 (commencing with Section 5650) of Part 2 of Division 5 of, the Welfare and Institutions Code, relating to Short-Doyle Act.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 5620 is added to the Welfare and Institutions Code, to read:

5620. Prior to the release of a voluntary or involuntary patient from a state hospital treated therein pursuant to a county Short-Doyle plan, the local mental health director of the patient's county of residence shall provide a written plan for such after-care services as the patient may need and agree to, upon release from the state hospital. The local mental health director may request the state hospital to prepare such a written plan.

SEC. 2. Chapter 2 (commencing with Section 5650) of Part 2 of Division 5 of the Welfare and Institutions Code is repealed.

SEC. 3. Chapter 2 (commencing with Section 5650) is added to Part 2 of Division 5 of the Welfare and Institutions Code, to read:

### CHAPTER 2. THE COUNTY SHORT-DOYLE PLAN

5650. On or before October 1 of each year, 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 in the form and according to the procedures specified by the director, 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, licensed private institutions, and personnel. A county Short-Doyle plan shall include the fullest possible and most appropriate participation by existing city Short-Doyle programs, local public and private general and psychiatric hospitals, state 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.

5651. The county Short-Doyle plan shall include the following:

(a) A description of the persons to be served. This shall include the number of persons to be served in each of the following target groups: general mental disorder, children and adolescents, alcoholism, drug abuse, and mentally retarded. Each target group shall be further categorized by age groups.

(b) A description of all the comprehensive direct service programs to be provided to each target group. This shall include the state, county, and private resources providing the services, the cost of each comprehensive program, and the cost of each major program element within each comprehensive program.

(c) A description of the indirect and supportive services necessary for the operation of the county's mental health program. This shall include consultation and education services available to community agencies and professional personnel and information services to the general public, including drug counseling services offered in public schools, training research and evaluation. The plan shall also include the cost of each of these services.

(d) A five-year projection of county needs for each target group commencing with the fiscal year for which the plan is adopted. This projection shall include a priority listing of the resources required to meet the needs of each target group, and the estimated cost of developing and acquiring these resources.

(e) An estimate of the county's utilization of the state hospital by numbers of admissions and patient days for the succeeding fiscal year. This requirement shall not apply to patients for whom county expenditures for services are not reimbursable by the state under this part.

The State Department of Mental Hygiene shall provide the counties, to the extent possible, the information upon which to base this estimate.

No mentally disordered person or person afflicted with alcoholism shall be admitted to a state hospital prior to screening and referral by an agency designated by the county Short-Doyle plan to provide this service.

(f) A detailed presentation of all expected expenditures of county, state, and federal government funds and all anticipated public and private revenues.

(g) A detailed description of the methodology to be used by the county for evaluating the results of the programs and services being provided for each target group This methodology shall permit program evaluation including the relative cost and effectiveness of alternative forms and patterns of services.

(h) A description of the procedures used to insure citizen and professional involvement in the county's mental health planning process at all stages of its development. Such procedures shall be reviewed and approved by the local mental health advisory board.

5652. When the county Short-Doyle plan is submitted to the Director of Mental Hygiene it shall be accompanied by a document indicating the plan has been reviewed by the local mental health advisory board.

5653. In developing the county Short-Doyle plan, optimum use shall be made of appropriate local public and private organizations, community professional personnel, and state agencies. 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.

5654. The county may elect to provide evaluation and treatment services for persons who are dangerous to themselves or others as a result of the use of narcotics or restricted dangerous drugs, or for persons who are 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. The county Short-Doyle plan shall designate the specific facility or facilities for evaluation and treatment of such persons 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.

5655. All departments of state government and all local public agencies shall cooperate with county officials to assist them in mental health planning. The State Department of Mental Hygiene shall, upon request and with available staff, provide consultation services to the local mental health directors, local governing bodies and local mental health advisory boards.

5656. To enable the department to determine the relative cost-effectiveness of the programs and services included in the county plans, the department shall conduct a series of evaluations of the cost-effectiveness of the different types of programs and services being provided for each of the target groups. The department shall conduct these evaluations in at least five counties providing different types of programs and

services for the same target group and shall conduct these evaluations in such a manner as to enable the department to compare the relative cost-effectiveness of the same or similar programs or services provided in different counties.

5657. Evaluation studies shall be designed to provide the department, the Legislature, and the counties with at least the following information:

(a) Detailed description of the target group served;

(b) Detailed description of the kind of programs or services provided and their cost;

(c) Detailed description of the results of the programs or services—at six-month intervals—for at least 18 months after the programs or services have been initiated.

5658. After July 1, 1972, a primary responsibility of the department shall be to conduct such evaluation studies In conducting evaluation studies, the department may contract for research and evaluation services with counties, state agencies, or other public or private agencies.

5660. On or before July 1, 1972, the department shall present to the Legislature detailed plans for conducting such evaluation studies—including the counties selected for evaluation studies, each of the target groups to be studied and the methods to be used in conducting the studies.

5661. For fiscal year 1974–75 and each succeeding year thereafter, the director shall use the information developed in the evaluation studies as guidelines for the allocation of funds for target group programs as present in the county Short-Doyle plans. Standards should be developed to assure maximum cost-effectiveness of all programs, based on the evaluation studies

5662. After July 1, 1974, and each succeeding year thereafter, the department shall review and revise all standards for professional and other program requirements to assure that such standards conform to the findings of the evaluation studies.

5663. It is the intent of the Legislature that, to the extent feasible, new and expanded services requested in the county Short-Doyle plan shall provide alternatives to inpatient treatment. It is furthermore the intent of the Legislature that, to the extent feasible, counties that decrease their expenditures for inpatient treatment in any year below the costs of inpatient treatment in the previous year shall receive the amount of such decrease for new and expanded services requested in the county plan.

SEC. 4. Section 5703.1 is added to the Welfare and Institutions Code, to read:

5703.1. On or before March 15, 1972, and on or before March 15 of each year thereafter, each county shall submit to the Department of Mental Hygiene a revised county plan for the next succeeding fiscal year which includes such revisions as are necessary or desirable to make the plan compatible with the budget for that fiscal year submitted by the Gover-

nor to the Legislature. Such revised plan shall include a revised estimate of the county's utilization of the state hospital by numbers of admissions and patient-days for the next succeeding fiscal year. By May 1, 1972, and by May 1 of each year thereafter, the Department of Mental Hygiene shall review and approve each county plan together with such revisions and revised estimates. Such approval shall be subject to the amount appropriated for the purposes of such plans in the Budget Act for such fiscal year as enacted into law.

If the amount appropriated in the Budget Act for such fiscal year as enacted into law differs from the amount in the budget submitted by the Governor for such fiscal year, each county shall submit an additional revised plan in the form and at the time required by the Department of Mental Hygiene.

SEC. 5. Section 5704 of the Welfare and Institutions Code is repealed.

SEC 6. Section 5704 is added to the Welfare and Institutions Code, to read:

5704. When allocating funds for new and expanded programs, the director shall fund direct services in the following order of priority:

(a) Crisis intervention;

(b) Outpatient and day treatment, and aftercare services;

(c) Partial hospitalization;

(d) Residential treatment;

(e) Inpatient.

SEC. 7. Section 5704.1 is added to the Welfare and Institutions Code, to read:

5704.1. In requesting funds for new and expanded programs, counties shall indicate priorities by target group as described in subdivision (a) of Section 5651.

SEC. 8. Section 5704.2 is added to the Welfare and Institutions Code, to read:

5704.2. The director, by August 1 of each year, shall distribute to the counties a report indicating the statewide average of inpatient costs in all counties participating in the Short-Doyle program. Such figure shall be calculated by identifying that portion of the total mental health program in each county which is devoted to inpatient services as a percentage of the total mental health program of the county. Inpatient services shall include services in the state hospital, county hospital, and local contract facilities.

SEC. 9. Section 5704.3 is added to the Welfare and Institutions Code, to read:

5704.3. Each county Short-Doyle plan which includes a request for funding continuing, existing or new and expanded inpatient services shall stipulate the percentage of the total request for funds the request for inpatient services represents. If this percentage is greater than the statewide average for inpatient services in the preceding fiscal year as determined in

Section 5704.2, the plan shall separately indicate the amount exceeding the statewide average and shall include a separate justification for such excess based upon cost-effective criteria.

SEC. 10 Section 5713.1 is added to the Welfare and Institutions Code, to read:

5713.1. Each local public or private facility or agency providing local mental health services pursuant to a county Short-Doyle plan must make a written certification within 30 days after a patient is admitted to the facility as a patient or first given services by such a facility or agency, to the local mental health director of the county, stating whether or not each such patient is eligible for mental health services under the California Medical Assistance Program.

---

## CHAPTER 1610

*An act to amend Sections 641 and 643 of the Probate Code, relating to estates.*

[Approved by Governor November 22, 1971 Filed with Secretary of State November 22, 1971 ]

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

SECTION 1. Section 641 of the Probate Code is amended to read:

641. Allegations showing that this article is applicable, together with a prayer that the estate be set aside as provided in this article, may be presented without filing a petition for probate of the will or for letters of administration, by petition of the person named in the will as executor or the surviving spouse or the guardian of the minor child or children of the decedent. Such allegations and prayer may also be included alternatively in the petition for probate of the will or for letters of administration or such allegations and prayer may be presented by separate petition filed by the personal representative of the decedent, or the surviving spouse, or the guardian of the minor child or children, filed at any time before the hearing on the petition for probate of the will or for letters of administration or after the filing of the inventory. In all cases the petition shall be verified. The allegations shall include a specific description and an estimate of the value of all of the decedent's property, a list of all liens and encumbrances at the date of death, and a designation of any property as to which a homestead is set apart out of decedent's estate under Section 660 or 661.

SEC. 2. Section 643 of the Probate Code is amended to read:

643. (a) If a separate petition is filed under the provisions of Section 641 without there having been any other

petition filed, there shall be no notice of any type other than as prescribed in this subdivision. In such cases, the clerk shall fix a day for the hearing thereof and shall give notice of the hearing to each heir by mail not less than 10 days prior to the hearing, and shall give notice for the period and in the manner required by Section 1200.

(b) If the hearing of the original petition for probate of the will or for letters of administration is set for a day more than 10 days after the filing of a separate petition filed with respect to the same estate, the latter shall be set for hearing at the same time as the former and notice thereof given as provided in Section 1200; if not, the separate petition shall be set for hearing at least 10 days after the date on which it is filed, and if the original petition has not already been heard it shall be continued until such date and heard at the same time.

## CHAPTER 1611

*An act to amend Sections 1182 and 1183 of the Civil Code, to add Section 8308 to, and to repeal Chapter 4 (commencing with Section 8300) of Division 1 of Title 2 of, the Government Code, relating to commissioners of deeds.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 1182 of the Civil Code is amended to read:

1182. The proof or acknowledgment of an instrument may be made without this state, but within the United States, and within the jurisdiction of the officer, before any of the following:

(1) A justice, judge, or clerk of any court of record of the United States.

(2) A justice, judge, or clerk of any court of record of any state.

(3) A commissioner appointed by the Governor or Secretary of State for that purpose.

(4) A notary public.

(5) Any other officer of the state where the acknowledgment is made authorized by its laws to take such proof or acknowledgment.

SEC. 2. Section 1183 of the Civil Code is amended to read:

1183. The proof or acknowledgment of an instrument may be made without the United States, before any of the following:

(1) A minister, commissioner, or chargé d'affaires of the United States, resident and accredited in the country where the proof or acknowledgment is made.

(2) A consul, vice consul, or consular agent of the United States, resident in the country where the proof or acknowledgment is made.

(3) A judge of a court of record of the country where the proof or acknowledgment is made.

(4) Commissioners appointed by the Governor or Secretary of State for that purpose.

(5) A notary public.

If the proof or acknowledgment is made before a notary public, the signature of the notary public must be proved or acknowledged before a minister, consul, vice consul or consular agent of the United States or a judge of a court of record of the country where the proof or acknowledgment is made.

SEC. 3. Chapter 4 (commencing with Section 8300) of Division 1 of Title 2 of the Government Code is repealed.

SEC. 4. Section 8308 is added to the Government Code, to read:

8308. On and after the effective date of this section, no more commissioners of deeds shall be appointed pursuant to this chapter whether as to a new commission or as a renewal of an existing commission. Commissioners of deeds previously appointed pursuant to this chapter shall hold office for the term of four years from and after the date of their commissions.

SEC. 5. The operative date of Section 3 of this act shall be the same as the effective date of statutes generally enacted at the 1975 Regular Session of the Legislature.

---

## CHAPTER 1612

*An act to amend Sections 12016, 12080, 12080.2, and 12080.5 of the Government Code, relating to executive reorganization.*

[Approved by Governor November 22, 1971. Filed with Secretary of State November 22, 1971.]

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

SECTION 1. Section 12016 of the Government Code is amended to read:

12016. The budget required by the State Constitution to be submitted by the Governor at each regular session of the Legislature shall be submitted within the first 10 days thereof and shall contain a complete plan and itemized statement of all proposed expenditures of the state provided by existing law or recommended by him, and all of its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies, and of all estimated revenues, for the ensuing fiscal year, together with a comparison, as to each item of revenues and expenditures, with the actual revenues and ex-

penditures for the last completed fiscal year and the actual revenues and expenditures for the existing fiscal year.

The Governor shall make appropriate changes in his budget request to reflect any modification in the organization or functions of state government proposed under Article 7.5 (commencing with Section 12080) of Chapter 1 of this part prior to the passage of such budget.

SEC. 1.5. Section 12080 of the Government Code is amended to read:

12080. As used in this article:

(a) "Agency" means any statewide office, nonelective officer, department, division, bureau, board, commission or agency in the executive branch of the state government, except that it shall not apply to any agency whose primary function is service to the Legislature or judicial branches of state government or to any agency that is administered by an elective officer. "Agency that is administered by an elective officer" includes the State Board of Equalization but not a board or commission on which an elective officer serves in an ex officio capacity.

(b) "Reorganization" means:

(1) The transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

(2) The abolition of all or any part of the functions of any agency; or

(3) The consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(4) The consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) The authorization of any nonelective officer to delegate any of his functions; or

(6) The abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of a reorganization plan will not have, any functions.

(7) The establishment of a new agency to perform the whole or any part of the functions of an existing agency or agencies.

(c) "Resolution" means a resolution of either house of the Legislature resolving as follows:

"That the _____ does not favor Reorganization Plan No. _____ transmitted to the Legislature by the Governor on _____ and recommends that the plan be assigned to the _____."

(Assembly or Senate)

(Insert number of plan)

(Insert date of transmittal)

(Insert appropriate committee)

SEC. 2. Section 12080.2 of the Government Code is amended to read:

12080.2. Whenever the Governor finds that reorganization is in the public interest, he shall prepare one or more reorganization plans in the form and language of a bill as nearly as practicable and transmit each, bearing an identifying number, to the Legislature, with a declaration that, with respect to each reorganization included in the plan, he has so found. The delivery to both houses may be at any time during a regular session of the Legislature. The Governor, in his message transmitting a reorganization plan, shall explain the advantages which it is probable will be brought about by the taking effect of the reorganization included in the plan, and he shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function. Reorganization plans submitted to the Legislature pursuant to this section shall express clearly and specifically the nature and purposes of the plan or plans.

Upon receipt of a reorganization plan, the Rules Committee of the Senate and the Speaker of the Assembly shall refer the plan to a standing committee of their respective houses for study and a report. Such report shall be made at least 10 days prior to the end of the 60-day period described in Section 12080 5 and may include the committee's recommendation with respect to a resolution.

A resolution, by floor motion, as defined in subdivision (c) of Section 12080, may only be in order following a committee report or at any time during the last 10 days prior to the end of the 60-day period described in Section 12080.5. Such resolution shall be voted upon without referral to committee.

SEC. 3. Section 12080.5 of the Government Code is amended to read:

12080.5. Except as otherwise provided in this section, a reorganization plan submitted pursuant to this article shall become effective the first day after 60 calendar days of continuous session of the Legislature after the date on which the plan is transmitted to each house or at a later date as may be provided by the plan, unless, prior to the end of the 60-calendar-day period, either house of the Legislature adopts by a majority vote of the duly elected and qualified members thereof a resolution, as defined in subdivision (c) of Section 12080.

As used in this section "60 calendar days of continuous session" shall be deemed broken only by an adjournment sine die, but in computing the 60 calendar days for the purposes of this provision days on which either house is not in session because of a recess of more than three days to a day certain shall not be included.

If the Governor submits a reorganization plan or reorganization plans to the Legislature and it adjourns sine die before 60 calendar days have elapsed, such plans shall, without action by

either house, not be effective. The plans may be resubmitted to the Legislature when it next convenes.

SEC. 4. The provisions of this act are enacted by the Legislature as an exercise of the rulemaking power of the Senate and the Assembly, respectively, and as such they are deemed part of the rules of each house, respectively. They supersede other rules only to the extent that they are inconsistent therewith, and with full recognition of the constitutional right of either house to change the rules (so far as relating to the procedure of that house) at any time, in the same manner and to the same extent as in the case of any other rule of that house.

## CHAPTER 1613

*An act to amend Section 107.4 of the Revenue and Taxation Code, relating to property taxation.*

[Approved by Governor November 23, 1971. Filed with Secretary of State November 23, 1971.]

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

SECTION 1. Section 107.4 of the Revenue and Taxation Code is amended to read:

107.4. For purposes of Section 107, "possessory interest" shall not include the possession of, claim to, or right to the possession of any berth, wharf, dock, pier, or similar harbor facility owned by a city, city and county, county, or harbor or port district, if such possession, claim, or right is granted for nonexclusive use of such berth, wharf, dock, pier, or similar harbor facility. Any nonexclusive possession, claim, or right described in this section shall not be subject to property taxation.

If the possession of, claim to, or right to the possession of, any such berth, wharf, dock, pier, or similar harbor facility is, in fact, exclusive, it shall be subject to property taxation, regardless of the manner in which such possession, claim, or right is created.

As used in this section, a "nonexclusive possession, claim, or right" means a right to the use of a specific berth, wharf, dock, pier, or similar harbor facility, when such specific facility is also used intermittently by others, even though such possession, claim, or right to use such facility is paramount to any use by others.

As used in this section, a "nonexclusive possession, claim, or right" includes a right to the use of a specific berth, wharf, dock, pier, or similar harbor facility, when the owner reserves the right to assign to others the right to use such facility.

# CHAPTER 1614

*An act to add Article 11 (commencing with Section 6640) to Chapter 6, Division 3 of the Business and Professions Code, relating to barbers.*

[Approved by Governor November 24, 1971. Filed with Secretary of State November 24, 1971 ]

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

SECTION 1. Article 11 (commencing with Section 6640) is added to Chapter 6, Division 3 of the Business and Professions Code, to read:

## Article 11. Special Certificate in Barbering

6640. It is the intention of the Legislature in enacting this article to encourage persons who are mentally retarded, but educable, to enrich both their lives and society by offering them the opportunity to become members of a profession.

6641. The board shall issue a special certificate in barbering to any person who meets the qualifications prescribed by this article.

6642. A special certificate in barbering shall entitle the person so registered to engage in the practice of barbering only in facilities located on property owned by the state or the United States.

6643. A person is eligible to receive a special certificate in barbering, if he complies with each of the following:

(a) He is qualified under the provisions of Section 6644 of this article.

(b) He is at least 18 years of age.

(c) He is of good moral character.

(d) He has passed the examination conducted by the board as prescribed in Section 6647 to determine his fitness to practice barbering.

(e) He has been certified by a regional center established pursuant to the Lanterman Mental Retardation Services Act of 1969 (Division 25 (commencing with Section 38000) of the Health and Safety Code) as mentally retarded, but educable.

6644. A person applying for a special certificate in barbering shall have completed at least one thousand hours of training in barbering in a school for the training of the educable mentally retarded, approved by the board.

6645. No school of barbering for the educable mentally retarded shall be approved by the board unless it complies with all of the following requirements:

(1) It is a nonprofit corporation or association.

(2) The curriculum has been planned by a person authorized to teach the educable mentally retarded in the public schools of the state.

(3) All instructors in the school hold licenses issued pursuant to this chapter and have had a minimum of three years of experience in the practice of barbering. No additional qualification shall be required of such an instructor.

(4) The school has a ratio of one teacher for every student enrolled therein.

6646. The course of instruction in any school approved by the board shall consist of the fundamentals of the following subjects:

(a) Sanitation, antiseptics, sterilization, hygiene and bacteria. Instruction in these subjects shall be limited to their relation to barbering.

(b) Haircutting and shaving.

(c) Massaging of the scalp, face, and neck.

(d) Shampooing, and the applying of hair tonics, hairdressing preparations, and rinses.

(e) Facials and scalp massages or treatments with creams, lotions, oils or other cosmetic preparations either by hand or mechanical appliances, but such appliances shall not be galvanic nor faradic.

(f) Shop management, ethics, salesmanship, implements, and a brief study of the history of barbering.

(g) Laws and regulations governing the practice of barbering.

(h) Common skin and hair diseases of the scalp, face and neck.

(i) The structure and functions of the skin and hair of the scalp, face and neck.

(j) Cosmetic preparations used in the practice of barbering.

(k) Circulation, muscles, nerves and cells of the scalp, face and neck only as such subjects are related to massaging or other acts of barbering.

(*l*) Introduction to coloring, bleaching, relaxing of hair, hairpieces, and waving of the hair, except that waving shall not include permanent waving.

6647. The examination for a special certificate in barbering shall consist of a practical demonstration of skill and oral questioning.

6648. A special certificate in barbering shall be issued by the board to any applicant who satisfactorily passes an examination making a grade of not less than 75 percent, and who possesses the other qualifications required by this article.

6649. Each applicant shall file a verified application for an examination before the board. It shall be in the form and shall contain the matters required by the board.

6650. The amount of the fees payable in connection with special certificates in barbering is as follows:

(a) The examination fee is twenty dollars ($20).

(b) The fee for the issuance of the certificate is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued.

(c) The renewal fee shall be fixed by the board at not more than twenty dollars ($20) nor less than ten dollars ($10) for each biennial renewal period.

(d) The restoration fee is an amount equal to twice the renewal fee in effect when the application for restoration is filed.

6651. Special certificates in barbering shall expire at 12 midnight on September 30 of each odd-numbered year, if not renewed. Procedures for renewal and restoration of certificates shall be as provided in Article 10 (commencing with Section 6625) of this chapter.

---

## CHAPTER 1615

*An act to amend Section 69586 of the Government Code, relating to superior courts.*

[Approved by Governor November 26, 1971. Filed with Secretary of State November 26, 1971.]

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

SECTION 1. Section 69586 of the Government Code is amended to read:

69586. In the County of Los Angeles there shall be 161 judges of the superior court, any one or more of whom may hold court.

---

## CHAPTER 1616

*An act to amend Section 1029 of the Government Code, relating to parole officers.*

[Approved by Governor November 26, 1971. Filed with Secretary of State November 26, 1971.]

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

SECTION 1. Section 1029 of the Government Code is amended to read:

1029. (a) Except as provided in subdivision (b), any person who has been convicted of a felony in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony if committed in this state, is disqualified from holding office or being employed as a peace officer of the state, county, city, city and county or other political subdivision, whether with or without compensation, and is disqualified from any office or employment by the state, county, city, city and county or other political subdivision, whether with or without compensation, which confers upon the holder or employee the powers and duties of a peace officer.

(b) Any person who has been convicted of a felony, other than a felony punishable by death, in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony, other than a felony punishable by death, if committed in this state, and who demonstrates the ability to assist persons in programs of rehabilitation may hold office and be employed as a parole officer of the Department of Corrections or the Department of the Youth Authority if he has been granted a full and unconditional pardon for the felony or offense of which he was convicted. Notwithstanding any other provision of law, the Department of Corrections or the Department of the Youth Authority may refuse to employ any such person as a parole officer regardless of his qualifications.

(c) Nothing in this section shall be construed to limit or curtail the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in time of disaster caused by flood, fire, pestilence or similar public calamity, or to exercise any power conferred by law to summon assistance in making arrests or preventing the commission of any criminal offense.

---

## CHAPTER 1617

*An act to amend Sections 20750.85 and 21382 of, and to add Sections 20750.26, 20750.36, 20750.41 and 20750.425 to, the Government Code, relating to Public Employees' Retirement System.*

[Approved by Governor November 26, 1971. Filed with Secretary of State November 26, 1971.]

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

SECTION 1. Section 20750.85 of the Government Code is amended to read:

20750.85. The state and each employer included in a contract under Chapter 4.5 of this part shall make contributions on account of liability for prior service and benefits under Section 21382 of this code in addition to those otherwise specified in this chapter in a sum equal to 0.11 percent of compensation paid miscellaneous members.

SEC. 2. Section 20750.26 is added to the Government Code, to read:

20750.26. An employer's contribution to the retirement fund in respect to state patrol members provided by any and all other provisions of this chapter is increased by a sum equal to six hundredths (0.06) of 1 percent of the compensation paid such members by such employer.

SEC. 3. Section 20750.36 is added to the Government Code, to read:

20750.36. An employer's contribution to the retirement fund in respect to forestry members provided by any and all other provisions of this chapter is increased by a sum equal to six hundredths (0.06) of 1 percent of the compensation paid such members by such employer.

SEC. 4. Section 20750.41 is added to the Government Code, to read:

20750.41. An employer's contribution to the retirement fund in respect to warden members provided by any and all other provisions of this chapter is increased by a sum equal to six hundredths (0.06) of 1 percent of the compensation paid such members by such employer.

SEC. 5. Section 20750.425 is added to the Government Code, to read:

20750.425. An employer's contributions to the retirement fund in respect to law enforcement members provided by any and all other provisions of this chapter is increased by a sum equal to six hundredths (0.06) of 1 percent of the compensation paid such members by such employer.

SEC. 6. Section 21382 of the Government Code is amended to read:

21382. If the death benefit provided by Section 21361 is payable on account of a member's death which occurs under circumstances other than those described in subdivision (a)(5) of Section 21360, or if an allowance under Section 21365.5 is payable, (a) the surviving wife or surviving dependent husband of the member, who has the care of unmarried children, including stepchildren, of the member who are under 18 years of age, or are incapacitated because of disability which began before and has continued without interruption after attainment of such age, or if there is no such spouse, then (b) the guardian of surviving unmarried children, including stepchildren, of the member who are under 18 years of age or so incapacitated, if any, or (c) the surviving wife or surviving dependent husband of the member, who does not qualify under (a) of this subdivision, if any, or if no such children under (b) or such spouse under (c), then (d) each surviving parent of the member, shall be paid regardless of the benefit provided by Section 21361, and of the beneficiary designated by the member under that section, or regardless of the allowance provided under Section 21365.5, the following applicable survivor allowance, under the conditions stated and from contributions of the state:

(1) A widow, or a widower receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member under 18 years of age or so incapacitated,

shall be paid three hundred sixty dollars ($360) if there is one such child, or four hundred thirty dollars ($430) per month if there are two or more such children. If there also are such children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, which is in excess of one hundred eighty dollars ($180) per month, shall be divided equally among all such children and payments made to the spouse and other children, as the case may be.

(2) If there is no such surviving spouse, or if such surviving spouse dies or remarries, and if there are unmarried children, including stepchildren, of the deceased member under 18 years of age, or if there are such children not in the care of such spouse, such children shall be paid an allowance as follows:

(a) If there is only one such child, such child shall be paid one hundred eighty dollars ($180) per month;

(b) If there are two such children, such children shall be paid three hundred sixty dollars ($360) per month divided equally between them; and

(c) If there are three or more such children, such children shall be paid four hundred thirty dollars ($430) 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 one hundred eighty dollars ($180) per month. No allowance shall be paid under this subdivision, while the surviving spouse is receiving an allowance under subdivision (1) of this section, or while an allowance is being paid under subdivision (2)(c) of this section. The allowance paid under this subdivision shall be seventy dollars ($70) per month while an allowance is being paid under subdivision (2)(b) of this section.

(4) If there is no surviving spouse, or surviving children who qualify for a survivor allowance, or if such surviving spouse dies or remarries, or if such children reach age 18 or die or marry prior thereto, each of the member's dependent mother and father who has attained or attains the age of 62 or 65 years respectively, and who received at least one-half of his support from the member at the time of the member's death, shall be paid one hundred eighty dollars ($180) per month.

"Stepchildren", for purposes of this section, shall include only stepchildren of the member living with him in a regular parent-child relationship at the time of his death.

The amendments to this section enacted at the 1971 Regular Session shall apply only to survivor allowances payable for time commencing on the operative date of such amendments.

SEC. 7. This act shall become operative on the first of the month following the month in which statutes enacted at the 1971 Regular Session become effective.

## CHAPTER 1618

*An act to add Section 28959 to the Public Utilities Code, relating to the San Francisco Bay Area Rapid Transit District.*

[Approved by Governor November 26, 1971. Filed with Secretary of State November 26, 1971.]

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

SECTION 1. Section 28959 is added to the Public Utilities Code, to read:

28959. Notwithstanding Sections 53090 and 53091 of the Government Code, commercial outdoor advertising signs located on property of the San Francisco Bay Area Rapid Transit District shall be in conformance with the zoning regulations and ordinances of the city or county in which the signs are located.

## CHAPTER 1619

*An act relating to apportionments to community colleges for purposes of educating handicapped students.*

[Approved by Governor November 26, 1971. Filed with Secretary of State November 26, 1971.]

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

SECTION 1. The Superintendent of Public Instruction shall apportion, from money appropriated to the State School Fund for such purpose, to each community college district and to each school district maintaining a community college, for the purpose of funding the excess cost of providing special facilities, special educational material, educational assistance, mobility assistance, and transportation for handicapped students 21 years of age or older enrolled at a community college who have demonstrated a financial need for such benefits, an amount not exceeding four hundred dollars ($400) in each fiscal year for each handicapped student 21 years of age or older enrolled at a community college who has demonstrated a financial need therefor. Each student applying for the benefits afforded by this section shall be required to submit to the community college a statement of his financial condition. The community college shall grant such benefits on the basis of the demon-

strated financial need of the applicant therefor. The financial status of his parents shall be taken into consideration in determining the financial need of an applicant.

---

## CHAPTER 1620

*An act to amend Sections 22600, 23600, 23601, and 23604.4 of, to add Sections 23601.5, 23602.3, 23604.5, and 23604.6 to, and to repeal Sections 23601.4, 23601.5, 23601.7, and 23601.8 of, the Education Code, relating to higher education.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 22600 of the Education Code is amended to read:

22600. The California State University and Colleges shall be administered by a board designated as the Trustees of the California State University and Colleges, which is hereby created.

SEC. 2. Section 23600 of the Education Code is amended to read:

23600. As used in this division, "trustees" means the Trustees of the California State University and Colleges, created under Section 22600.

SEC. 3. Section 23601 of the Education Code is amended to read:

23601. The California State University and Colleges includes the institutions for higher education whose locations are listed in this section.

(a) San Jose.
(b) San Francisco.
(c) Chico.
(d) Humboldt.
(e) San Diego.
(f) Fresno.
(g) California Polytechnic State, San Luis Obispo.
(h) California State Polytechnic, at or near the Cities of San Dimas and Pomona.
(i) Long Beach.
(j) Los Angeles.
(k) Sacramento.
(*l*) Hayward.
(m) San Fernando Valley.
(n) Fullerton.
(o) Stanislaus.
(p) Sonoma.
(q) San Bernardino.
(r) Dominguez Hills.

(s) Contra Costa.
(t) Kern.
(u) Redwood City.
(v) Ventura.

SEC. 4. Section 23601.4 of the Education Code is repealed.

SEC. 5. Section 23601.5 of the Education Code is repealed.

SEC. 6. Section 23601.5 is added to the Education Code, to read:

23601.5. The campuses authorized in subdivisions (s), (u) and (v) of Section 23601 shall commence construction only upon resolution of the trustees, approved by the Coordinating Council for Higher Education.

SEC. 7. Section 23601.7 of the Education Code is repealed.

SEC. 8. Section 23601.8 of the Education Code is repealed.

SEC. 9. Section 23602.3 is added to the Education Code, to read:

23602.3. All references in any law or regulation to the "California State Colleges," to "state colleges" or to any particular state college shall be deemed to refer, respectively, to the California State University and Colleges, to the institutions of higher education which comprise the California State University and Colleges as authorized in Section 23601, and to the particular institution of higher education as named pursuant to Section 23604.5.

SEC. 10. Section 23604.4 of the Education Code is amended to read:

23604.4. Criteria for including the words "state university" in the name of any of the particular institutions designated in Section 23601 shall be jointly developed and approved by the Trustees of the California State University and Colleges and the Coordinating Council for Higher Education.

SEC. 11. Section 23604.5 is added to the Education Code, to read:

23604.5. The name of any particular institution named in Section 23601 may be changed to read "California State University, _____," except that the institution named in subdivision (g) of Section 23601 may be changed to read "California Polytechnic State University, San Luis Obispo" and the institution named in subdivision (h) of Section 23601 may be changed to read "California State Polytechnic University, Pomona," only after affirmative action by the trustees and the Coordinating Council for Higher Education after consideration of the criteria developed pursuant to Section 23604.4.

SEC. 12. Section 23604.6 is added to the Education Code, to read:

23604.6. The designation of the California State University and Colleges and the authority vested in the trustees to select and change the name of any institution of higher education in the California State University and Colleges shall not be construed to contravene or conflict with the provisions of Section 22606.

## CHAPTER 1621

*An act to add Section 25955.5 to the Health and Safety Code, relating to therapeutic abortion reporting.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 25955.5 is added to the Health and Safety Code, to read:

25955.5. The State Department of Public Health shall by regulation establish and maintain a system for the reporting of therapeutic abortions so as to determine the demographic effects of abortion and assess the experience in relation to legal and medical standards pertaining to abortion practices. The reporting system shall not require, permit, or include the identification by name or other means of any person undergoing an abortion. The State Department of Public Health shall make a report to the Legislature not later than the 30th calendar day each even-numbered year on its findings related to therapeutic abortions and their effects.

The state department shall seek, in addition to any other funds made available to it, federal funds in order to carry out the purposes of this act.

---

## CHAPTER 1622

*An act to amend Section 20806 of, and to add Section 13568 to, the Education Code, and to amend Sections 802 and 803, as proposed by Assembly Bill No. 1503 of the 1971 Regular Session, of, to add Sections 135.3, 605.2, 633.3, 984.5, 1253.4, and 2606.3 to, and Article 5 (commencing with Section 802) to Chapter 3 of Part 1 of Division 1 of, the Unemployment Insurance Code, relating to unemployment compensation.*

[Approved by Governor November 29, 1971 Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 13658 is added to the Education Code, to read:

13658. Every regularly employed classified school employee employed by any governing board of a school district, county board of education, county superintendent of schools or personnel commission of a school district which has a merit system as provided in Article 5 (commencing with Section 13701) of Chapter 3 of Division 10 of the Education Code shall be covered for unemployment insurance pursuant to Sections 135.3, 605.2, and 802 of the Unemployment Insurance Code.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 2. Section 20806 of the Education Code is amended to read:

20806. For the purpose of providing funds for the payment by the district of all or part of the premiums, dues, or other charges for health and welfare benefits on active officers and employees and retired officers and employees who at the time of retirement were enrolled in a health and welfare benefit plan, or on the spouses and dependent children of such active and retired officers and employees, or on both such active and retired officers and employees and their spouses and dependent children, which the governing board of a district may have authorized in accordance with the provisions of Article 1 (commencing with Section 53200) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code and for the expenses incurred by the district in administration of a program involving the payment of such health and welfare benefits, district taxes may be levied and collected annually by the respective district at the same time and in the same manner as other district taxes are levied and collected. The tax shall be in addition to any other district tax now or hereafter authorized by law, and shall not be considered in fixing maximum rates of tax for school district purposes. Moneys collected pursuant to this section may also be expended for the requirements of Section 13658.

The provisions of this section authorizing the payment of all or part of the premiums, dues, or other charges for health and welfare benefits for the retired officers and employees who at the time of retirement were enrolled in a health and welfare benefit plan, shall be limited in applicability to any school district, or of two or more school districts governed by governing boards of identical personnel, having an average daily attendance of 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding year.

SEC. 3. Section 135.3 is added to the Unemployment Insurance Code, to read:

135.3. "Employing unit" also means the governing board of any school district, any county board of education, any county superintendent of schools, or any personnel commission of a school district which has a merit system as provided in Article 5 (commencing with Section 13701) Chapter 3 of Division 10 of the Education Code, which employs one or more classified employees.

SEC. 4. Section 605.2 is added to the Unemployment Insurance Code, to read:

605.2. Except as provided in Section 13658 of the Education Code and Section 642 of this code, "employment" for the purposes of this part and Parts 3 (commencing with Section 3501) and 4 (commencing with Section 4001) of this division

includes all services performed for an employing unit as defined by Section 135.3 of this code in a classified position as defined in Articles 1 (commencing with Section 13580) to Article 5 (commencing with Section 13701), inclusive, of Chapter 3 of Division 10 of the Education Code.

SEC. 5. Section 633.3 is added to the Unemployment Insurance Code, to read:

633.3. Notwithstanding the provisions of Section 633, "employment" includes services performed for an employing unit as defined by Section 135.3 as specified by Section 605.2.

SEC. 5.5. Section 984.5 is added to the Unemployment Insurance Code, to read:

984.5. No worker contributions shall be required of, and Section 984 shall be inapplicable to, persons rendering service in employment as defined in Section 605.2.

SEC. 6. Article 5 (commencing with Section 802) is added to Chapter 3 of Part 1 of Division 1 of the Unemployment Insurance Code, to read:

### Article 5. Elections for Financing Unemployment Insurance Coverage

802. (a) The State of California, or any instrumentality of this state or the governing board of any school district for which services are performed that constitute employment under Section 605, 605.2, or 605.5 may, in lieu of the contributions required of employers, elect to finance its liability for unemployment compensation benefits, extended duration benefits, and federal-state extended benefits with respect to such services by any method of financing coverage that is permitted under Section 803.

(b) Any election under Section 803 for financing coverage under this section shall take effect with respect to service performed from and after the first day of the calendar quarter in which the election is filed with the director, and shall continue in effect for not less than two full calendar years. Thereafter the election under Section 803 may be terminated as of January 1 of any calendar year only if the state or instrumentality or governing board, on or before the 31st day of January of that year, has filed with the director a written application for termination. The director may for good cause waive the requirement that a written application for termination shall be filed on or before the 31st day of January. In no event shall any method of financing coverage by an election under Section 803 be valid that would establish any different method of financing coverage for any calendar quarter where an election for coverage has also been made by the state or any instrumentality under any provision of Article 4 (commencing with Section 701) of this chapter.

(c) The director may require from the state, each instrumentality, and governing board, including any agent thereof, such employment, financial, statistical, or other information

and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this division, which shall be filed with the director at the time and in the manner prescribed by him.

(d) The director may tabulate and publish information obtained pursuant to this section in statistical form and may divulge the name of the state, instrumentality, or governing board.

(e) The state, each instrumentality, and governing board, including any agent thereof, shall keep such work records as may be prescribed by the director for the proper administration of this division.

(f) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this section.

803. (a) As used in this section "entity" means any governing board of any school district or any employing unit that is authorized by any provision of Article 4 (commencing with Section 701) of this chapter or by Section 802 to elect a method of financing coverage permitted by this section.

(b) In lieu of the contributions required of employers, an entity may elect any one of the following:

(1) To pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (d) of this section, an amount equal to the additional cost to the Unemployment Fund of the benefits (including extended duration benefits and federal-state extended benefits) paid based on base period wages with respect to employment for the entity. Benefits otherwise payable irrespective of this section shall be charged to employers' accounts in accordance with other sections of this division, but the additional cost to the Unemployment Fund of the benefits paid based on base period wages with respect to employment for an entity pursuant to this section shall be borne solely by the appropriate entity. If benefits are based on wages paid during a base period by two or more entities, the benefits shall be borne by each of the entities in the proportion that the total wages paid to the individual in employment by each entity during the base period bears to the total wages paid to the individual in employment by all entities during the base period. "Total wages paid" as used in this subdivision include taxable wages as well as wages which would be taxable except for the limitation on taxable wages provided under Section 930. The director may by authorized regulations prescribe a method of providing a good and sufficient bond to guarantee payment of contributions under this subdivision.

(2) To pay into the Unemployment Fund the cost of benefits (including extended duration benefits and federal-state extended benefits) paid based on base period wages with respect to employment for the entity and charged to its account in the manner provided by Section 1026, pursuant to authorized regulations which shall prescribe the rate or

amount, time, manner, and method of payment or advance payment or providing a good and sufficient bond to guarantee payment of contributions.

(3) Two or more entities that have elected a method of financing under this section may, pursuant to authorized regulations, file an application with the director for the establishment of a joint account for the purposes of determining the rate of contributions they shall pay into the Unemployment Fund to reimburse the fund for benefits paid with respect to employment for such entities. The members of the joint account may elect either to share the additional cost to the Unemployment Fund of the benefits (including extended duration benefits and federal-state extended benefits) paid based on base period wages with respect to employment for such members, or to share the cost of benefits (including extended duration benefits and federal-state extended benefits) paid based on the base period wages with respect to employment for such members and charged to the joint account in the manner provided by Section 1026. The director shall prescribe authorized regulations for the establishment, maintenance, and dissolution of joint accounts, and for the rate or amount, time, manner, and method of payment or advance payment or providing a good and sufficient bond to guarantee payment of contributions by the members of joint accounts, on an additional cost basis and on the alternative basis of the cost of benefits charged in the manner provided by Section 1026.

(c) Sections 1030, 1030.5, 1031, 1032, and 1032.5, and any provision of this division for the noncharging of benefits to the account of an employer, shall not apply to an election under subdivision (b) of this section.

(d) In making the payments prescribed by subdivision (b) of this section there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from each entity for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of such statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall give notice of the determination by certified mail to the entity. The director may cancel any contributions or portion thereof which he finds has been erroneously determined. The director shall charge to any special fund, which is responsible for the salary of any employee of an entity, the amount determined by the director for which the fund is liable pursuant to this section. The contributions due from the entity shall be paid from the liable special fund, the General Fund, or other liable fund to the Unemployment Fund by the Controller or other officer or

person responsible for disbursements on behalf of the entity within 30 days of the date of mailing of the director's notice of determination to the entity. The director for good cause may extend for not to exceed 60 days the time for paying without penalty the amount determined and required to be paid. Contributions are due upon the date of mailing of the notice of determination and are delinquent if not paid on or before the 30th day following the date of mailing of such notice. Any entity which fails to pay the contributions required within the time required shall be liable for interest on the contributions at the rate of ½ percent per month or fraction thereof from and after the date of delinquency until paid, and any entity which without good cause fails to pay any contributions required within the time required shall pay a penalty of 10 percent of the amount of such contributions. If the entity fails to pay the contributions required on or before the delinquency date, the director may assess the entity for the amount required by the notice of determination. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions and the provisions of Chapter 7 (commencing with Section 1701) of Part 1 of this division with respect to the collection of contributions shall apply to the assessments provided by this section. The provisions of Sections 1177 to 1184, inclusive, shall apply to amounts paid to the Unemployment Fund pursuant to this section.

(e) To the extent permitted by federal law, no contributions shall be due from any entity other than a nonprofit organization which has elected a method of financing under subdivision (b) of this section and which has previously made contributions required of employers pursuant to an elective coverage agreement or under compulsory coverage until the additional cost of benefits paid and reimbursable by or the cost of benefits paid and reimbursable by the entity under this section together with the benefits charged and chargeable to the reserve account of the entity as a result of its prior election or compulsory coverage exceed the contributions made by the entity and credited to its reserve account pursuant to its prior election or compulsory coverage.

(f) The director may terminate the election of any entity for any method of financing under this section if the entity is delinquent in the payment of advances or reimbursements required by the director under this section. After any such termination the entity may again make an election pursuant to this section but only if it is not delinquent in the payment of contributions and not delinquent in the payment of advances or reimbursements required by the director under this section.

(g) Notwithstanding any other provision of this section, no entity shall be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

(h) After the termination of any election under this section, the entity shall remain liable for its proportionate share of the additional cost of benefits paid, or of the cost of benefits paid and charged to its account in the manner provided by Section 1026, which are based on wages paid for services during the period of the election. Any such liability may be charged against any remaining balance of a prior reserve account used by the entity pursuant to Section 712. Any portion of such remaining balance shall be included in the reserve account of the entity following any termination of an election under this section which occurs prior to the expiration of a period of three consecutive years commencing with the effective date of such election. For purposes of Section 982, the period of an election under Section 803 shall be, to the extent permitted by federal law, included as a period during which a reserve account has been subject to benefit charges.

SEC. 7. Section 802 of the Unemployment Insurance Code as proposed by Assembly Bill No. 1503 of the 1971 Regular Session is amended to read:

802. (a) The State of California, or any instrumentality of this state or of this state and one or more other states, or the governing board of any school district, for which services are performed that do constitute employment under Section 605, 605.1, 605.2, or 605.5 may, in lieu of the contributions required of employers, elect to finance its liability for unemployment compensation benefits, extended duration benefits, and federal-state extended benefits with respect to such services by any method of financing coverage that is permitted under Section 803.

(b) Any election under Section 803 for financing coverage under this section shall take effect with respect to services performed from and after the first day of the calendar quarter in which the election is filed with the director, and shall continue in effect for not less than two full calendar years. Thereafter the election under Section 803 may be terminated as of January 1 of any calendar year only if the state or instrumentality or governing board, on or before the 31st day of January of that year, has filed with the director a written application for termination. The director may for good cause waive the requirement that a written application for termination shall be filed on or before the 31st day of January. In no event shall any method of financing coverage by an election under Section 803 be valid that would establish any different method of financing coverage for any calendar quarter where an election for coverage has also been made by the state or any instrumentality under any provision of Article 4 (commencing with Section 701) of this chapter.

(c) The director may require from the state, each instrumentality, and each governing board, including any agent thereof, such employment, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this division,

which shall be filed with the director at the time and in the manner prescribed by him.

(d) The director may tabulate and publish information obtained pursuant to this section in statistical form and may divulge the name of the state, instrumentality, or governing board.

(e) The state, each instrumentality, and each governing board, including any agent thereof, shall keep such work records as may be prescribed by the director for the proper administration of this division.

(f) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this section.

SEC. 8. Section 803 of the Unemployment Insurance Code as proposed by Assembly Bill No. 1503 of the 1971 Regular Session is amended to read:

803. (a) As used in this section "entity" means any governing board of any school district and any employing unit that is authorized or required by any provision of Article 4 (commencing with Section 701) of this chapter or by Section 801 or 802 to elect a method of financing coverage permitted by this section.

(b) In lieu of the contributions required of employers, an entity may elect any one of the following:

(1) To pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (c) of this section, an amount equal to the additional cost to the Unemployment Fund of the benefits, including extended duration benefits and federal-state extended benefits, paid based on base period wages with respect to employment for the entity. Benefits otherwise payable irrespective of this section shall be charged to employers' accounts in accordance with other sections of this division, but the additional cost to the Unemployment Fund of the benefits paid based on base period wages with respect to employment for an entity pursuant to this section shall be borne solely by the appropriate entity. If benefits are based on wages paid during a base period by two or more entities, the benefits shall be borne by each of the entities in the proportion that the total wages paid to the individual in employment by each entity during the base period bears to the total wages paid to the individual in employment by all entities during the base period. "Total wages paid" as used in this subdivision, include taxable wages as well as wages which would be taxable except for the limitation on taxable wages provided under Section 930. The director may by authorized regulations prescribe a method of providing a good and sufficient bond to guarantee payment of contributions under this subdivision.

(2) To pay into the Unemployment Fund the cost of benefits, including extended duration benefits and federal-state extended benefits, paid based on base period wages with respect to employment for the entity and charged to its account

in the manner provided by Section 1026, pursuant to authorized regulations which shall prescribe the rate or amount, time, manner, and method of payment or advance payment or providing a good and sufficient bond to guarantee payment of contributions.

(3) Two or more entities that have elected a method of financing under this section may, pursuant to authorized regulations, file an application with the director for the establishment of a joint account for the purpose of determining the rate of contributions they shall pay into the Unemployment Fund to reimburse the fund for benefits paid with respect to employment for such entities. The members of the joint account may elect either to share the additional cost to the Unemployment Fund of the benefits, including extended duration benefits and federal-state extended benefits, paid based on base period wages with respect to employment for such members, or to share the cost of benefits, including extended duration benefits and federal-state extended benefits, paid based on the base period wages with respect to employment for such members and charged to the joint account in the manner provided by Section 1026. The director shall prescribe authorized regulations for the establishment, maintenance, and dissolution of joint accounts, and for the rate or amount, time, manner, and method of payment or advance payment or providing a good and sufficient bond to guarantee payment of contributions by the members of joint accounts, on an additional cost basis and on the alternative basis of the cost of benefits charged in the manner provided by Section 1026.

(c) Sections 1030, 1030.5, 1031, 1032, and 1032.5, and any provision of this division for the noncharging of benefits to the account of an employer, shall not apply to an election under subdivision (b) of this section.

(d) In making the payments prescribed by subdivision (b) of this section there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from each entity for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of such statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall give notice of the determination by certified mail to the entity. The director may cancel any contributions or portion thereof which he finds has been erroneously determined. The director shall charge to any special fund, which is responsible for the salary of any employee of an entity, the amount determined by the director for which the fund is liable pursuant to this section. The contributions due from the entity shall be paid from the liable special fund, the General Fund, or other liable fund

to the Unemployment Fund by the Controller or other officer or person responsible for disbursements on behalf of the entity within 30 days of the date of mailing of the director's notice of determination to the entity. The director for good cause may extend for not to exceed 60 days the time for paying without penalty the amount determined and required to be paid. Contributions are due upon the date of mailing of the notice of determination and are delinquent if not paid on or before the 30th day following the date of mailing of such notice. Any entity which fails to pay the contributions required within the time required shall be liable for interest on the contributions at the rate of ½ percent per month or fraction thereof from and after the date of delinquency until paid, and any entity which without good cause fails to pay any contributions required within the time required shall pay a penalty of 10 percent of the amount of such contributions. If the entity fails to pay the contributions required on or before the delinquency date, the director may assess the entity for the amount required by the notice of determination. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions, and the provisions of Chapter 7 (commencing with Section 1701) of Part 1 of this division with respect to the collection of contributions, shall apply to the assessments provided by this section. The provisions of Sections 1177 to 1184, inclusive, relating to refunds and overpayments, shall apply to amounts paid to the Unemployment Fund pursuant to this section.

(e) To the extent permitted by federal law, no contributions shall be due from any entity other than a nonprofit organization which has elected a method of financing under subdivision (b) of this section and which has previously made contributions required of employers pursuant to an elective coverage agreement or under compulsory coverage until the additional cost of benefits paid and reimbursable by or the cost of benefits paid and reimbursable by the entity under this section together with the benefits charged and chargeable to the reserve account of the entity as a result of its prior election or compulsory coverage exceed the contributions made by the entity and credited to its reserve account pursuant to its prior election or compulsory coverage.

(f) Except with respect to a political subdivision electing coverage pursuant to Section 710.2, the director may terminate the election of any entity for any method of financing under this section if the entity is delinquent in the payment of advances or reimbursements required by the director under this section. After any such termination the entity may again make an election pursuant to this section but only if it is not delinquent in the payment of contributions and not delinquent in the payment of advances or reimbursements required by the director under this section.

(g) Notwithstanding any other provision of this section, no entity shall be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

(h) After the termination of any election under this section, the entity shall remain liable for its proportionate share of the additional cost of benefits paid, or of the cost of benefits paid and charged to its account in the manner provided by Section 1026, which are based on wages paid for services during the period of the election. Any such liability may be charged against any remaining balance of a prior reserve account used by the entity pursuant to Section 712. Any portion of such remaining balance shall be included in the reserve account of the entity following any termination of an election under this section which occurs prior to the expiration of a period of three consecutive years commencing with the effective date of such election. For purposes of Section 982, the period of an election under Section 803 shall, to the extent permitted by federal law, be included as a period during which a reserve account has been subject to benefit charges.

SEC. 9. Section 1253.4 is added to the Unemployment Insurance Code, to read:

1253.4. Notwithstanding any other provision of this division, unemployment compensation benefits, extended duration benefits, and federal-state extended benefits based on service performed by an individual who is employed by the employing unit of any school district in a classified service position that is included in covered employment pursuant to Section 605.2, shall not be payable to any such individual with respect to any week if any day of the week is within any school recess or holiday, except if such individual, whether or not employed by the employing unit during the recess period, is not continued at the end of the recess period, he shall, if otherwise qualified, be paid unemployment compensation as of his last day on paid status.

SEC. 10. Section 2606.3 is added to the Unemployment Insurance Code, to read:

2606.3. Notwithstanding the provisions of subdivision (a) of Section 2606, "employment" for the purposes of this part does not include service performed in employment as defined in Section 605.2.

SEC. 11. The provisions of this act shall become operative with respect to service performed after December 31, 1971.

SEC. 12. It is the intent of the Legislature that Sections 7 and 8 of this bill shall only become operative in the event that both this bill and Assembly Bill No. 1503 are chaptered, in which event Sections 7 and 8 of this bill shall become operative in accordance with Section 11 of this bill, and Sections 802 and 803 as proposed by Assembly Bill No. 1503 shall not be operative after the effective date of this bill. If this bill is chaptered and Assembly Bill No. 1503 is not chaptered, Sections 7 and 8 of this act shall not become operative.

## CHAPTER 1623

*An act to amend Section 1584.5 of the Civil Code, as added by Chapter 400 of the Statutes of 1969, and to repeal Section 1584.5 of the Civil Code as added by Chapter 265 of the Statutes of 1969, relating to transfer of property.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 1584.5 of the Civil Code, as added by Chapter 400 of the Statutes of 1969, is amended 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.

For the purposes of this section and limited to merchandise offered for sale through the mails, the "voluntary and unsolicited sending of such goods, wares, or merchandise not actually ordered or requested by the recipient, either orally or in writing," includes any merchandise selected by the company and offered to the consumer which will be mailed to him for sale or on approval unless he exercises an option to reject such offer of sale or receipt on approval. Merchandise selected by the seller and offered for sale on a periodic basis must be affirmatively ordered by a statement or card signed by the consumer as to each periodic offer of merchandise. This paragraph shall not apply to any of the following:

(a) Contractual plans or arrangements complying with this subdivision under which the seller periodically provides the consumer with a form or announcement card which the consumer may use to instruct the seller not to ship the offered merchandise. Such form or card shall specify a date by which it shall be mailed by the consumer (the "mailing date") or received by the seller (the "return date") to prevent shipment of the offered merchandise. The seller shall mail the form or card either at least twenty-five (25) days prior to the return date or at least twenty (20) days prior to the mailing date, or

provide a mailing date of at least ten (10) days after receipt by the consumer, except that whichever system the seller chooses for mailing the form or card, such system must be calculated to afford the consumer at least ten (10) days in which to mail his form or card. Upon the membership contract or application form or immediately adjacent thereto, and in clear and conspicuous language, there shall be disclosed the material terms of the plan or arrangement including all of the following:

(1) That aspect of the plan under which the subscriber must notify the seller, in the manner provided for by the seller, if he does not wish to purchase the selection.

(2) Any obligation assumed by the subscriber to purchase a minimum quantity of merchandise.

(3) The right of a contract-complete subscriber to cancel his membership at any time.

(4) Whether billing charges will include an amount for postage and handling.

(b) Other contractual plans or arrangements not covered under subdivision (a), such as continuity plans, subscription arrangements, standing order arrangements, supplements and series arrangements under which the seller periodically ships merchandise to a consumer who has consented in advance to receive such merchandise on a periodic basis.

SEC. 2. Section 1584.5 of the Civil Code, as added by Chapter 265 of the Statutes of 1969, is repealed.

SEC. 3. This act shall become operative on July 1, 1972.

---

## CHAPTER 1624

*An act to amend Sections 220 and 22702 of, and to add Sections 1662, 9250.7, and 22710 to, the Vehicle Code, relating to vehicles, and making an appropriation therefor.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 220 of the Vehicle Code is amended to read:

220. (a) An "automobile dismantler," is any person who has an established place of business and is engaged in the business of buying, selling, or dealing in vehicles of a type required to be registered under this code, for the purpose of dismantling the same, who buys or sells the integral parts and component materials thereof, in whole or in part, or deals in used motor vehicle parts. This section does not apply to the occasional and incidental dismantling of vehicles by dealers who have secured dealers plates from the department for the current year whose principal business is buying and selling new and used vehicles, or by owners who desire to dismantle

not more than three personal vehicles within any 12-months period.

(b) Notwithstanding the provisions of subdivision (a), any person who keeps or maintains on real property owned by him, or under his possession or control, two or more unregistered motor vehicles no longer intended for, or in condition for, legal use on the highways, whether for the purpose of resale of used parts, for the purpose of reclaiming for use some or all of the materials, whether metal, glass, fabric, or otherwise, or to dispose of them, or for any other purpose is an "automobile dismantler" and subject to the provisions of Chapter 3 (commencing with Section 11500) of Division 5.

(c) The provisions of subdivision (b) shall not apply to:

(1) The owner of any premises on which two or more unregistered and inoperable vehicles are held or stored where such vehicles are used, or intended to be used, for restoration or as replacement parts or otherwise in conjunction with any business of a licensed dealer, manufacturer, or transporter, or in conjunction with the operation and maintenance of any fleet of motor vehicles used for the transportation of persons or property.

(2) The owner of any premises or property used in conjunction with any agricultural, farming, mining, ranching, or motor vehicle repair business.

(3) Any person engaged in the restoration of vehicles of the type described in Section 5004 or in the restoration of other vehicles having historic or classic significance.

SEC. 1.5. Section 1662 is added to the Vehicle Code, to read:

1662. Notwithstanding any other provision of law, the department shall have no duty to investigate alleged violations of the provisions of Chapter 3 (commencing with Section 11500) of Division 5 by any person defined as an "automobile dismantler" by subdivisions (b) and (c) of Section 220, unless notice of such alleged violations has been given the department by the district attorney, county counsel, city attorney, or other duly constituted law enforcement agency.

SEC. 2. Section 9250.7 is added to the Vehicle Code, to read:

9250.7. (a) In addition to the registration fees specified in Sections 9250 and 9253 and any weight fee, a service fee of one dollar ($1) shall be paid at the time of registration, or renewal of registration, of every vehicle during the 1973 calendar year, except such vehicles that are expressly exempted under this code from the payment of registration fees.

(b) All fees received by the department pursuant to this section shall be deposited in the Abandoned Vehicle Trust Fund, which is hereby created. All money in the fund is continuously appropriated for expenditure by the Department of Public Works in carrying out the provisions of Section 22710.

(c) The Department of Public Works, in cooperation with the California Highway Patrol, county sheriffs, and city police

departments, shall make a survey of the number of abandoned vehicles located upon the streets and highways of this state, or which can be seen therefrom, and which cannot be traced to an owner or other person responsible for their abandonment.

SEC. 3. 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 sheriff or other employee of the county designated to perform this function by the board of supervisors in which a vehicle is located or any regularly employed and salaried police officer or other employee of the city designated to perform this function by the city council, 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) Any employee of the Department of Public Works, or a person performing a franchise or contract awarded pursuant to subdivision (a) of Section 22710, may remove a vehicle from a highway or place to which it has been removed pursuant to subdivision (c) of Section 22654 or from public or private property, after a determination by a 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 such vehicle is located or any regularly employed and salaried officer or other employee of a police department in a city in which such vehicle is located that such vehicle is abandoned.

(f) The public agency employing the officer shall make an appraisal of any such vehicle either prior to or within five days after removal.

(g) A county or city employee, other than an employee of a sheriff's department or a city police department, designated

to remove vehicles pursuant to this section may do so only after he has mailed or personally delivered a written report identifying the vehicle and its location to the office of the Department of the California Highway Patrol located nearest to the vehicle.

SEC. 4. Section 22710 is added to the Vehicle Code, to read:

22710. The Department of Public Works may:

(a) Disburse any of the money in the Abandoned Vehicle Trust Fund established in subdivision (b) of Section 9250.7 to any city, county, or city and county, which establishes pursuant to Section 22660 procedures for the abatement and removal as public nuisances of any abandoned vehicles or parts thereof, to carry out such procedures. Insofar as practical, the Department of Public Works shall prorate moneys in the fund to each county in proportion to the number of abandoned vehicles which have been surveyed throughout the state.

(b) In the alternative, provide for the removal of abandoned vehicles by its own employees or by franchise or contract, in any of which events, the Department of Public Works shall be reimbursed from the fund.

(c) Establish rules and regulations to carry out the provisions of subdivisions (a) and (b), subject to the condition that priority be given to the removal of abandoned vehicles from corridors of the state highway system, from public lands and parks, and from river and wildlife areas.

SEC. 5. The Legislature hereby finds and declares that a clean, wholesome, and attractive environment is of importance to the health and safety of the residents of this state and will further the economic growth and stability of the state through encouragement of, and development of, its natural scenic beauty, which further contributes to the enhancement of its important tourist industry.

The removal and disposal of abandoned and junked motor vehicles on the public streets and highways, as well as on private property, is essential to this objective and will contribute to the welfare of this state and its inhabitants.

SEC. 6. Section 220 of the Vehicle Code is amended to read:

220. (a) An "automobile dismantler," is any person who is engaged in the business of buying, selling, or dealing in vehicles of a type required to be registered under this code, for the purpose of dismantling the same, who buys or sells the integral parts and component materials thereof, in whole or in part, or deals in used motor vehicle parts. This section does not apply to the occasional and incidental dismantling of vehicles by dealers who have secured dealers plates from the department for the current year whose principal business is buying and selling new and used vehicles, or by owners who desire to dismantle not more than three personal vehicles within any 12-months period.

(b) Notwithstanding the provisions of subdivision (a), any person who keeps or maintains on real property owned by him,

or under his possession or control, two or more unregistered motor vehicles no longer intended for, or in condition for, legal use on the highways, whether for the purpose of resale of used parts, for the purpose of reclaiming for use some or all of the materials, whether metal, glass, fabric, or otherwise, or to dispose of them, or for any other purpose is an "automobile dismantler" and subject to the provisions of Chapter 3 (commencing with Section 11500) of Division 5.

(c) The provisions of subdivision (b) shall not apply to:

(1) The owner of any premises on which two or more unregistered and inoperable vehicles are held or stored where such vehicles are used, or intended to be used, for restoration or as replacement parts or otherwise in conjunction with any business of a licensed dealer, manufacturer, or transporter, or in conjunction with the operation and maintenance of any fleet of motor vehicles used for the transportation of persons or property.

(2) The owner of any premises or property used in conjunction with any agricultural, farming, mining, ranching, or motor vehicle repair business.

(3) Any person engaged in the restoration of vehicles of the type described in Section 5004 or in the restoration of other vehicles having historic or classic significance.

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 sheriff or other employee of the county designated to perform this function by the board of supervisors in which a vehicle is located or any regularly employed and salaried police officer or other employee of the city designated to perform this function by the city council, 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 or about 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) Any regularly employed and salaried officer or other employee of a California state college police department who has reasonable grounds to believe that a vehicle has been abandoned on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Trustees of the California State Colleges, may remove the vehicle from such property.

(f) Any employee of the Department of Public Works, or a person performing a franchise or contract awarded pursuant to subdivision (a) of Section 22710, may remove a vehicle from a highway or place to which it has been removed pursuant to subdivision (c) of Section 22654 or from public or private property, after a determination by a 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 such vehicle is located or any regularly employed and salaried officer or other employee of a police department in a city in which such vehicle is located that such vehicle is abandoned.

(g) The public agency employing the officer shall make an appraisal of any such vehicle either prior to or within five days after removal.

(h) A county or city employee, other than an employee of a sheriff's department or a city police department, designated to remove vehicles pursuant to this section may do so only after he has mailed or personally delivered a written report identifying the vehicle and its location to the office of the Department of the California Highway Patrol located nearest to the vehicle.

SEC. 8. It is the intent of the Legislature, if this bill and Assembly Bill No. 831 are both chaptered and amend Section 220 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 831, that the amendments to Section 220 proposed by both bills be given effect and incorporated in Section 220 in the form set forth in Section 6 of this act. Therefore, Section 6 of this act shall become operative only if this bill and Assembly Bill No. 831 are both chaptered, both amend Section 220, and Assembly Bill No. 831 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

SEC. 9. It is the intent of the Legislature, if this bill and Senate Bill No. 148 are both chaptered and amend Section 22702 of the Vehicle Code, and this bill is chaptered after Senate Bill No. 148, that the amendments to Section 22702 proposed by both bills be given effect and incorporated in Section 22702 in the form set forth in Section 7 of this act. Therefore, Section 7 of this act shall become operative only if this bill and Senate Bill No. 148 are both chaptered, both amend Section 22702, and Senate Bill No. 148 is chaptered before this bill, in which case Section 3 of this act shall not become operative.

# CHAPTER 1625

*An act to amend Section 68541 of the Government Code, relating to judges.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 68541 of the Government Code is amended to read:

68541. (a) The additional compensation or extra compensation of a judge of a justice court sitting in another justice court or a municipal court under assignment made by the Chairman of the Judicial Council shall be paid by the county which by law is charged with the payment of the compensation of the judge of the court to which the assignment is made.

(b) If the justice court judge is assigned to a municipal court in another county, the county to which such judge is assigned shall reimburse the county in which such judge was selected as a justice court judge in an amount equal to that portion of the regular salary of such judge paid for the time he was serving in the other court. This reimbursement shall be made from the same funds from which the extra compensation is paid.

(c) If the justice court judge is assigned to a justice court in another county, he shall be paid as additional compensation an amount equal to the compensation of the judge of the justice court to which the assignment is made less any amount by which the sum of his regular compensation as a justice court judge and the compensation of the judge of the justice court to which the assignment is made exceeds the regular salary of a municipal court judge for a comparable period. The county to which such judge is assigned shall reimburse the county in which such judge was selected as a justice court judge in an amount equal to any amount by which the sum of his regular compensation as a justice court judge and the compensation of the judge of the justice court to which the assignment is made exceeds the regular salary of a municipal court judge for a comparable period. The additional compensation and reimburse shall be paid from the same funds as are available for payment of the compensation of the judge of the court to which the assignment is made.

# CHAPTER 1626

*An act to amend the heading of Chapter 3 (commencing with Section 16200) of Part 4 of Division 9 of, to amend Sections 16200, 16200.5, 16204, 16207, 16208, 16209, 16211 and 16213 of, and to add Sections 16201.5, 16203.5, 16213.5 and 16214 to, the Welfare and Institutions Code, relating to boarding homes.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. The heading of Chapter 3 (commencing with Section 16200) of Part 4 of Division 9 of the Welfare and Institutions Code is amended to read:

CHAPTER 3. INSTITUTIONS AND BOARDING HOMES FOR PERSONS AGED 16 AND ABOVE

SEC. 2. Section 16200 of the Welfare and Institutions Code is amended to read:

16200. No person, association, or corporation shall, without first having obtained a written license or permit therefor from the department or from an inspection service approved or accredited by the department, maintain or conduct any institution, boarding home, or other place for the reception or care of persons aged 16 and above, nor receive or care for any such person not related to him by blood or affinity within the second degree. The provisions of this chapter shall not apply to the following:

(a) Any hospital or establishment holding a license in good standing, issued under the provisions of Chapter 2 or Chapter 3 of Division 2 of the Health and Safety Code, or to hospitals exempt from the provisions of either or both of those chapters. However, where a hospital or establishment holding such a license from the State Department of Public Health provides services not incidental to its primary purpose, the provisions of this chapter continue to apply to the hospital or establishment in respect to such additional services.

(b) Any school dormitory or similar facility determined by the department.

(c) Any house or institution supplying board and room only, or room only, or board only, provided that no resident thereof requires any element of care as determined by the department.

(d) Any institution for the care of children under 16 years of age licensed under the provisions of Chapter 1 (commencing with Section 16000) of this part.

(e) Any institution which the department, in its discretion, finds is regulated by other provisions of law which provide adequate standards to accomplish the purposes of this chapter.

(f) Any similar facility determined by the department.

The department shall require, as a condition to the issuance or retention of a license or permit, that any contracts made by the institution, home, or place, under which payment is made in advance for care of the person aged 16 and above for a period of one year or more, shall be in writing and in a form approved by the department, prior to its use by the institution, home, or place.

Nothing in this chapter shall limit the exemption granted in Section 7005 of this code.

SEC. 2.1. Section 16200.5 of the Welfare and Institutions Code is amended to read:

16200.5. Notwithstanding any other provision of law any health facility or institution licensed by the Department of Public Health or the Department of Mental Hygiene may, upon application, be licensed under the provisions of this chapter, provided the applicant complies with the provisions of this chapter and the rules and regulations promulgated by the department pursuant to the provisions of this chapter as these rules and regulations apply to facilities for the care of persons aged 16 and above licensed and in operation on the effective dates of such rules and regulations, except that the facilities licensed pursuant to this section shall comply with all such rules and regulations on or before July 1, 1972.

SEC. 2.5. Section 16201.5 is added to the Welfare and Institutions Code, to read:

16201.5. (a) The department's regulations shall take into account the types of facilities provided and residents to be accommodated to insure maximum flexibility in safety, staffing, and reporting standards based upon the individual facility and the age, physical and mental capabilities and needs of its residents.

(b) The department shall, prior to proposing the addition, amendment or repeal of any rules and regulations under this chapter, confer with concerned licensees, residents of licensed facilities, representatives of licensees, and of residents of licensed facilities and community service organizations.

(c) In addition, prior to proposing the initial rules and regulations in implementing this chapter, the department shall confer with concerned persons and organizations described in subdivision (b) who are required to secure a license as a result of the provisions of this act.

SEC. 2.7. Section 16203.5 is added to the Welfare and Institutions Code, to read:

16203.5. An applicant for a permit or license or for the renewal of a permit or license shall pay the annual fees required by this section. The amount of the fees shall be fixed by the department by regulation based on the number of residents to be served and in an amount sufficient to cover the costs of administering this chapter. For the first year the fees shall not be less than thirty-five dollars ($35) nor more than

one hundred dollars ($100). Thereafter the fees shall be fixed annually by the department but shall not be less than thirty-five dollars ($35) nor more than an amount sufficient to cover the actual annual cost of administration.

The money so collected shall be deposited in the General Fund of the State Treasury.

SEC. 2.8. Section 16204 of the Welfare and Institutions Code is amended to read:

16204. Application for renewal of a permit or license shall be filed, accompanied by the renewal fee established by the department pursuant to Section 16203.5, 10 days prior to its expiration. If such application is not so filed, such license or permit is automatically canceled unless the applicant establishes reasonable grounds for his delay in filing. Where a hearing is held under this section, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 3. Section 16207 of the Welfare and Institutions Code is amended to read:

16207. Every holder of a permit or license shall maintain a register setting forth the following facts concerning each person aged 16 and above received or cared for:

(a) Name.
(b) Last previous address.
(c) Age.
(d) Nearest of kin.
(e) Mother's maiden name.
(f) The person responsible for his care and maintenance.
(g) Such other data as the department requires.

SEC. 4. Section 16208 of the Welfare and Institutions Code is amended to read:

16208. Upon the death of such person aged 16 and above or change in the administrative personnel of any such home, the holder of the license or permit shall, within 48 hours, give written notice thereof to the department or to the approved and accredited inspection service by which such license or permit was issued.

SEC. 5. Section 16209 of the Welfare and Institutions Code is amended to read:

16209. Any person, association, or corporation that maintains, conducts, or, as manager or officer or in any other administrative capacity, assists in maintaining or conducting any institution, boarding home, or other place, for the reception and care of persons aged 16 and above not related to him by blood or affinity within the second degree, or performs any service specified in Section 16200 of this code, without first having secured a license or permit therefor, in writing, as required by Section 16200, or refuses to permit or interferes with the inspection authorized in Section 16201 of this code, is guilty of a misdemeanor.

SEC. 6. Section 16211 of the Welfare and Institutions Code is amended to read:

16211. The provisions of this chapter shall not prevent local authorities of any county, city, or city and county, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for institutions, boarding homes, and other places for the reception or care of persons aged 16 and above, not in conflict with the provisions of this chapter or the rules and regulations and minimum standards adopted by the department hereunder, and requiring a local health permit to maintain or conduct any such boarding home or institution within such county, city, or city and county.

SEC. 7. Section 16213 of the Welfare and Institutions Code is amended to read:

16213. The director shall require as a condition precedent to the issuance or renewal of any license or permit for any institution, boarding home, or other place for the reception or care of persons aged 16 and above pursuant to this chapter, if the operator handles or will handle money of persons aged 16 and above received or cared for therein, that the applicant for the license or the renewal of the license file, or have on file with the director, a bond issued by a company admitted to do business in this state, in a sum to be fixed by the director, based upon the magnitude of the operations of the applicant, but which sum shall not be less than one thousand dollars ($1,000), running to the State of California and conditioned upon his faithful and honest handling of money of persons aged 16 and above received or cared for in such institution, home, or other place for the reception or care of persons aged 16 and above.

Every person injured as a result of any improper or unlawful handling of the money of a person aged 16 and above in an institution, home, or other place for the reception or care of persons aged 16 and above, may bring an action in a proper court, on the bond required to be posted by the operator pursuant to this section, for the amount of damage he suffered as a result thereof to the extent covered by the bond.

Whenever the director determines that the amount of any bond which is filed with him pursuant to this section is inadequate to protect the money of the persons aged 16 and above in an institution, home, or other place for the reception or care of persons aged 16 and above, which is handled by the operator thereof, or whenever the amount of any such bond is impaired by any recovery against the bond, the director may require the operator to file with the director an additional bond in such amount as the director determines is necessary to adequately protect the money of the persons aged 16 and above, which is being handled by the operator of the

institution, home, or other place for the reception or care of persons aged 16 and above.

The failure of the operator of any institution, home, or other place for the reception or care of persons aged 16 and above, which has a license or permit issued pursuant to this chapter, to maintain on file with the director a bond in the amount prescribed by the director pursuant to this section, is a ground for the revocation of the license or permit of the institution, home, or other place for the reception or care of persons aged 16 and above.

The provisions of this section shall not apply if the operator of the institution, boarding home, home, or other place for the reception or care of persons aged 16 and above handles in any month less than fifty dollars ($50) per patient and less than five hundred dollars ($500) for all patients in the institution, home, or other place.

SEC. 8. Section 16213.5 is added to the Welfare and Institutions Code, to read:

16213.5. The director may grant a partial or total variance from the bonding requirements of Section 16213 if he finds that compliance with them is so onerous that an institution or boarding home will cease to operate, and if he also finds that money of the persons received or cared for in the institution or boarding home has been, or will be, deposited in a bank in this state or in a trust company authorized to transact a trust business in this state or a savings and loan association in this state, upon condition that such money may not be withdrawn except on authorization of the guardian or conservator of such person.

SEC. 9. Section 16214 is added to the Welfare and Institutions Code, to read:

16214. Each person who operates and lives in, or who is employed in, a facility licensed by the department pursuant to Section 16200 shall have on file with the facility a certificate from a physician showing that during the preceding year he has submitted to an X-ray of the lungs, or an approved intradermal tuberculin test, which, if positive, was followed by an X-ray of the lungs, and has been found free from active tuberculosis. The provisions of this section shall not apply to any boarding home, institution or other facility, for the reception and care of persons aged 16 and above, operated by and for the adherents of a bona fide church, sect, or denomination, who rely upon prayer in the practice of religion for their protection and health; provided that such institution, boarding home or other facility for the reception and care of persons aged 16 and above limits its admission to members of the particular faith of those operating the facility.

SEC. 10. The provisions of Section 5115 of the Welfare and Institutions Code relating to the residential use for purposes of zoning of homes for the care of six or fewer mentally disordered or otherwise handicapped persons, shall be applicable

to Chapter 3 (commencing with Section 16200) of Part 4 of Division 9 of the Welfare and Institutions Code.

Nothing in this act shall be construed as authorizing local agencies to impose stricter zoning or building and safety standards upon existing institutions than existed prior to its enactment.

## CHAPTER 1627

*An act to add an article heading immediately preceding Section 29600 of, and to add Article 2 (commencing with Section 29631) to Chapter 3 of Division 3 of Title 3 of, the Government Code, relating to victims of crimes.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. An article heading is added immediately preceding Section 29600 of the Government Code, to read:

### Article 1. General

SEC. 2. Article 2 (commencing with Section 29631) is added to Chapter 3 of Division 3 of Title 3 of the Government Code, to read:

### Article 2. Victims of Crime

29631. The Legislature hereby declares that it serves a public purpose, and is of benefit to the state and to every county and city in the state, to indemnify those innocent needy residents of the State of California whose property has been injured or destroyed as a result of the acts specified in Section 29632.

29632. The legislative body of a county or of a city may establish a program which provides for the reimbursement of any innocent needy resident of the county or city, as the case may be, whose property is or has been at any time subsequent to a date designated by the legislative body injured or destroyed as the consequence of:

(a) An act of a peace officer in the detection of crime or the apprehension or arrest of any person for any public offense; or

(b) An act of a person in resisting or avoiding arrest.

29633. The legislative body may impose such other restrictions and conditions as it finds advisable and which do not impair the constitutional rights of any person.

29634. In establishing a program pursuant to this article the legislative body may provide for the procedures to determine whether or not a claimant is entitled to reimbursement.

29635. If a claim is paid under this article the county or city shall be subrogated to the rights of the claimant to whom such claim was paid against any person injuring or destroying the property of the claimant for which payment was made to the extent of the payment of the claim. The county or city may recover the amount of the claim paid in a separate action, or may intervene in an action brought by the claimant.

29636. Upon conviction of any person of a crime which has resulted in the injury or destruction of property for which reimbursement is provided for under a program established pursuant to this article, in addition to the requirements of Section 13964 the court shall take into consideration the defendant's economic condition, and unless it finds such action will cause the family of the defendant to be dependent upon public welfare, may, in addition to any other penalty, order the defendant to pay a fine in an amount sufficient to pay for the replacement or repair of the property injured or destroyed but not more than the fair market value of such property. That portion of the fine not subject to the provisions of Section 13964 shall be appropriated to the county or city whose legislative body has established such a program and shall be used to pay claims which have been allowed pursuant to provisions adopted by the legislative body pursuant to this article.

If the legislative body of a county and the legislative body of a city therein, have both established such a program, such portion of the fine shall be paid to the county or city which actually has paid the claimant.

---

## CHAPTER 1628

*An act to amend Sections 10121 and 11512.1 of, and to add Section 10119 to, the Insurance Code, and to add Section 12532.8 to the Government Code, relating to insurance.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 10119 is added to the Insurance Code, to read:

10119. On and after the operative date of this section:

(a) No policy of disability insurance which, in addition to covering the insured, also covers members of the insured's immediate family, may be issued or amended in this state if it contains any disclaimer, waiver, or other limitation of coverage relative to the accident and sickness coverage or insurability of newborn infants of an insured from and after the moment of birth.

(b) Each such policy of disability insurance shall contain a provision granting immediate accident and sickness coverage,

from and after the moment of birth, to each newborn infant of any insured.

SEC. 2. Section 10121 of the Insurance Code is amended to read:

10121. (a) No self-insured employee welfare benefit plan, issued or renewed on or after the effective date of this section, which contains coverage for sterilization operations or procedures, shall impose any disclaimer, restriction on, or limitation of, coverage relative to the covered individual's reason for sterilization. All such plans entered into or renewed on or after the effective date of this section shall be construed to be in compliance with this section, and any provision in any such plan which is in conflict with this section shall be of no force or effect.

(b) Every self-insured employee benefit plan issued or amended on or after the operative date of the amendments to this section enacted at the 1971 Regular Session of the Legislature which provides benefits to the employee's dependents, shall contain a provision granting immediate accident and sickness coverage, from and after the moment of birth, to each newborn infant of any family covered. No such plan may be issued or amended if it contains any disclaimer, waiver, or other limitation of coverage relative to the coverage or insurability of newborn infants of a family covered from and after the moment of birth.

(c) As used in this section, "self-insured employee welfare benefit plan" means any plan or program of benefits provided by an employer or an employee organization, or both, for the purpose of providing hospital, medical, surgical, nursing, or dental services, or indemnification for the costs incurred for such services, to such employer's employees or their dependents.

SEC. 3. Section 11512.1 of the Insurance Code is amended to read:

11512.1. (a) Family hospital service contracts may be issued to a family consisting of an individual and one or more persons dependent upon him and may include his spouse whether or not dependent upon him. Such contracts shall contain a provision to the effect that to the family originally covered may be added from time to time all new members of the family group eligible for coverage and that the head of the family shall give the corporation notice of the addition to the family of any person eligible for coverage under the contracts.

(b) No such contract which contains coverage for sterilization operations or procedures may be entered into or renewed on or after the effective date of the amendments to this section enacted at the 1970 Regular Session if it imposes any disclaimer, restriction on, or limitation of coverage relative to the insured's reason for sterilization. All such contracts entered into or renewed on or after the effective date of such amendments shall be construed to be in compliance with this

section, and any provision in any such contract which is in conflict with this section shall be of no force or effect.

(c) No such contract which contains coverage for both an employee and one or more covered persons dependent upon such employee and provides for an extension of coverage for any period following a termination of employment of the employee may be entered into or renewed on or after the operative date of the amendments to this section enacted at the 1971 Regular Session of the Legislature if it does not also provide that such extension of coverage shall apply to dependents upon the same terms and conditions precedent as applied to the covered employee, for the same period of time, subject to payment of premiums, if any, as required by the terms of the policy and subject to any limitations or conditions set forth in any applicable collective bargaining agreement. All such contracts entered into or renewed on or after the operative date of such amendments shall be construed to be in compliance with this section, and any provision in any such contract which is in conflict with this section shall be of no force or effect.

(d) Every such contract entered into or amended in this state on or after the operative date of the amendments to this section enacted at the 1971 Regular Session of the Legislature shall contain a provision granting immediate accident and sickness coverage, from and after the moment of birth, to each newborn infant of any family covered. No such contract may be entered into or amended if it contains any disclaimer, waiver, or other limitation of coverage relative to the coverage or insurability of newborn infants of a family covered from and after the moment of birth.

SEC. 4. Section 12532.8 is added to the Government Code, to read:

12532.8. Every health care service plan entered into or amended on or after the operative date of this section shall contain a provision granting immediate accident and sickness coverage, from and after the moment of birth, to each newborn infant of any family covered. No such plan may be entered into or amended if it contains any disclaimer, waiver, or other limitation of coverage relative to the coverage or insurability of newborn infants of a family covered from and after the moment of birth.

SEC. 5. This act shall become operative July 1, 1972.

---

## CHAPTER 1629

*An act to add Sections 16431 and 53609 to the Government Code, relating to deferred compensation plans for officers and employees of local agencies.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 16431 is added to the Government Code, to read:

16431. Notwithstanding any other provisions of this code, funds held by the state pursuant to a written agreement between the state and employees of the state to defer a portion of the compensation otherwise receivable by the state's employees and pursuant to a plan for such deferral as adopted by the state, may be invested in the types of investments set forth in Sections 53601 and 53602 of this code, and may additionally be invested in corporate stocks, bonds, and securities, mutual funds, savings and loan accounts, credit union accounts, annuities, mortgages, deeds of trust, or other security interests in real or personal property. Nothing herein shall be construed to permit any type of investment prohibited by the Constitution.

SEC. 2. Section 53609 is added to the Government Code, to read:

53609. Notwithstanding the provisions of this chapter or any other provisions of this code, funds held by a local agency pursuant to a written agreement between the agency and employees of the agency to defer a portion of the compensation otherwise receivable by the agency's employees and pursuant to a plan for such deferral as adopted by the governing body of the agency, may be invested in the types of investments set forth in Sections 53601 and 53602 of this code, and may additionally be invested in corporate stocks, bonds, and securities, mutual funds, savings and loan accounts, credit union accounts, annuities, mortgages, deeds of trust, or other security interests in real or personal property. Nothing herein shall be construed to permit any type of investment prohibited by the Constitution.

---

## CHAPTER 1630

*An act to amend Section 19568 of the Welfare and Institutions Code, relating to the California Industries for the Blind.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 19568 of the Welfare and Institutions Code is amended to read:

19568. The California Industries for the Blind shall contribute an amount per month for each non-civil-service production worker for health insurance carried by such workers, which is equal to the amount contributed for such insurance for civil service employees of the California Industries for the Blind. The contributions shall be made only for health insur-

ance plans approved by the Board of Control and shall be made from the California Industries for the Blind Manufacturing Fund.

## CHAPTER 1631

*An act to amend Section 1001 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 1001 of the Public Utilities Code is amended to read:

1001. No railroad corporation whose railroad is operated primarily by electric energy, street railroad corporation, gas corporation, electrical corporation, telegraph corporation, telephone corporation, water corporation, or sewer system corporation shall begin the construction of a street railroad, or of a line, plant, or system, or of any extension thereof, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction.

This article shall not be construed to require any such corporation to secure such certificate for an extension within any city or city and county within which it has theretofore lawfully commenced operations, or for an extension into territory either within or without a city or city and county contiguous to its street railroad, or line, plant, or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business. If any public utility, in constructing or extending its line, plant, or system, interferes or is about to interfere with the operation of the line, plant, or system of any other public utility or of the water system of a public agency, already constructed, the commission, on complaint of the public utility or public agency claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants, or systems affected as to it may seem just and reasonable.

The commission, as a basis for granting any certificate pursuant to the provisions of this section shall give consideration to the following factors:

(a) Community values.
(b) Recreational and park areas.
(c) Historical and aesthetic values.
(d) Influence on environment.

SEC. 2. Notwithstanding any other provisions of law, the jurisdiction of the Public Utilities Commission over sewer system corporations conferred by Chapter 1109 of the Statutes of 1970 is terminated during the period from the effective date of this act until July 1, 1972, and no action of the commission pursuant to such chapter shall be effective during such period.

SEC. 3. Section 1 of this act shall become operative on July 1, 1972. It is the intent of the Legislature that, notwithstanding Section 9605 of the Government Code, Section 1001 of the Public Utilities Code, as amended by Chapter 68 of the Statutes of 1971, shall be operative from the 61st day after final adjournment of the 1971 Regular Session of the Legislature until July 1, 1972.

SEC. 4. Notwithstanding any provision of Item 65 of the Budget Act of 1971, the Public Utilities Commission may expend any money required by the item to be available to fund the regulation of sewer utilities for any purpose authorized by the item.

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 provisions of Chapter 1109 of the Statutes of 1970, relating to sewer system corporations, became operative on July 1, 1971. This act will terminate the jurisdiction of the Public Utilities Commission over such sewer system corporations until July 1, 1972. In order to delay the operative date of such provisions to the time when the required funds will be available, it is necessary that this act go into immediate effect.

---

## CHAPTER 1632

*An act to amend Section 65302 of the Government Code, relating to planning.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

*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, open space, includ-

ing agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to 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.

(d) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forest, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. The conservation element may also cover:

(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.

(e) An open space element as provided in Article 10.5 (commencing with Section 65560) of this chapter.

(f) A seismic safety element consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking, to ground failures, or to effects of seismically induced waves such as tsunamis and seiches.

(g) A noise element in quantitative, numerical terms, showing contours of present and projected noise levels associated

with all existing and proposed major transportation elements. These include but are not limited to the following:

(1) Highways and freeways,

(2) Ground rapid transit systems,

(3) Ground facilities associated with all airports operating under a permit from the State Department of Aeronautics.

These noise contours may be expressed in any standard acoustical scale which includes both the magnitude of noise and frequency of its occurrence. The recommended scale is sound level A, as measured with A-weighting network of a standard sound level meter, with corrections added for the time duration per event and the total number of events per 24-hour period.

Noise contours shall be shown in minimum increments of five decibels and shall be continued down to 65 db(A). For regions involving hospitals, rest homes, long-term medical or mental care, or outdoor recreational areas, the contours shall be continued down to 45 db(A).

Conclusions regarding appropriate site or route selection alternatives or noise impact upon compatible land uses shall be included in the general plan.

The state, local, or private agency responsible for the construction or maintenance of such transportation facilities shall provide to the local agency producing the general plan, a statement of the present and projected noise levels of the facility, and any information which was used in the development of such levels.

(h) A scenic highway element for the development, establishment, and protection of scenic highways pursuant to the provisions of Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.

## CHAPTER 1633

*An act to amend Section 54901 of, and to add Section 54900.1 to, the Government Code, and to amend Sections 254.5, 255.2, 423, 451, 453, 456, 457, 462, 463, 468, 501, 867, 1616, 4831, 4876 and 4876.5 of, to add Article 1.5 (commencing with Section 1840) to Chapter 2 of Part 3 of Division 1 of, and to repeal Sections 1822.5 and 1826 of, the Revenue and Taxation Code, relating to property taxation.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 54900.1 is added to the Government Code, to read:

54900.1. The tax or assessment levying authority as used in this chapter shall be the governmental body required to levy

taxes or assessments by the principal act of the city or district as defined in Section 56063 of this code.

SEC. 2. Section 54901 of the Government Code is amended to read:

54901. The statement shall include a certified copy of the ordinance or resolution ordering the utilization of the regular city or county assessment roll, the creation of or change in boundary of the city, district or zone thereof, a legal description of said boundaries and a map or plat indicating the boundaries. If the proceedings require the filing of any document with the Secretary of State, the statement shall set forth the date on which such filing was accomplished. The statement shall also set forth any terms or conditions imposed in the proceedings.

SEC. 2.5. 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 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 or 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. 3. Section 255.2 of the Revenue and Taxation Code is amended to read:

255.2. Notwithstanding Section 255 of the Revenue and Taxation Code, any veteran who is filing for the veteran's exemption on his principal place of residence for the first time or who was found eligible for that exemption on his principal place of residence in the immediately preceding year and whose claim is timely filed but disallowed for the current year may, if otherwise qualified for the homeowner's exemption, file for the homeowner's exemption as provided herein.

The assessor shall notify those applicants he finds ineligible for the veteran's exemption of his finding and shall inform them that they have 15 days from the date of the notice to file for the homeowner's exemption. The failure of the assessor to provide the notice required by this section shall extend the filing period for those not notified to the next lien date.

For the 1970–1971 fiscal year only, any veteran who would have qualified under this section for an extension of filing time for the homeowner's exemption shall have 15 days after the operative date of this section to file for the homeowner's exemption for the current fiscal year.

SEC. 4. 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. There shall be a rebuttable presumption that "prudent management" does

not include use of the land for a recreational use, as defined in subdivision (n) of Section 51201 of the Government Code, unless the land is actually devoted to such use.

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 the following 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 (¼) 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.

(4) A component for amortization of any investment in perennials over their estimated economic life when the total income from land and perennials exceeds the yield from other typical crops grown in the area.

(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. 4.1. Section 451 of the Revenue and Taxation Code is amended to read:

451. All information requested by the assessor or furnished in the property statement shall be held secret by the assessor. The statement is not a public document and is not open to inspection, except as provided in Section 408.

SEC. 4.2. Section 453 of the Revenue and Taxation Code is amended to read:

453. The assessor may request any person found within his county to make and subscribe an affidavit, showing his name, place of residence or place of business, and whether he is the owner of any taxable property.

SEC. 4.3. Section 456 of the Revenue and Taxation Code is amended to read:

456. If the assessor has not received from the owner of a tract of land a legal description or a description which geographically locates the property, he may request such a description from the owner or his agent, or, in case they cannot be found or are unknown, the person in possession.

SEC. 4.4. Section 457 of the Revenue and Taxation Code is amended to read:

457. If the owner, agent, or person in possession neglects to furnish the assessor with the description within 10 days after the request, the assessor shall cite him to appear before the superior court of the county where the land is situated within five days after service of the citation. On the day named in the citation, to the exclusion of all other business, the court shall proceed to hear his return and answer to the citation.

SEC. 4.5. Section 462 of the Revenue and Taxation Code is amended to read:

462. Every person is guilty of a misdemeanor who, after written request by the assessor, does any of the following:

(a) Refuses to make available to the assessor any information which is required by subdivision (d) of Section 441 of this code.

(b) Gives a false name.

(c) Willfully refuses to give his true name.

Upon conviction of any offense in this section, the defendant may be punished by imprisonment in the county jail for a period not exceeding six months or by a fine not exceeding five hundred dollars ($500), or by both.

If the defendant is a corporation, it may be punished by an additional fine of one hundred dollars ($100) for each day it refuses to comply with the provisions of this section, up to a maximum of ten thousand dollars ($10,000).

SEC. 4.6. Section 463 of the Revenue and Taxation Code is amended to read:

463. If any person who is required by law or is requested by the assessor to make an annual property statement fails to file it with the assessor by 5 p.m. on the last Monday in May, or if, after written request by the assessor, any person fails to file an annual property statement within the time limit specified by Section 441 or make and subscribe the affidavit respecting his name and place of residence, a penalty of 10 percent of the assessed value of the unreported taxable tangible property of such person placed on the current roll shall be added to the assessment made on the current roll.

Notice of any penalty added to the secured roll pursuant to this section shall be mailed by the assessor to the assessee at his address as contained in the official records of the county assessor.

If the assessee establishes to the satisfaction of the county board of equalization or the assessment appeals board that the failure to file the property statement within the time required by Section 441 was due to reasonable cause and not due to willful neglect, it may order the penalty abated, provided the assessee has filed with the county board written application for abatement of the penalty within the time prescribed by law for the filing of applications for assessment reductions.

If the penalty is abated it shall be canceled or refunded in the same manner as an amount of tax erroneously charged or collected.

SEC. 4.7. Section 468 of the Revenue and Taxation Code is amended to read:

468. In addition to any other remedies described in this article, if any person fails to furnish any information or records required by this article upon request by the assessor, the assessor may apply to the superior court of the county for an order requiring the person who failed to furnish

such information or records to appear and answer concerning his property before such court at a time and place specified in the order. The court may so order in any county where the person may be found, but shall not require the person to appear before the court in any other county than that in which the subpoena is served.

SEC. 4.8. Section 501 of the Revenue and Taxation Code is amended to read:

501. If after written request by the assessor, any person fails to comply with any provision of law for furnishing information required by Sections 441 and 470, the assessor, based upon information in his possession, shall estimate the value of the property and, based upon this estimate, promptly assess the property.

SEC. 5. Section 867 of the Revenue and Taxation Code is amended to read:

867. Whenever taxable personal property escapes assessment, or whenever real property escapes assessment, and the escape in either instance results from a nonwillful act or omission of the taxpayer, the board shall assess the property for the year in which it escaped assessment at any time within four years after July 1 of the assessment year in which it escaped assessment.

Whenever the property, or any portion thereof, escapes assessment as a result of the fraudulent act or fraudulent omission of the taxpayer, or as a result of fraudulent collusion between the taxpayer and the State Board of Equalization, the board shall assess the property and impose the penalty. An assessment levied by the board pursuant to this paragraph shall be made promptly upon discovery of the fraud and in no event more than six years following the date when the fraud occurred.

Notwithstanding any other provisions of this code an assessment made pursuant to this section against real property for the year or years in which such real property escaped assessment shall not create or impose a lien or charge on such real property for such assessment or any penalties if (1) such real property has been transferred or conveyed to a bona fide purchaser for value prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon, or (2) such real property is subject to a lien of a bona fide encumbrance for value created and attaching prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon. In such cases the assessor or tax collector may record with the county recorder of any county a certificate which shall set forth the name of the person who would have been the assessee in the year in which such real property escaped assessment and the amount or amounts of any such assessments and penalties. From the date of the recording of such certificate a lien shall be created and attach against any real

property owned by such person in the county or counties in which any such certificate may have been recorded which lien shall have the force, effect and priority of a judgment lien.

The tax collector, with the approval of the board of supervisors, may at any time release all or any portion of real property subject to any lien created or attaching by the recording of such a certificate from such lien or subordinate such lien to other liens and encumbrances if he determines that the assessment or taxes are sufficiently secured by a lien on other property belonging to the person named in such a certificate or that the release or subordination will not endanger or jeopardize the collection of such assessment or taxes.

A written certification by the tax collector to the effect that real property subject to any lien imposed by the recording of the certificate as hereinbefore provided has been released from such lien or that such lien has been subordinated to other liens shall be conclusive evidence as to any bona fide purchaser, encumbrancer or lessee that such lien has been released or has been subordinated as set forth in such written certification. Such written certification may be recorded with the county recorder of any county.

SEC. 6. Section 1616 of the Revenue and Taxation Code is amended to read:

1616. (a) If a county board changes the full cash value on a parcel of real property to a value different from the assessor's finding of value (as reflected by the assessment on the roll or as recommended, proposed, or stipulated by the assessor), and, during the succeeding two assessment years, the assessor seeks to raise the value total as lowered by the board below the assessor's value, or to lower the total value as raised by the board above the assessor's value, the value of the property shall be rebuttably presumed to be the value set by the board. When seeking such a change in value, the assessor shall give written notice of the proposed full cash value and assessed value to the other party and the matter shall automatically be placed before the board, unless such other party files a written statement with the board that he does not want to contest the matter and in that event the matter will not be placed before the county board.

(b) If, in such succeeding two assessment years, the board changes the value previously set by the board on that parcel to a value different from the assessor's finding of value as recommended, proposed, or stipulated by the assessor for that year, the previously set value shall be deemed rebutted and the new value set by the board shall be rebuttably presumed to be the value of that parcel during the succeeding two assessment years.

(c) A presumption created under this section shall cease to exist upon a subsequent change in zoning or permissive use of a parcel of real property, a change of assessed value due to an intercounty equalization order issued by the State Board

of Equalization or a subsequent physical change in the property requiring a permit for land or improvements. If any of the conditions described in this subdivision occur, the matter shall not be automatically placed before the board.

(d) When any matter is placed before the board pursuant to this section, the clerk shall notify the parties affected of the time and place of hearing in the same manner as notice is given for application for changes of assessments. If the party affected or his agent does not appear or has not made timely request for continuance, the matter shall be heard by the board and the assessor shall present his evidence notwithstanding the failure of the party affected or his agent to appear or to request a continuance.

This section shall not apply to property under initial construction or development, nor to changes of value made pursuant to legislation enacted under the authorization of Section 2.8 of Article XIII of the Constitution of the State of California, nor to trade fixtures.

SEC. 6.1. Section 1822.5 of the Revenue and Taxation Code is repealed.

SEC. 6.2. Section 1826 of the Revenue and Taxation Code is repealed.

SEC. 6.3. Article 1.5 (commencing with Section 1840) is added to Chapter 2 of Part 3 of Division 1 of the Revenue and Taxation Code, to read:

### Article 1.5. Review of Assessment of Publicly Owned Property

1840. If any county, city and county, or municipal corporation desires to secure a review, equalization, or adjustment of the assessment of its property by the board in pursuance of Section 1 of Article XIII of the State Constitution, it shall apply to the board therefor in writing on or before the third Monday in July, or within two weeks after the completion and delivery by the assessor of the local roll containing such assessment to the auditor as provided in Section 617, whichever is the later. If the assessment objected to is one made outside the regular period for such assessments, the application for review shall be filed with the board within two weeks from the date the tax bill is mailed to the assessee.

Every application shall show the facts claimed to require action of the board, and a copy thereof shall be filed with the assessor whose assessment is questioned. Upon receipt of a timely application the board shall afford the applicant notice and a hearing in accordance with such rules and regulations as the board may prescribe.

1841. When the review, equalization, and adjustment are completed, the secretary of the board shall transmit to the auditor and the governing body of the taxing agency whose assessment is questioned, and to the applicant a notice of the action of the board with respect to the assessment. The notice

is prima facie evidence of the regularity of all proceedings of the board resulting in the action which is the subject matter of the notice. Upon receipt of the notice the auditor shall enter upon the local roll any change in the assessment resulting from the action of the board.

SEC. 7. Section 4831 of the Revenue and Taxation Code is amended to read:

4831. When it can be ascertained from the roll or any papers in the assessor's office what was intended, or what should have been assessed, defects in description or form or clerical errors of the assessor on the roll or other errors of the assessor not involving the exercise of judgment as to value which result in the entry on the roll of assessed values other than those intended by the assessor may be corrected under this article at any time after the roll is delivered to the auditor by the clerk of the county board and prior to the expiration of four years after the making of the assessment which is being corrected.

In the event the correction has the effect of increasing the amount of taxes due on real property for the year or years in which such correction is made, such increased amount of taxes shall not create, impose or constitute a lien or charge on such real property if (a) such real property has been transferred or conveyed to a bona fide purchaser for value prior to the date of such correction and the showing thereof on the secured roll with the date of entry specified thereon, or (b) such real property is subject to a lien of a bona fide encumbrance for value created and attaching prior to the date of such correction and the showing thereof on the secured roll with the date of entry specified thereon. In such case, the assessor or tax collector may record with the county recorder of any county a certificate which shall set forth in the name of the person who was the assessee in the year in which such correction was made and the amount or amounts of any such correction. From the date of the recording of such certificate, a lien shall be created and attach against any real property owned by such person in the county or counties in which any such certificate may have been recorded for the amount of such taxes, 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 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 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.

Taxes which do not create, impose or constitute a lien or charge on the property assessed may be transferred from the secured roll to the unsecured roll of the corresponding year by the county auditor on order of the board of supervisors with the written consent of the district attorney and shall be collected in the same manner as other delinquent taxes on the unsecured roll and shall be subject to delinquent penalties in the same manner as taxes transferred to the unsecured roll under Section 4986. The statute of limitations for the collection of such taxes shall commence to run from the date of transfer.

SEC. 8. Section 4876 of the Revenue and Taxation Code is amended to read:

4876. When it can be ascertained from any roll or from any papers of the board what was intended or what should have been assessed, defects in description or form or clerical errors of the board in assessing state-assessed property or other errors of the board not involving the exercise of judgment as to value which result in the entry on the roll of assessed values other than those intended by the board may be corrected by the board under this article at any time within four years after the assessment was made.

SEC. 9. Section 4876.5 of the Revenue and Taxation Code is amended to read:

4876.5. When it can be ascertained by the board from an audit of an assessee's books of account or other papers that there has been a defect of description or clerical error of the assessee in his property statement or in other information or records furnished to the board which caused the board to assess personal property which should not have been assessed or to assess it at a substantially higher valuation than the board would have entered on the roll if the information had been correctly furnished to the board, the error on the roll may be corrected under this article at any time within four years after the assessment was made.

---

## CHAPTER 1634

*An act to amend Sections 6016.3, 6066, 6071, 6273, 6702, 8952, 30145, 30301, 30311 and 32381 of, and to add Sections 6758.5, 7873.5, 8997.5, 10100.5, 12260, 18884.5, 26162.5, and 30323.5 to, the Revenue and Taxation Code, and to add Section 1704.5 to the Unemployment Insurance Code, relating to state taxes.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 6016.3 of the Revenue and Taxation Code is amended to read:

6016.3. "Tangible personal property," for the purpose of this part, includes any leased fixtures if the lessor has the right to remove the fixtures upon breach or termination of the lease, unless the lessor is also the lessor of the realty.

SEC. 2. Section 6066 of the Revenue and Taxation Code is amended to read:

6066. Every person desiring to engage in or conduct business as a seller within this state shall file with the board an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the board and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as the board may require. The application shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application.

SEC. 3. Section 6071 of the Revenue and Taxation Code is amended to read:

6071. A person who engages in business as a seller in this state without a permit or permits or after a permit has been suspended or revoked, and each officer of any corporation which so engages in business, is guilty of a misdemeanor.

SEC. 4. Section 6273 of the Revenue and Taxation Code is amended to read:

6273. "Vessel" means any boat, ship, barge, craft, or floating thing designed for navigation in the water except:

(a) A seaplane,

(b) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself,

(c) A watercraft of a type designed to be propelled solely by oars or paddles,

(d) A watercraft of eight feet or less in length of a type designed to be propelled by sail.

A motor or other component of a vessel, whether or not detachable, shall be deemed to be part of the vessel when sold therewith.

SEC. 5. Section 6702 of the Revenue and Taxation Code is amended to read:

6702. If any person is delinquent in the payment of the amount required to be paid by him or in the event a deter-

mination has been made against him which remains unpaid, the board may, not later than three years after the payment became delinquent, or within 10 years after the last recording of an abstract under Section 6738 or of a certificate under Section 6757, give notice thereof personally or by registered mail to all persons, including any officer or department of the state or any political subdivision or agency of the state, having in their possession or under their control any credits or other personal property belonging to the delinquent, or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or such person. In the case of any state officer, department or agency, the notice shall be given to such officer, department or agency prior to the time it presents the claim of the delinquent taxpayer to the State Controller. After receiving the notice the persons so notified shall neither transfer nor make any other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the board consents to a transfer or disposition or until 60 days elapse after the receipt of the notice, whichever period expires the earlier. All persons so notified shall forthwith after receipt of the notice advise the board of all such credits, other personal property, or debts in their possession, under their control, or owing by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held. If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the property or debts required to be withheld hereunder, to the extent of the value of the property or the amount of the debts thus transferred or paid he shall be liable to the state for any indebtedness due under this part from the person with respect to whose obligation the notice was given if solely by reason of such transfer or disposition the state is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

SEC. 6. Section 6758.5 is added to the Revenue and Taxation Code, to read:

6758.5. The board may release any lien imposed under Section 6757 or 6757.5 if it finds that the liability represented by the lien, including any interest accrued thereon, is legally unenforceable.

SEC. 7. Section 7873.5 is added to the Revenue and Taxation Code, to read:

7873.5. The Controller may release any lien imposed under Section 7872 if he finds that the liability represented by the lien, including any interest accrued thereon, is legally unenforceable.

SEC. 8. Section 8952 of the Revenue and Taxation Code is amended to read:

8952. If any user is delinquent in the payment of any obligation imposed under this part, or in the event a determination has been made against such a user which remains unpaid, the board may, not later than three years after the payment becomes delinquent, or within 10 years after the last recording of a certificate under Section 8996, give notice thereof, personally or by registered mail to all persons, including any officer or department of the state or any political subdivision or agency of the state, having in their possession or under their control any credits or other personal property belonging to the user, or owing any debts to the user. In the case of any state officer, department or agency, the notice shall be given to such officer, department or agency prior to the time it presents the claim of the delinquent taxpayer to the State Controller.

SEC. 9. Section 8997.5 is added to the Revenue and Taxation Code, to read:

8997.5. The board may release any lien imposed under Section 8996 if it finds that the liability represented by the lien, including any interest accrued thereon, is legally unenforceable.

SEC. 10. Section 10100.5 is added to the Revenue and Taxation Code, to read:

10100.5. The Controller may release any lien imposed under Section 10099 if he finds that the liability represented by the lien, including any interest accrued thereon, is legally unenforceable.

SEC. 11. Section 12260 is added to the Revenue and Taxation Code, to read:

12260. Notwithstanding any other provision of this article, the commissioner may relieve an insurer of its obligation to make prepayments where the insurer establishes to the satisfaction of the commissioner that either the insurer has ceased to transact insurance in this state, or the insurer's annual tax for the current year will be less than five thousand dollars ($5,000).

SEC. 12. Section 18884.5 is added to the Revenue and Taxation Code, to read:

18884.5. The Franchise Tax Board may release any lien imposed under Section 18831, 18863, 18864, 18881, 18882, 18882.5, 18883, or 18886 if it finds that the liability represented by the lien, including any interest accrued thereon, is legally unenforceable.

SEC. 13. Section 26162.5 is added to the Revenue and Taxation Code, to read:

26162.5. The Franchise Tax Board may release any lien imposed under Section 26161 or 26161.5 if it finds that the liability represented by the lien, including any interest accrued thereon, is legally unenforceable.

SEC. 14. Section 30145 of the Revenue and Taxation Code is amended to read:

30145. In lieu of a bond or bonds a distributor, under such conditions as the board may prescribe, may deposit with the State Treasurer any of the following: (a) an amount of lawful money equivalent to the amount of the bond or bonds; (b) obligations of the United States, the State of California, or any county or city and county of this state of an actual market value not less than the amount of the bond or bonds fixed by the board; (c) certificates of fully federally insured deposits of any bank or banks authorized to transact business in this state in an amount equivalent to the amount of the bond or bonds; or (d) investment certificates or share accounts, not exceeding the federally insured amount, in an amount equivalent to the amount of the bond or bonds, issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

SEC. 15. Section 30301 of the Revenue and Taxation Code is amended to read:

30301. At any time within three years after any amount of tax becomes due and payable, and at any time within 10 years after the last recording of a certificate under Section 30322, the board may transmit notice of the delinquency to the Attorney General, who shall at once proceed by appropriate legal action to collect all sums due the state.

SEC. 16. Section 30311 of the Revenue and Taxation Code is amended to read:

30311. If any person is delinquent in the payment of the amount required to be paid by him or in the event a determination has been made against him which remains unpaid, the board may, not later than three years after the payment became delinquent, or within 10 years after the last recording of a certificate under Section 30322, give notice thereof personally or by registered mail to all persons, including any officer or department of the state or any political subdivision or agency of the state, having in their possession or under their control any credits or other personal property belonging to the delinquent, or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or such person. In the case of any state officer, department or agency, the notice shall be given to such officer, department or agency prior to the time it presents the claim of the delinquent taxpayer to the State Controller.

SEC. 17. Section 30323.5 is added to the Revenue and Taxation Code, to read:

30323.5. The board may release any lien imposed under Section 30322 if it finds that the liability represented by the lien, including any interest accrued thereon, is legally unenforceable.

SEC. 18. Section 32381 of the Revenue and Taxation Code is amended to read:

32381. If any taxpayer is delinquent in the payment of any obligations imposed by this part, or in the event a determination has been made against such a taxpayer which remains unpaid, the board may, not later than three years after the payment becomes delinquent, or within 10 years after the last recording of an abstract or copy of judgment under Section 32362, give notice thereof, personally or by registered mail to all persons, including any officer or department of the state or any political subdivision or agency of the state, having in their possession or under their control any credits or other personal property belonging to the taxpayer, or owing any debts to the taxpayer. In the case of any state officer, department, or agency, the notice shall be given to such officer, department, or agency prior to the time it presents the claim of the delinquent taxpayer to the State Controller.

SEC. 19. Section 1704.5 is added to the Unemployment Insurance Code, to read:

1704.5. The director may release any lien imposed under Section 1703, 1703.5, or 1816 if he finds that the liability represented by the lien, including any interest accrued thereon, is legally unenforceable.

SEC. 20. It is the intent of the Legislature if both A.B. 1680 and S.B. 465 of the 1971 Regular Session are chaptered that tax liens released because of legal unenforceability shall not be subject to any filing fees for release of liens imposed by S.B. 465. It is the further intent of the Legislature that the State Board of Equalization, Franchise Tax Board and Department of Human Resources Development shall cooperate with county recorders in adopting a distinctive style for their release of lien forms so as to distinguish between releases which are subject to fees and releases which are not subject to fees.

SEC. 21. This act shall be operative on and after January 1, 1972, and the provisions of Sections 5, 8, 15, 16, and 18 shall be applicable only with respect to certificates of lien or abstracts of judgment filed on or after that date.

---

## CHAPTER 1635

*An act to add Sections 11535.2 and 11540.2 to the Business and Professions Code, relating to subdivision maps.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 11535.2 is added to the Business and Professions Code, to read:

11535.2. The provisions of subdivision (d) of Section 11535 shall not apply to divisions of real property created solely by short-term leases (terminable by either party on not more than 30 days notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates the application of the provisions of Section 11535 to such short-term leases in such cases.

SEC. 2. Section 11540.2 is added to the Business and Professions Code, to read:

11540.2. Notwithstanding the provisions of Section 11540.1, regulations of municipalities and counties of land which is not a subdivision shall not be applied to short-term leases (terminable by either party on not more than 30 days notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates the application of such regulations to such short-term leases in such cases.

## CHAPTER 1636

*An act to amend Section 536 of the Revenue and Taxation Code, relating to property taxation.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 536 of the Revenue and Taxation Code is amended to read:

536. Any amount paid by the state to reimburse local taxing agencies for loss of revenue resulting from incorrectly allowed exemptions, if not repaid to the state, shall be deducted under Section 12419.5 of the Government Code from the next reimbursement to such agencies.

The county auditor shall notify the State Controller of all incorrectly allowed exemptions for which local taxing agencies have been reimbursed by the state for loss of revenue, and all escape assessments made because thereof.

SEC. 2. This act shall become operative on January 1, 1972.

## CHAPTER 1637

*An act to amend Section 2611.6 of the Revenue and Taxation Code, relating to property tax bills.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 2611.6 of the Revenue and Taxation Code is amended to read:

2611.6. (a) The information in the tax bill shall include the full cash value and assessed value of locally assessed property and the assessment ratio used to determine the assessed value.

(b) In any year in which all of the assessments on the local secured roll have been raised or lowered as the result of a board order adopted pursuant to Section 9, Article XIII of the California Constitution, the information in the tax bill for locally assessed property on the secured roll shall include (1) the assessed value, as equalized by the board's order, or (2) both the original assessed value and the equalized assessed value together with an explanation of the effect of the equalization change on the tax rate. In addition, the full cash value may be omitted or if shown the tax bill shall include an explanation of the inconsistency of that figure with the equalized assessed value and the announced assessment ratio. The explanations required by this subdivision may be imprinted or stamped on the bill or on an enclosure accompanying the tax bill.

(c) If a tax bill relates to property to which the homeowner's property tax exemption is applicable, that fact and the amount of the exemption granted, expressed in assessed value, shall be indicated on the bill.

---

## CHAPTER 1638

*An act to amend Sections 353 and 385 of the Code of Civil Procedure, and to add Sections 709.1 and 721 to the Probate Code, relating to estate claims.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 353 of the Code of Civil Procedure is amended to read:

353. If a person entitled to bring an action dies before the expiration of the time limited for the commencement thereof, and the cause of action survives, an action may be commenced by his representatives, after the expiration of that time, and within six months from his death. If a person against whom an action may be brought dies before the expiration of the time limited for the commencement thereof, and the cause of action survives, an action may be commenced against his representatives, after the expiration of that time, and within one year

after the issuing of letters testamentary or of administration, or an action against the estate provided for by subdivision (b) of Section 385 of the Code of Civil Procedure, subdivision (b) of Section 707 of the Probate Code or Section 721 of the Probate Code may be commenced within one year after the expiration of the time otherwise limited for the commencement thereof.

SEC. 2. Section 385 of the Code of Civil Procedure is amended to read:

385. (a) An action or proceeding does not abate by the death, or any disability of a party, or by the transfer of any interest therein, if the cause of action survive or continue. In case of the death or any disability of a party, the court, on motion, may allow the action or proceeding to be continued by or against his representative or successor in interest. In case of any other transfer of interest, the action or proceeding may be continued in the name of the original party, or the court may allow the person to whom the transfer is made to be substituted in the action or proceeding.

(b) In the case of an action for injury to or for the death of a person caused by the wrongful act or neglect of the defendant, and the defendant dies after the commencement of the action, the action may be continued, against the decedent as the original party defendant without the appointment of a representative or successor in interest, if the decedent had liability insurance applicable to the cause of action, the amount of damages sought in the action does not exceed the maximum amount of such insurance, or recovery of excess thereof is waived, and the estate of the decedent otherwise qualifies for summary probate proceedings pursuant to the provisions of Section 630 of the Probate Code. No action may be continued under this subdivision unless the insurer has been served with the complaint filed in the action. For good cause, the court, upon motion of an interested person or upon its own motion, may order the appointment of a personal representative and his substitution as the defendant.

SEC. 3. Section 709.1 is added to the Probate Code, to read:

709.1. Notwithstanding any other provision of law, the court in which an action described in Section 709 is pending may permit the action to be continued against the defendant in the name of "Estate of (name of decedent), Deceased," upon petition of the plaintiff, pursuant to the same procedure, and upon the same terms and conditions, as are provided in Section 721 for claims which were not the subject of a pending action at decedent's death. The procedure of this section is cumulative and does not supersede the procedure provided in subdivision (b) of Section 385 of the Code of Civil Procedure.

SEC. 4. Section 721 is added to the Probate Code, to read:

721. (a) Notwithstanding any other provision of law, the presentation or filing of a claim shall not be required and a

civil action may be maintained by a claimant to establish, to the limits of the insurance protection only, a liability of the decedent for which the decedent was protected by liability insurance.

(b) The claimant shall file a verified petition in the superior court of the county in which the administration of the estate is pending, or if none is pending, in the superior court of the county in which administration may be had as provided in Section 301, alleging (1) the nature and amount of his claim, (2) the decedent was protected, in whole or in part, by liability insurance with respect thereto, (3) the interests of the estate will not be prejudiced, and (4) any recovery in such action by the claimant will be limited solely to the decedent's insurance protection. The court, upon such hearing and notice, if any, as it may order, shall grant leave to the claimant to file such action, unless it finds that the interests of the estate will be prejudiced thereby. However, if it appears that the insurer denies coverage or admits liability only conditionally or with reservation, the court may deny leave to the claimant to file such action.

(c) The action by the claimant shall name as the defendant "Estate of (name of decedent), Deceased." Summons shall be served upon a person designated in writing by the insurer or, if none, upon the insurer. Further proceedings shall be in the name of the estate, but otherwise shall be conducted in the same manner and have the same effect as if the action were against the personal representative. For good cause, the court in which the civil action is pending, upon motion of an interested person or upon its own motion, may order the appointment of a personal representative and his substitution as the defendant.

(d) The insurer may deny or otherwise contest its liability by cross-complaint in the action or by an independent action against the claimant, but the judgment on the cross-complaint or in the independent action shall not adjudicate rights of persons who are not parties.

(e) A judgment in favor of claimant in an action pursuant to this section shall be enforceable only from the insurance protection and shall not create a lien upon real or other property of the estate.

(f) The remedies of this section are cumulative, and may be pursued concurrently with other remedies.

SEC. 4. Neither Section 709.1 nor Section 721 of the Probate Code, as enacted at the 1971 Regular Session of the Legislature, shall apply to an action specified in Section 709 of the Probate Code pending at, or to a claim presented or filed before, its effective date; nor shall either such section revive any claim previously barred by Chapter 12 (commencing with Section 700) of Division 3 of the Probate Code.

# CHAPTER 1639

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

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. 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.

Any person who places fill, extracts materials or makes any substantial change in the use of any water, land, or structure within the area of the commission's jurisdiction without securing a permit from the commission as required by this title is guilty of a misdemeanor.

(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 including, 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. 2. Section 66632 of the Government Code is amended to read:

66632. (a) During the existence of the San Francisco Bay Conservation and Development Commission, any person or governmental agency wishing to place fill, 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 from all applicants before the commission, including government agencies notwithstanding the provisions of Section 6103 of this code.

Any person who places fill, extracts materials or makes any substantial change in the use of any water, land, or structure within the area of the commission's jurisdiction without securing a permit from the commission as required by this title is guilty of a misdemeanor.

(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 including, 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. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1533 are both chaptered and amend Section 66632 of the Government Code, and this bill is chaptered after Senate Bill No. 1533, that the amendments to Section 66632 proposed by both bills be given effect and incorporated in Section 66632 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 1533 are both chaptered, both amend Section 66632, and Senate Bill No. 1533 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

---

## CHAPTER 1640

*An act to amend Sections 395 and 585.5 of the Code of Civil Procedure, relating to civil actions.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 395 of the Code of Civil Procedure is amended to read:

395. (a) Except as otherwise provided by law and subject to the power of the court to transfer actions or proceedings as provided in this title, the county in which the defendants or some of them reside at the commencement of the action is the proper county for the trial of the action. If the action is for injury to person or personal property or for death from wrongful act or negligence, either the county where the injury occurs or the injury causing death occurs or the county in which the defendants, or some of them reside at the commencement of the action, shall be a proper county for the trial of the action. In a proceeding for dissolution of marriage, the county in which the petitioner has been a resident for three months next preceding the commencement of the proceeding is the proper county for the trial of the proceeding. Subject to the provisions of subdivision (b), when a defendant has contracted to perform an obligation in a particular county, either the county where such obligation is to be performed or

in which the contract in fact was entered into or the county in which the defendant or any such defendant resides at the commencement of the action shall be a proper county for the trial of an action founded on such obligation, and the county in which such obligation is incurred shall be deemed to be the county in which it is to be performed unless there is a special contract in writing to the contrary. If none of the defendants reside in the state or if residing in the state and the county in which they reside is unknown to the plaintiff, the action may be tried in any county which the plaintiff may designate in his complaint, and, if the defendant is about to depart from the state, such action may be tried in any county where either of the parties reside or service is made. If any person is improperly joined as a defendant or has been made a defendant solely for the purpose of having the action tried in the county or judicial district where he resides, his residence shall not be considered in determining the proper place for the trial of the action.

(b) Subject to the power of the court to transfer actions or proceedings as provided in this title, in an action founded upon an obligation of the defendant for goods, services, loans or extensions of credit intended primarily for personal, family or household use, other than an obligation described in Section 1812.10 or Section 2984.4 of the Civil Code, the county in which the defendant in fact signed the contract, the county in which the defendant resided at the time the contract was signed, or the county in which the defendant resides at the commencement of the action is the proper county for the trial thereof.

(c) 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 defendant or any defendant resides, in which the injury to person or personal property or the injury causing death occurs, or, in the cases mentioned in subdivision (a), in which the obligation was contracted to be performed or, in cases mentioned in subdivision (b), in which the defendant in fact signed the contract, in which the defendant resided at the time the contract was signed, or in which the defendant resides at the commencement of the action, 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 a proper court for the trial thereof.

SEC. 2. Section 585.5 of the Code of Civil Procedure is amended to read:

585.5. (a) Every application to enter default under subdivision 1 of Section 585 shall include or be accompanied by an affidavit stating facts showing that the action is or is not subject to the provisions of Section 1812.10 or 2984.4 of the Civil Code or subdivision (b) of Section 395 of the Code of Civil Procedure.

(b) When a default or default judgment has been entered without full compliance with Section 1812.10 or 2984.4 of the Civil Code, or subdivision (b) of Section 395 of the Code of Civil Procedure, the defendant may serve and file a notice of motion to set aside such default or default judgment and for leave to defend the action in the proper court. Such notice of motion shall be served and filed within 60 days after levy on the defendant's property of a writ of execution on the default judgment.

(c) A notice of motion to set aside a default or default judgment and for leave to defend the action in the proper court shall designate as the time for making the motion a date not less than 10 nor more than 20 days after filing of such motion, and it shall be accompanied by an affidavit showing under oath that the action was not commenced in the proper court according to the provisions of Section 1812.10 or 2984.4 of the Civil Code or subdivision (b) of Section 395 of the Code of Civil Procedure. The party shall serve and file with such notice a copy of the answer, motion, or other pleading proposed to be filed in the action.

(d) Upon a finding by the court that the motion was made within the period permitted by subdivision (b) and that the action was not commenced in the proper court, it shall set aside the default or default judgment on such terms as may be just and shall allow such a party to defend the action in the proper court.

(e) Unless the plaintiff can show that he used reasonable diligence to avoid filing the action in the improper court, upon a finding that the action was commenced in the improper court the court shall award the defendant actual damages and costs, including reasonable attorney's fees.

---

## CHAPTER 1641

*An act to amend Sections 13917.5 and 13991 of the Health and Safety Code, relating to fire protection districts.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 13917.5 of the Health and Safety Code is amended to read:

13917.5. The district may acquire all necessary and proper lands and facilities, or any portion thereof, by means of a plan to borrow money or by purchase on contract. In addition, any district located in Yolo County may acquire all necessary and proper equipment by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to three times the actual tax income for the fiscal year preceding the year in

which the indebtedness is incurred, and all such indebtedness which is incurred on or after the effective date of this act shall be repaid in approximately equal annual installments during a period not to exceed 10 years from the date on which it is incurred and shall bear interest at a rate not exceeding 6 percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the district board if the board has five members or more, and by the affirmative votes of at least two-thirds of the members if the board has less than five members, and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the district board, if the board has five members or more, or signed by at least two-thirds of the members if the board has less than five members. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, a tax shall be levied and collected sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

SEC. 2. Section 13991 of the Health and Safety Code is amended to read:

13991. The district board may on its own motion, or upon the filing of a petition with the district board signed by 51 percent of the taxpayers, or the owners of 51 percent of the property, in each case within the territory proposed to be formed into a zone or to be annexed to, or detached from, a zone, based on assessed valuation, in a specific area, the district board shall, by resolution, initiate proceedings for the creation of a special fire protection zone in the district or for the annexation of territory to, or the detachment of territory from, an established special fire protection zone in the district, for any one or more of the following purposes:

(a) Paying for the installation of capital improvements such as fire mains, fireplugs, or any other similar improvement, which is of sole benefit to the territory in a zone.

(b) Purchase of equipment or employment of personnel over and above the equipment and personnel which the district can afford to furnish to a zone out of its general district tax.

(c) Payment by the taxpayers of a zone which has been annexed to a city of the costs of fire protection services provided by the Division of Forestry, pursuant to contract with the city, for grass-, brush-, and forest-covered lands in such zone.

# CHAPTER 1642

*An act to add Chapter 2.5 (commencing with Section 5400) to Division 5 of the Public Resources Code, and to repeal Section 103.7 of the Streets and Highways Code, relating to acquisition of property for park purposes.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Chapter 2.5 (commencing with Section 5400) is added to Division 5 of the Public Resources Code, to read:

## CHAPTER 2.5. PRESERVATION OF PUBLIC PARKS

5400. This chapter shall be known as the Public Park Preservation Act of 1971.

5400.5. As used in this chapter "public park" includes only a park operated by a public agency.

5400.6. As used in this chapter "operating entity" means the entity owning the park land and the facilities thereon.

5401. No city, city and county, county, public district, or agency of the state, including any division, department or agency of the state government, or public utility, shall acquire (by purchase, exchange, condemnation, or otherwise) any real property, which property is in use as a public park at the time of such acquisition, for the purpose of utilizing such property for any nonpark purpose, unless the acquiring entity pays or transfers to the legislative body of the entity operating the park sufficient compensation or land, or both, as required by the provisions of this chapter to enable the operating entity to replace the park land and the facilities thereon.

5402. The provisions of this chapter shall not apply to the acquisition of real property or any interest in real property for the construction or maintenance of underground utility services.

5403. The provisions of this chapter shall not apply to a public utility, whether privately or publicly owned, acquiring real property or an interest in real property for the purpose of providing services to the public park, if it is not feasible to place the utility services or facility underground.

5403.5. The provisions of this chapter shall not apply to a public utility, whether privately or publicly owned, acquiring real property or any interest in real property as a waterway; provided, that the legislative body of the operating entity determines by a majority vote that such waterway would preserve or enhance the recreational or aesthetic values of the park.

5404. In the event that the park land and facilities are acquired, the operating entity shall acquire substitute park land and facilities. If, however, less than 10 percent of the park

land, but not more than one acre, is acquired, the operating entity may, instead of acquiring substitute park land and facilities, improve the unacquired portion of the park land and facilities, using the funds received for this purpose, after holding a public hearing on the matter and upon a majority vote of its legislative body.

5405. Unless the provisions of Section 5407.2 are applicable, the amount of compensation or land, or both, required by this chapter for the taking of the park land and facilities shall be equal to one of the following:

(a) The cost of acquiring substitute park land of comparable characteristics and of substantially equal size located in an area which would allow for use of the substitute park land and facilities by generally the same persons who used the existing park land and facilities, and the cost of acquiring substitute facilities of the same type and number, plus the cost of development of such substitute park land, including the placing of such substitute facilities thereon.

(b) Substitute park land of comparable characteristics and of substantially equal size located in an area which would allow for use of the substitute park land by generally the same persons who used the existing park land, and the cost of acquiring substitute facilities of the same type and number, plus the cost of development of such substitute park land, including the placing of such substitute facilities thereon.

(c) Any combination of substitute park land and compensation in an amount sufficient to provide substitute park land of comparable characteristics and of substantially equal size located in an area which would allow for use of the substitute park land and facilities by generally the same persons who used the existing park land and facilities, and to provide substitute facilities of the same type and number, plus the cost of development of such substitute park land, including the placing of such substitute facilities thereon.

5406. Upon receiving an offer of compensation or land, or both, from the acquiring entity for the acquisition of the park, the legislative body of the operating entity may enter into an agreement with the acquiring entity to the effect that the acquiring entity has complied with the requirements of Section 5405 or Section 5407.2 in determining the amount of compensation or land, or both. Such agreement may be entered into only after a public hearing, except where less than 10 percent of the total area of a state park is acquired, in which case the operating entity shall follow the procedure it adopts for such purposes. Within 45 days of the public hearing, due notice shall be conspicuously posted at the park being acquired, including along its exterior boundaries, at all entrances, and on the recreation building, if any exists. Any resident of the operating entity may bring an action in the superior court of the county in which the park is located for determination of whether such agreement complies with the requirements of Section 5405 or Section 5407.2. If no such agreement has been

entered into within six months after the receipt of such offer, either party may submit a proposal for compensation or land, or both, to the superior court of the county in which the park to be acquired is located for the determination of proper compensation. The court may reject any such proposal as not meeting the requirements of Section 5405 or Section 5407.2. The court may approve only one proposal as meeting such requirements.

5407. Unless improvement of an unacquired portion of the park land and facilities is undertaken pursuant to Section 5404, all funds, or land and funds received by the operating entity shall be used to obtain or provide substitute park land and facilities in accordance with the provisions of Section 5407.1 or Section 5407.2.

5407.1. Such substitute park land and facilities shall be of comparable characteristics and of substantially equal size located in an area which would allow for use of the substitute park land and facilities by generally the same persons who used the acquired park land and facilities. However, the operating entity, after holding a public hearing, with due notice posted at the park being acquired, and after finding on the basis of evidence submitted at such hearing that there are compelling reasons for acquiring a substitute park of a different character, may, upon the recommendation of the park commission or if none exists, upon the recommendation of the administrative department, unit or agency charged with the responsibility for the maintenance and operation of the park land and facilities, and by a three-fourths vote of its legislative body, provided it is otherwise legally permissible to do so, change the general character of the substitute park land and facilities.

5407.2. The operating entity, after holding a public hearing, with due notice posted at the park being acquired, and after finding on the basis of evidence submitted at such hearing that there is a lack of need for the park in its present location and that there are compelling reasons for acquiring a substitute park in another general location, may, upon the recommendation of the park commission or if none exists, upon the recommendation of the administrative department, unit or agency charged with the responsibility for the maintenance and operation of the park land and facilities, and by a three-fourths vote of its legislative body, provided it is otherwise legally permissible to do so, change the general location of the substitute park land and facilities.

If the legislative body votes to change the general location of the substitute park land and facilities, the amount of compensation or land, or both, for the taking of the park land and facilities shall be determined on the basis of the fair market value of the property taken, considering all the uses for which it is available and adaptable regardless of its dedication to park purposes, plus the value of any and all improvements constructed thereon.

5408. Failure of any public entity or public utility to comply with any provision of this chapter shall not affect the validity of an acquisition by such entity or utility.

5409. Nothing in this chapter shall be construed to authorize the acquisition of public park property by purchase, exchange, condemnation, or otherwise.

SEC. 2. Section 103.7 of the Streets and Highways Code is repealed.

---

## CHAPTER 1643

*An act to amend Section 2030 of the Code of Civil Procedure, relating to discovery in civil cases.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 2030 of the Code of Civil Procedure is amended to read:

2030. (a) Any party may file and serve upon any other party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, or body politic, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may be served upon any other party at any time after service of the summons or the appearance of such other party and without leave of court except that, if service of interrogatories is made by the plaintiff within 10 days after such service of summons or appearance, leave of court granted with or without notice must first be obtained. The interrogatories shall be answered separately and fully in writing under oath. The answers shall be signed by the person making them; and the party upon whom the interrogatories have been served shall file and serve a copy of the answers on the party submitting the interrogatories within 20 days after the service of the interrogatories, unless the court, on motion and notice and for good cause shown, enlarges or shortens the time. For good cause and without notice, the court may enlarge the time not to exceed 15 days. Said answers shall respond to the written interrogatories; or, if any interrogatory be deemed objectionable, the objections thereto may be stated by the party addressed in lieu of response. If the party who has submitted the interrogatories deems that further response is required, he may move the court for an order requiring further response. Such motion must be upon notice given within 20 days from date of service of the answers or objections unless the court, on motion and notice, and for good cause shown, enlarges the time. Otherwise, the

party submitting the interrogatories shall be deemed to have waived the right to compel answer pursuant to this section. Solely for their information, copies of all interrogatories and of all answers thereto shall be served upon all other parties to the action who have appeared; but the court on motion with or without notice may waive this requirement if the court determines that enforcement thereof would be unduly expensive, oppressive or burdensome.

(b) Interrogatories may relate to any matters which can be inquired into under subdivision (b) of Section 2016 of this code, and the answers may be used to the same extent as provided in subdivision (d) of Section 2016 of this code for the use of the deposition of a party. Interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered, but the court, on motion of the deponent or the party interrogated, may make such protective order as justice may require. The number of interrogatories or of sets of interrogatories to be served is not limited except as above provided and except as justice requires to protect the party from annoyance, expense, embarrassment or oppression. The provisions of subdivision (b) of Section 2019 of this code are applicable for the protection of the party from whom answers to interrogatories are sought under this section.

(c) When in order to answer an interrogatory it is necessary to make a compilation, abstract, audit or summary of the business records of a party, and such a compilation, abstract, audit or summary does not exist, or if it does exist, it is not in the possession or under control of such party, it shall be a sufficient answer to such interrogatory to so state and to specify the records from which the answer may be derived or ascertained and to afford to the party by whom the interrogatory was proposed reasonable opportunity to examine, audit or inspect such records and to make copies thereof or compilations, abstracts or summaries therefrom.

(d) Service of interrogatories under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

---

## CHAPTER 1644

*An act to amend Sections 350, 351, 353, and 354 of, to amend the heading of Article 4 (commencing with Section 350) of Chapter 2 of Part 1 of Division 1 of, and to repeal Sections 352, 355 and 356 of, the Health and Safety Code, relating to dental health.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. The heading of Article 4 (commencing with Section 350) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code is amended to read:

Article 4. Dental Health

SEC. 1.5. Section 350 of the Health and Safety Code is amended to read:

350. The State Department of Public Health shall maintain a dental program including, but not limited to, the following:

(a) Development of comprehensive dental health plans within the framework of the State Plan for Health to maximize utilization of all resources.

(b) Provide the consultation necessary to coordinate federal, state, county, and city agency programs concerned with dental health.

(c) Encourage, support, and augment the efforts of city and county health departments in the implementation of a dental health component in their program plans.

(d) Provide evaluation of these programs in terms of preventive services.

(e) Provide consultation and program information to the health professions, health professional educational institutions, and volunteer agencies.

(f) For purposes of this article "State Plan for Health" means that comprehensive state plan for health being developed by the State Department of Public Health pursuant to Public Law 89-749 (80 Stat. 1180).

SEC. 2. Section 351 of the Health and Safety Code is amended to read:

351. The Director of Public Health shall appoint a dentist licensed in the State of California to administer the dental program.

SEC. 3. Section 352 of the Health and Safety Code is repealed.

SEC. 4. Section 353 of the Health and Safety Code is amended to read:

353. Nothing in this article authorizes the state department to compel dental examinations or services.

SEC. 5. Section 354 of the Health and Safety Code is amended to read:

354. The State Department of Public Health shall have the power to receive for the dental program any financial aid granted by any private, federal, state, district, or local or other grant or source, and the division shall use such funds to carry out the provisions and purposes of this article.

SEC. 6. Section 355 of the Health and Safety Code is repealed.

SEC. 7. Section 356 of the Health and Safety Code is repealed.

SEC. 8. The State Department of Public Health shall submit a report to the Legislature by the fifth calendar day of the 1973 Regular Session on the implementation of the dental program instituted pursuant to Section 350 of the Health and Safety Code.

## CHAPTER 1645

*An act to amend Section 690.6 of the Code of Civil Procedure, relating to exemptions.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 690.6 of the Code of Civil Procedure is amended to read:

690.6. (a) Except as provided by Section 11489 of the Welfare and Institutions Code, all of the earnings of the debtor received for his personal services shall be exempt from levy of attachment without filing a claim for exemption as provided in Section 690.50.

(b) One-half or such greater portion as is allowed by statute of the United States, of the earnings of the debtor received for his personal services rendered at any time within 30 days next preceding the levy of execution shall be exempt from execution without filing a claim for exemption as provided in Section 690.50.

(c) All earnings of the debtor received for his personal services rendered at any time within 30 days next preceding the levy of execution, if necessary for the use of the debtor's family residing in this state and supported in whole or in part by the debtor, unless the debts are:

(1) Incurred by the debtor, his wife, or his family for the common necessaries of life.

(2) Incurred for personal services rendered by any employee or former employee of the debtor.

(d) The court shall determine the priority and division of payment among all of the creditors of a debtor who have levied an execution upon nonexempt earnings upon such basis as is just and equitable.

(e) Any creditor, upon motion, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the priority and division of payment among all the creditors of the debtor who have levied an execution upon nonexempt earnings pursuant to this section.

SEC. 2. Section 690.6 of the Code of Civil Procedure is amended to read:

690.6. (a) Except as provided in Section 11489 of the Welfare and Institutions Code, all of the earnings of the debtor

received for his personal services shall be exempt from levy of attachment without filing a claim for exemption as provided in Section 690.50.

(b) One-half or such greater portion as is allowed by statute of the United States, of the earnings of the debtor received for his personal services rendered at any time within 30 days next preceding the date of a withholding by the employer under Section 682.3, shall be exempt from execution without filing a claim for exemption as provided in Section 690.50.

(c) All earnings of the debtor received for his personal services rendered at any time within 30 days next preceding the levy of execution, if necessary for the use of the debtor's family residing in this state and supported in whole or in part by the debtor, unless the debts are:

(1) Incurred by the debtor, his wife, or his family for the common necessaries of life.

(2) Incurred for personal services rendered by any employee or former employee of the debtor.

(d) The court shall determine the priority and division of payment among all of the creditors of a debtor who have levied an execution upon nonexempt earnings upon such basis as is just and equitable.

(e) Any creditor, upon motion, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the priority and division of payment among all the creditors of the debtor who have levied an execution upon nonexempt earnings pursuant to this section.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 3057 are both chaptered and amend Section 690.6 of the Code of Civil Procedure, and this bill is chaptered after Assembly Bill No. 3057, that the amendments to Section 690.6 proposed by both bills be given effect and incorporated in Section 690.6 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 3057 are both chaptered, both amend Section 690.6, and Assembly Bill No. 3057 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

---

## CHAPTER 1646

*An act to amend Section 619 of the Revenue and Taxation Code, relating to taxation.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. 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. The information shall also include an explanation of the stipulation procedure set forth in Section 1608 and the manner in which the assessee may request use of this procedure.

The information shall also include the assessment ratio for the county as provided in Section 401 and the full cash value of the property.

The 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 the 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.

---

## CHAPTER 1647

*An act to amend and supplement the Budget Bill for the 1971–1972 fiscal year (enacted as the Budget Act of 1971) by adding thereto Section 2.5B, relating to an appropriation to provide local assistance for park and beach purposes, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 2.5B is added to the Budget Bill for the 1971–72 fiscal year enacted as the Budget Act of 1971 (Chapter 266, Statutes of 1971), to read:

### STATE BEACH, PARK, RECREATIONAL AND HISTORICAL FACILITIES BOND ACT PROGRAM

Sec. 2.5B. The following sum of money, or so much thereof as may be necessary, is hereby appropriated out of the State

Beach, Park, Recreational and Historical Facilities Fund in the State Treasury.

LOCAL ASSISTANCE

| Item | Amount |
|---|---|
| 311B—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 | 400,000 |
| Schedule: | |
| (a) City of Los Angeles, Rustic Sullivan Regional Park, for land acquisition | 400,000 |

provided, that it is the intent of the Legislature that:

(1) The price paid for land for Rustic Sullivan Regional Park shall not exceed the fair market value thereof, minus any encumbrances.

(2) If any other public agency can purchase such land at a lower price than can the city, the city shall request that such agency purchase the land and transfer it to the city at such price.

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

The present provisions of the Budget Act of 1971 do not make sufficient provision for land acquisition for the greatly needed development of the Rustic Sullivan Regional Park. The local assistance appropriation in this act is in continuation of an existing program under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 to provide for such greatly needed development. If the appropriation is not available for expenditure at the earliest possible date, the development of the regional park will be delayed. The immediate availability of the local assistance appropriation contained in this measure will avert any unnecessary delay. It is therefore necessary that this act go into immediate effect.

---

## CHAPTER 1648

*An act to amend Sections 571 and 572 of the Probate Code, relating to personal representatives.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 571 of the Probate Code is amended to read:

571. The executor or administrator shall take into his possession all the estate of the decedent, real and personal, and collect all debts due to the decedent or to the estate. Unless otherwise ordered by the court pursuant to Section 572, when, at the time of his death, a partnership existed between the decedent and any other person, the surviving partner has the right to continue in possession of the partnership, and to settle its business, but the interest of the decedent in the partnership shall be included in the inventory, and be appraised as other property. The surviving partner shall settle the affairs of the partnership without delay, and account to the executor or administrator, and pay over such balances as may from time to time be payable to him, in right of the decedent. Upon application of the executor or administrator, the court or a judge thereof, whenever it appears necessary, may order the surviving partner to render an account, and in case of neglect or refusal may, after notice, compel it by attachment; and the executor or administrator may maintain against him any action which the decedent could have maintained.

SEC. 2. Section 572 of the Probate Code is amended to read:

572. After notice to all persons interested in an estate, given in such manner as may be directed by the court or a judge thereof, the court may authorize the executor or administrator: (a) to continue the operation of the decedent's business, other than a business operated by a partnership in which the decedent was a partner, to such an extent and subject to such restrictions as the court may determine to be for the best interests of the estate and those interested therein; and (b) to continue as a partner in any partnership in which the decedent was a partner at the time of his death, unless inconsistent with the terms of any written partnership agreement signed by all of the partners prior to the decedent's death, with all the rights, powers, duties, and obligations provided in the written partnership agreement, subject, however, to the written approval of all of the surviving partners, and to such restrictions as the court may determine to be for the best interests of the estate and those interested therein, or in the absence of such a written partnership agreement, and subject to the written consent of the surviving partners, with all the rights, powers, duties, and obligations which the court may specify. The executor or administrator may be authorized to act as a general partner only if the decedent was a general partner at the time of his death, and as limited partner where the decedent at the time of his death was either a general partner or was a limited partner as described in Chapter 2 (commencing with Section 15501) of Title 2 of the Corporations Code.

## CHAPTER 1649

*An act to amend Section 2036 of the Code of Civil Procedure, relating to discovery in civil actions.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 2036 of the Code of Civil Procedure is amended to read:

2036. (a) A party required to show "good cause" to obtain discovery under any provisions of Chapter 2 (commencing with Section 1985) or of Article 3 (commencing with Section 2016) of Chapter 3 of this title shall show specific facts justifying discovery and that the matter is relevant to the subject matter of the action or reasonably calculated to lead to the discovery of admissible evidence.

(b) The showing set forth in subdivision (a) of this section and any showing made in opposition thereto shall be made in the trial court prior to that court's determination of the matter.

---

## CHAPTER 1650

*An act to amend Section 5764 of the Welfare and Institutions Code, relating to mental health.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 5764 of the Welfare and Institutions Code is amended to read:

5764. The Citizens Advisory Council shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter including, but not limited to the following:

(a) To advise the Director of Mental Hygiene on the development of the state five-year mental health plan and the system of priorities contained in that plan.

(b) To periodically review all mental health services in California, conducting independent investigations and studies as necessary. The Citizens Advisory Council may prepare such reports as necessary to the Governor, the Legislature, the Director of Mental Hygiene, and the State Health Planning Council.

(c) To suggest rules, regulations and standards for the administration of this division.

(d) To encourage, whenever necessary and possible the coordination on a regional basis of community mental health

resources, with the purpose of avoiding duplication and fragmentation of services.

(e) To mediate disputes between counties and the state arising under this part.

(f) To employ such administrative, technical and other personnel as may be necessary for the performance of its powers and duties, subject to the approval of the Department of Finance.

(g) To fix the salaries of the personnel employed pursuant to this section which salaries shall be fixed as nearly as possible to conform to salaries established by the State Personnel Board for classes of positions in the state civil service involving comparable duties and responsibilities.

(h) To accept any federal fund granted, by act of Congress or by executive order, for purposes within the purview of the Citizens Advisory Council, subject to the approval of the Department of Finance.

(i) To accept any gift, donation, bequest, or grants of funds from private and public agencies for all or any of the purposes within the purview of the Citizens Advisory Council, subject to the approval of the Department of Finance.

---

## CHAPTER 1651

*An act to amend Section 7551 of the Business and Professions Code and to add Section 12403.5 to the Penal Code, relating to private investigators and adjusters.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

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

SECTION 1. Section 7551 of the Business and Professions Code is amended to read:

7551. The director may suspend or revoke a license issued under this chapter if he determines that the licensee or his manager, if an individual, or if the licensee is a person other than an individual, that any of its officers, directors, partners, or its manager, has:

(a) Made any false statement or given any false information in connection with an application for a license or a renewal or reinstatement of a license.

(b) Violated any provisions of this chapter.

(c) Violated any rule of the director adopted pursuant to the authority contained in this chapter.

(d) Been convicted of a felony or any crime involving moral turpitude or illegally using, carrying, or possessing a dangerous weapon.

(e) Impersonated, or permitted or aided and abetted an employee to impersonate a law enforcement officer or employee

of the United States of America, or of any state or political subdivision thereof.

(f) Committed or permitted any employee to commit any act, while the license was expired which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license.

(g) Willfully failed or refused to render to a client services or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties.

(h) Committed assault, battery, or kidnapping, or used force or violence on any person, without proper justification.

(i) Knowingly violated, or advised, encouraged, or assisted the violation of any court order or injunction in the course of business as a licensee.

(j) Acted as a runner or capper for any attorney.

(k) Been convicted of a violation of Section 148 of the Penal Code.

(*l*) Committed any act which is a ground for denial of an application for license under this chapter.

(m) Committed any act prohibited by Chapter 1.5 (commencing with Section 630) of Title 15 of Part 1 of the Penal Code.

(n) Purchased, possessed, or transported any tear gas weapon except as authorized by law. A violation of this subdivision may be punished by the suspension of a license for a period to be determined by the director.

SEC. 2. Section 12403.5 is added to the Penal Code, to read:

12403.5. Notwithstanding any other provision of law, a person holding a license as a private investigator or private patrol operator issued pursuant to Chapter 11 (commencing with Section 7500), Division 3 of the Business and Professions Code, or uniformed patrolmen employees of a private patrol operator, may purchase, possess, or transport any tear gas weapon, if it is used solely for defensive purposes in the course of the activity for which the license was issued and if such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officer Standards and Training in the use of tear gas.

---

## CHAPTER 1652

*An act to amend Section 66502 of the Government Code, relating to the Metropolitan Transportation Commission.*

[Approved by Governor November 29, 1971 Filed with Secretary of State November 29, 1971 ]

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

SECTION 1. Section 66502 of the Government Code is amended to read:

66502. There is hereby created, as a local area planning agency and not as a part of the executive branch of the state government, the Metropolitan Transportation Commission to provide comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma.

As used in this title, "region" means the region described in this section.

SEC. 2. The amendments of Section 66502 of the Government Code made by Section 1 of this act does not constitute a change in, but is merely declaratory of, the preexisting law.

## CHAPTER 1653

*An act to amend Section 2205 of the Civil Code, relating to carriers.*

[Approved by Governor November 29, 1971. Filed with Secretary of State November 29, 1971.]

*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 five hundred dollars ($500) for each trunk and its contents; two hundred fifty dollars ($250) for each valise, suitcase or traveling bag and its contents; or two hundred fifty dollars ($250) 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.

All baggage presented to the carrier for checking shall be appropriately tagged by the owner with his name and address.

## CHAPTER 1654

*An act to amend Section 13443.5 of, to add Article 3.5 (commencing with Section 13345) to Chapter 2 of Division 10 of, Section 13411.5, Article 5.3 (commencing with Section 13480) to Chapter 2 of Division 10 of, and Chapter 2.5 (commencing with Section 25490) to Division 18.5 of, the Education Code, relating to certificated employees.*

[Approved by Governor November 30, 1971. Filed with Secretary of State November 30, 1971.]

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

SECTION 1. Article 3.5 (commencing with Section 13345) is added to Chapter 2, Division 10, of the Education Code, to read:

Article 3.5. Employment of Community College Certificated Personnel

13345. The provisions of this article govern the employment of persons by a district to serve in positions for which certification qualifications are required and establish certain rights for such employees. Other provisions of the law which govern the employment of persons in positions requiring certification qualifications by a school district or establish rights and responsibilities for such persons shall be applied to persons employed by community college districts in a manner consistent with the provisions of this article.

13345.05. For the purposes of this article:

(a) "Contract employee" means an employee of a district who is employed on the basis of a contract in accordance with the provisions of Section 13346.05 or subdivision (b) of Section 13346.20.

(b) "District" means a community college district.

(c) "Positions requiring certification qualifications" are those positions which provide the services for which certifications have been established in this code.

(d) "Regular employee" means an employee of a district who is employed in accordance with the provisions of subdivision (c) of Section 13346.20 or Section 13346.25.

(e) "Academic year" means that period between the first day of a fall semester or quarter and the last day of the following spring semester or quarter.

13345.10. For the purposes of other provisions of law:

(a) A contract employee is a probationary employee.

(b) A regular employee is a permanent employee.

13345.15. The provisions of this article do not apply to the employment of persons as a superintendent, assistant superintendent, or deputy superintendent of a community college district or as a president of a community college employed by contract pursuant to Section 25490.05.

13346. The governing board of a district shall employ each certificated person as one of the following: contract employee, regular employee, or temporary employee.

13346.05. The governing board of a district shall employ persons to serve in positions requiring certification qualifications for the first academic year of his employment or portion thereof by contract. Any person who, at the time an employment contract is offered to him by the district, is neither a regular employee of the district nor a contract employee then serving under a second contract entered into pursuant to Section 13346.20 shall be deemed to be employed for "the first academic year of his employment or a portion thereof."

13346.10. An employment contract shall contain such terms and conditions as the governing board and the proposed employee shall agree upon and as are consistent with the provisions of the law.

13346.15. Before making a decision relating to the continued employment of a contract employee, the following requirements shall be satisfied:

(a) The employee has been evaluated in accordance with the evaluation standards and procedures established in accordance with the provisions of Article 5.3 (commencing with Section 13480) of this chapter, a fact determined solely by the governing board.

(b) The governing board has received statements of the most recent evaluations.

(c) The governing board has received recommendations of the superintendent of the district and, if the employee is employed at a community college, the recommendations of the president of that community college.

(d) The governing board has considered the statement of evaluation and the recommendations in a lawful meeting of the board.

13346.20. If a contract employee is working under his first contract, the governing board, at its discretion and not subject to judicial review except as expressly provided herein, shall elect one of the following alternatives:

(a) Not enter into a contract for a second academic year.

(b) Enter into a contract for a second academic year.

(c) Employ the contract employee as a regular employee for all subsequent academic years.

13346.25. If a contract employee is employed under his second consecutive contract entered into pursuant to Section 13346.20, the governing board, at its discretion and not subject to judicial review except as expressly provided herein, shall elect one of the following alternatives:

(a) Employ the contract employee as a regular employee for all subsequent academic years.

(b) Not employ the contract employee as a regular employee.

13346.30. The governing board shall give written notice of its decision under Section 13346.20 and the reasons therefor to the employee on or before March 15 of the academic year covered by the existing contract. Failure to give the notice as required to a contract employee under his first contract shall be deemed an extension of the existing contract without change for the following academic year. The governing board shall give written notice of its decision under Section 13346.25 and the reasons therefor to the employee on or before March 15 of the academic year covered by the existing contract. Failure to give the notice as required to a contract employee under his second consecutive contract shall be deemed a decision to employ him as a regular employee for all subsequent academic years.

13346.32. If the contract employee objects to the decision of the governing board made pursuant to Section 13346.25, he may request a hearing. The hearing shall be requested and conducted, and the proposed decision shall be prepared, in accordance with the provisions of Section 13443.

13346.40. A temporary employee is a certificated employee who is employed from day to day or week to week by the governing board of the district. A substitute employee is a temporary employee. If a temporary employee has been employed during an academic year for 75 percent or more of the days on which classes were maintained by the district during that academic year, the governing board of the district shall deem the employee a contract employee serving under his first contract for that academic year and may employ him as a contract employee serving under his second contract for the following academic year.

13348.05. Until terminated in accordance with provisions of law, a part-time regular employee shall be assigned, and compensated, for a period of service less than 75 percent of the number of days the colleges of the district are maintained during each academic year. The governing board of the employing district may establish an assignment for any period of days less than 75 percent.

At its discretion, the governing board of the employing district may assign and compensate a part-time regular employee for a period of service of 75 percent or more of the number of days the colleges of the district are maintained during each academic year. Such an assignment shall not change the employee's classification to that of full-time regular employee unless an assignment of this type is made for two consecutive academic years.

SEC. 2. Section 13411.5 is added to the Education Code, to read:

13411.5. The governing board of a community college district shall dismiss certificated employees under the provisions of Section 13411, subdivision (i) in accordance with the provisions of Article 5.3 (commencing with Section 13480) of this chapter.

SEC. 3. 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.

The provisions of this section do not apply to actions by the governing board of a community college district.

SEC. 4. Article 5.3 (commencing with Section 13480) is added to Chapter 2, Division 10, of the Education Code, to read:

### Article 5.3. Evaluation of Community College Certificated Personnel

13480. The provisions of this article govern the evaluation of, the dismissal of, and the imposition of penalties on, certificated personnel employed by a community college district. Other provisions of this code which govern the evaluation of, dismissal of, and the imposition of penalties on, certificated personnel employed by a school district shall be applied to persons employed by a community college district in a manner consistent with the provisions of this article.

13480.05. For the purposes of this article:

(a) "Contract employee" means an employee of a district who is employed on the basis of a contract in accordance with the provisions of Section 13346.05 or subdivision (b) of Section 13346.20.

(b) "District" means a community college district.

(c) "Positions requiring certification qualifications" are those positions which provide the services for which certifications have been established in this code.

(d) "Regular employee" means an employee of a district who is employed in accordance with the provisions of subdivision (c) of Section 13346.20 or Section 13346.25.

(e) "Academic year" means that period between the first day of a fall semester or quarter and the last day of the following spring semester or quarter.

13480.15. The provisions of this article do not apply to persons employed as a superintendent, assistant superintendent, or deputy superintendent of a community college district or as a president of a community college employed by contract pursuant to Section 25490.05.

13481. Contract employees shall be evaluated at least once in each academic year. Regular employees shall be evaluated at least once in every two academic years.

Whenever an evaluation is required of a certificated employee by a community college district, the evaluation shall

be conducted in accordance with the standards and procedures established by the rules and regulations of the governing board of the employing district.

13481.05. The governing board of each district in consultation with the faculty shall adopt rules and regulations establishing the specific procedures for the evaluation of its contract and regular employees on an individual basis and setting forth reasonable but specific standards which it expects its certificated employees to meet in the performance of their duties. Such procedures and standards shall be uniform for all contract employees and shall be uniform for all regular employees of the district.

13482. The governing board may terminate the employment of a temporary employee at its discretion at the end of a day or week, whichever is appropriate. The decision to terminate the employment is not subject to judicial review except as to the time of termination.

13482.05. During the school year, all contract and regular employees are subject to dismissal and the imposition of penalties on the grounds and pursuant to procedures set forth in this article.

13482.10. A contract or regular employee may be dismissed or penalized for one or more of the grounds set forth in Section 13403.

13482.15. A governing board may impose one of the following penalties:

(a) Suspension for up to one year.

(b) Suspension for up to one year and a reduction or loss of compensation during the period of suspension.

13482.20. The governing board shall determine whether a contract or regular employee is to be dismissed or penalized. If the employee is to be penalized, the governing board shall determine the nature of those penalties. If the employee is to be dismissed or penalized, the governing board shall determine whether the decision shall be imposed immediately or postponed in accordance with Section 13482.35.

13482.25. The procedure set forth in this article does not apply to an immediate suspension required by Section 13409.

13482.30. A contract or regular employee may be dismissed or penalized if one or more of the grounds set forth in Section 13403 are present and the following are satisfied:

(a) The employee has been evaluated in accordance with standards and procedures established in accordance with the provisions of this article.

(b) The district governing board has received all statements of evaluation which considered the events for which dismissal or penalties may be imposed.

(c) The district governing board has received recommendations of the superintendent of the district and, if the employee is working for a community college, the recommendations of the president of that community college.

(d) The district governing board has considered the statements of evaluation and the recommendations in a lawful meeting of the board.

13482.35. If a governing board decides it intends to dismiss or penalize a contract or regular employee, it shall deliver a written statement, duly signed and verified, to the employee setting forth the complete and precise decision of the governing board and the reasons therefor.

The written statement shall be delivered by serving it personally on the employee or by mailing it by United States registered mail to the employee at his address last known to the district.

A governing board may postpone the operative date of a decision to dismiss or impose penalties for a period not to exceed one year, subject to the employee's satisfying his legal responsibilities as determined by statute and rules and regulations of the district. At the end of this period of probation, the decision shall be made operative or permanently set aside by the governing board.

13482.45. If the employee objects to the decision of the governing board or the reasons therefor on any ground, he shall notify in writing the governing board, the superintendent of the district which employs him, and the president of the college at which he serves of his objection within 30 days of the date of the service of the notice.

13483. Within 30 days of the receipt by the district governing board of the employee's demand for a hearing, the employee and the governing board shall agree upon an arbitrator to hear the matter. When there is agreement as to the arbitrator, the employee and the governing board shall enter into the records of the governing board written confirmation of the agreement signed by the employee and an authorized representative of the governing board. Upon entry of such confirmation, the arbitrator shall assume complete and sole jurisdiction over the matter.

13483.05. The arbitrator shall conduct proceedings in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2, of the Government Code. He shall determine whether there is cause to dismiss or penalize the employee. If he finds cause, he shall determine whether the employee shall be dismissed and determine the precise penalty to be imposed, and he shall determine whether his decision should be imposed immediately or postponed pursuant to Section 13482.35.

No witness shall be permitted to testify at the hearing except upon oath or affirmation. No testimony shall be given or evidence introduced relating to matters which occurred more than four years prior to the date of the filing of the notice. Evidence of records regularly kept by the governing board concerning the employee may be introduced, but no decision relating to the dismissal or suspension of any employee shall be made

based on charges or evidence of any nature relating to matters occurring more than four years prior to the filing of the notice.

13483.10. In the case in which the arbitrator determines that the operation of his decision should be postponed, any question of terminating the postponement shall be determined by the arbitrator.

13483.20. The district alone shall pay the fees of the arbitrator, his expenses, and such expenses as he shall determine are a cost of the proceedings. The "cost of the proceedings" does not include any expenses paid by the employee for his counsel, witnesses, or the preparation or presentation of evidence on his behalf.

13483.25. If within 30 days of the receipt of the notification by the district governing board, no written confirmation of agreement of the employee and the governing board as to an arbitrator has been submitted to the secretary of the governing board for entry into its records, the governing board shall certify the matter to the Office of Administrative Procedure and request the appointment of an administrative hearing officer.

13483.30. The administrative hearing officer shall conduct proceedings in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2, of the Government Code. The written notice delivered to the employee pursuant to Section 13482.35 shall be deemed an accusation. The written objection of the employee delivered pursuant to Section 13482.45 shall be deemed the notice of defense.

13483.35. The hearing officer shall determine whether there is cause to dismiss or penalize the employee. If he finds cause, he shall determine whether the employee shall be dismissed and determine the precise penalty to be imposed, and he shall determine whether his decision should be imposed immediately or postponed pursuant to Section 13482.35.

No witness shall be permitted to testify at the hearing except upon oath or affirmation. No testimony shall be given or evidence introduced relating to matters which occurred more than four years prior to the date of the filing of the notice. Evidence of records regularly kept by the governing board concerning the employee may be introduced, but no decision relating to the dismissal or suspension of any employee shall be made based on charges or evidence of any nature relating to matters occurring more than four years prior to the filing of the notice.

13483.40. In the case in which the hearing officer determines that the operation of his decision should be postponed, any question of terminating the postponement shall be brought to the hearing officer.

13483.45. The decision of the arbitrator or hearing officer, as the case may be, may, on petition of either the governing board or the employee, be reviewed by a court of competent

jurisdiction in the same manner as a decision made by a hearing officer under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The court, on review, shall exercise its independent judgment on the evidence. The proceeding shall be set for hearing at the earliest possible date and shall take precedence over all other cases, except older matters of the same character and matters to which special precedence is given by law.

13483.50. The charges levied by the Office of Administrative Procedure shall be paid by the district.

13484. If a contract or regular employee is dismissed or penalized for immoral conduct or conviction of a felony or crime involving moral turpitude, the governing board shall transmit to the Chancellor, California Community Colleges, and to the county superintendent of schools which issued the certificate under which the employee was serving at the time of his dismissal or the imposition of his penalty, a statement setting forth the acts of the employee and a request that any certificate issued by the county board of education to the employee be revoked if the employee is not reinstated upon appeal.

SEC. 5. Chapter 2.5 (commencing with Section 25490) is added to Division 18.5 of the Education Code, to read:

## CHAPTER 2.5. CERTIFICATED EMPLOYEES

### Article 1. General Provisions

25490. The provisions of this chapter apply to all persons employed by a community college district in positions requiring certification qualifications.

25490.05. A superintendent, assistant superintendent, or deputy superintendent of a community college district shall be employed, and the president of a community college may be employed, by the governing board of the district by a contract not to exceed four years. The contract may be extended for periods of no more than four years at the discretion of the governing board. The dismissal and imposition of penalties on a superintendent or president employed by contract pursuant to this section shall be in accordance with the terms of the contract of employment.

25490.10. The employment, rights, responsibilities, dismissal, imposition of penalties for persons employed by a community college district in positions requiring certification qualifications shall be governed by the provisions of Article 3.5 (commencing with Section 13345) and Article 5.3 (commencing with Section 13480) of Chapter 2 of Division 10, with the exception given in Section 25490.05. The remainder of the provisions of Division 10 shall be applied to certificated persons employed by a community college district in accordance with their intent and in a manner consistent with the provisions of Articles 3.5 and 5.3 and with the provisions of this

chapter (hereinafter referred to in this chapter, collectively, as "this act").

Whenever in Sections 13404 to 13412, inclusive, the term "Commission on Professional Competence" is used, it shall be deemed for the purposes of this chapter to mean either "arbitrator" or "hearing officer," whichever is the case.

The provisions of this act shall take precedence, for the purposes of certificated persons employed by a community college district, over any other act enacted by the Legislature at any session which, explicitly or implicitly, would result in certificated persons employed by a community college district being governed by provisions inconsistent with the provisions of this act.

25490.15. The enactment of this act shall not be interpreted in any way to cause certificated employees of the community college districts who are permanent employees as of the operative date of this act to lose their rights as permanent employees. After the operative date of this act, they shall be, and have all the rights of, regular employees under the provisions of this act.

25490.20. Certificated employees of community college districts who are probationary employees on the operative date of this act shall be classified in accordance with the following:

(a) A probationary employee who has been employed for, and served on, at least 75 percent of the days during which the colleges of the district maintained classes during the academic year (as defined in Section 13345.05) immediately preceding the operative date of this act shall be classified as a regular employee for the 1972–1973 fiscal year and all fiscal years thereafter or a contract employee under his second contract for the 1972–1973 fiscal year. The classification shall be made at the sole discretion of the governing board no later than the 30th day after this act becomes operative. The governing board of the district shall give written notice to each employee of his classification. The notice shall be delivered no later than 10 days after the classification is made.

(b) A probationary employee who has not met the requirements set forth in subdivision (a) shall be classified as a contract employee under his first contract for the 1972–1973 fiscal year. The governing board shall give each such employee written notice of his classification no later than the 10th day following the operative date of this act.

25490.25. Substitute and short-term employees shall be employed, beginning on the operative date of this act, as temporary employees.

25490.30. Rules and regulations adopted in relation to the evaluation process shall assure that the standards and procedures of the evaluation process in each district will be fair and in accordance with the intent of this act and that the evaluation processes of all of the districts are basically similar in substance and intent. These regulations shall permit and

encourage a district governing board to establish evaluation procedures and standards which meet the particular needs of that district.

SEC. 6. Section 13490 is added to the Education Code, to read:

13490. For purposes of this article, "employing authority" means the superintendent of the school district in which the employee is employed, or his designee, or in the case of a district which has no superintendent, a school principal or other person designated by the governing board.

SEC. 7. Sections 1 to 5, inclusive, of this act shall become operative on September 1, 1972.

SEC. 8. If both this act and either Assembly Bill No. 293 or Senate Bill No. 697 of the 1971 Regular Session are enacted, it is the intent of the Legislature that Sections 1 to 5, inclusive, of this act shall apply to certificated persons employed by a community college district and that Section 6 of this act and the provisions of Assembly Bill No. 293 or Senate Bill No. 697 shall apply only to persons employed by districts which maintain any of grades kindergarten through 12.

---

## CHAPTER 1655

*An act to add Division 3.5 (commencing with Section 800) to Title 1 of the Government Code, relating to costs in administrative proceedings.*

[Approved by Governor November 30, 1971. Filed with Secretary of State November 30, 1971.]

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

SECTION 1. Division 3.5 (commencing with Section 800) is added to Title 1 of the Government Code, to read:

### DIVISION 3.5. COSTS IN CIVIL ACTIONS RESULTING FROM ADMINISTRATIVE PROCEEDINGS

800. In any civil action to appeal or review the award, finding, or other determination of any administrative proceeding under this code or under any other provision of state law, except actions resulting from actions of the State Board of Control, where it is shown that the award, finding, or other determination of such proceeding was the result of arbitrary or capricious action or conduct by a public entity or an officer thereof in his official capacity, the complainant if he prevails in the civil action may collect reasonable attorney's fees, but not to exceed one thousand five hundred dollars ($1,500), where he is personally obligated to pay such fees, from such public entity, in addition to any other relief granted or other costs awarded.

This section is ancillary only, and shall not be construed to create a new cause of action.

Refusal by a public entity or officer thereof to admit liability pursuant to a contract of insurance shall not be considered arbitrary or capricious action or conduct within the meaning of this section.

## CHAPTER 1656

*An act to add Section 21662.5 to the Public Utilities Code, relating to heliports and helistops.*

[Approved by Governor November 30, 1971. Filed with Secretary of State November 30, 1971.]

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

SECTION 1. Section 21662.5 is added to the Public Utilities Code, to read:

21662.5. Notwithstanding Section 21006 or Section 21661 or any other provision of law to the contrary, no heliport, helipad, or helistop may hereafter be constructed within 1,000 feet, measured by air line, of the boundary of any public or private school maintaining kindergarten classes or any classes in grades 1 through 12, without approval of the department.

Before the department grants or denies approval of a heliport, helipad or helistop pursuant to this section, all schools within the specified area shall be notified of the application and shall have 15 days after the notice in which to demand a public hearing. The public hearing shall be held at a location in the immediate vicinity of the heliport, helipad, or helistop site. The department shall not grant approval pursuant to this section unless it has first found that helicopter operations at the proposed facility will neither be a hazard to the occupants of the school nor disruptive of instruction conducted at such school.

This section shall not prevent the governing body of any city or county from enacting ordinances or regulations imposing restrictions equal to or greater than those imposed by this section.

## CHAPTER 1657

*An act to amend Sections 20612 and 21252.10 of, and to add Sections 20750.435, 21293.8, 21364.75, and 22013.2 to, the Government Code, relating to the Public Employees' Retirement System.*

[Approved by Governor November 30, 1971. Filed with Secretary of State November 30, 1971.]

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

SECTION 1. 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, and prior to the date upon which services of persons in his employment cease to be covered under the federal system.

SEC. 2. Section 20750.435 is added to the Government Code, to read:

20750.435. The contribution of a public employer to the retirement fund with respect to law enforcement members provided by any and all other provisions of this chapter is increased by a sum equal to three-hundredths of 1 percent of the compensation paid such members by such employer.

SEC. 3. Section 21252.10 of the Government Code is amended to read:

21252.10. The combined prior and current service pensions for law enforcement members other than those members subject to Section 21252.6, 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 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.

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 and prior to the date upon which services of persons in his employment cease to be covered 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. 4. Section 22013.2 is added to the Government Code, to read:

22013.2. "Policeman" as used in this part also includes members of the California State Police Division who are peace officers and whose principal duties consist of active law enforcement.

SEC. 5. Section 21293.8 is added to the Government Code, to read:

21293.8. Section 21293.5 shall not apply to a law enforcement member who is a member of the California State Police Division whose principal duties are active law enforcement and whose retirement for industrial disability is effective on and after the effective date of this section.

SEC. 6. Section 21364.75 is added to the Government Code, to read:

21364.75. Section 21364.7 shall not apply to a special death benefit or continued allowance payable with respect to a law enforcement member who is a member of the California State Police Division whose principal duties are active law enforcement and whose death occurs or whose retirement is effective on or after the effective date of this section.

SEC. 7. Except for Sections 1 and 3 hereof, the provisions of this act shall not become operative until such time as a ruling or regulation authorizing the inclusion of members of the California State Police Division whose principal duties consist of active law enforcement within the definition of "policeman" is issued by the federal agency for purposes of Section 218(d)(5)(A) of the Social Security Act.

## CHAPTER 1658

*An act to amend Section 1174 of the Code of Civil Procedure, relating to unlawful detainer.*

[Approved by Governor November 30, 1971. Filed with Secretary of State November 30, 1971.]

*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. If the defendant is found guilty of forcible entry, or forcible or unlawful detainer, and malice is shown, the plaintiff may be awarded either damages and rent found due or punitive damages in an amount which does not exceed three times the amount of damages and rent found due. The trier of fact shall determine whether damages and rent found due or punitive damages shall be awarded, and judgment shall be entered accordingly.

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 the enforcement of such writs. Promptly upon payment of reasonable costs of service, the enforcing officer shall serve or post a copy of the writ in the same manner as upon levy of writ of attachment pursuant to subdivision 1 of Section 542 of this code. In addition, where the copy is posted on the property, another copy of the writ shall thereafter be mailed to the defendant at his business or residence address last known to the plaintiff or his attorney or, if no such address is known, at the premises. If the tenant does not vacate the premises within five days from the date of service, or, if the copy of the writ is posted, within five days from the date of mailing of the additional notice, the enforcing officer shall remove the tenant from the premises and place the plaintiff in possession thereof. It shall be the duty of the party delivering the writ to the officer for execution to furnish the information required by the officer to comply with this section.

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 1659

*An act to amend Section 1300 of the Penal Code, relating to bail.*

[Approved by Governor November 30, 1971. Filed with Secretary of State November 30, 1971.]

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

SECTION 1. Section 1300 of the Penal Code is amended to read:

1300. (a) At any time before the forfeiture of their undertaking, or deposit by a third person, the bail or the depositor may surrender the defendant in their exoneration, or he may surrender himself, to the officer to whose custody he was committed at the time of giving bail, in the following manner:

(1) A certified copy of the undertaking of the bail, or a certified copy of the certificate of deposit where a deposit is made, must be delivered to the officer who must detain the defendant in his custody thereon as upon a commitment, and by a certificate in writing acknowledge the surrender.

(2) The bail or depositor, upon surrendering the defendant, shall make reasonable effort to give notice to the defendant's last attorney of record, if any, of such surrender.

(3) The officer to whom the defendant is surrendered shall, within 48 hours of the surrender, bring the defendant before the court in which the defendant is next to appear on the case for which he has been surrendered. The court shall advise the defendant of his right to move the court for an order permitting the withdrawal of any previous waiver of time and shall advise him of the authority of the court, as provided in subdivision (b), to order return of the premium paid by the defendant or other person, or any part of it.

(4) Upon the undertaking, or certificate of deposit, and the certificate of the officer, the court in which the action or appeal is pending may, upon notice of five days to the district attorney of the county, with a copy of the undertaking, or certificate of deposit, and the certificate of the officer, order that the bail or deposit be exonerated, and on filing the order and papers used on the application, they are exonerated accordingly.

(b) Notwithstanding subdivision (a), if the court determines that good cause does not exist for the surrender of a defendant who has not failed to appear or has not violated any order of the court, it may, in its discretion, order the bail or the depositor to return to the defendant or other person who has paid the premium or any part of it, all of the money so paid or any part of it.

## CHAPTER 1660

*An act to add Chapter 12.5 (commencing with Section 7361) to Division 6 of the Education Code, relating to family life education programs in the public schools.*

[Approved by Governor November 30, 1971. Filed with Secretary of State November 30, 1971.]

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

SECTION 1. Chapter 12.5 (commencing with Section 7361) is added to Division 6 of the Education Code, to read:

### CHAPTER 12.5. FAMILY LIFE EDUCATION PROGRAMS

7361. The Legislature hereby finds and declares that teachers who provide instruction in family life education should have professional preparation in this subject area and that teacher training courses and in-service training programs in family life education should be provided by appropriate teacher training institutions.

7361.5. It is the intent of the Legislature that the University of California and the California State Colleges shall, to the extent feasible, and, in cooperation with the Department of Education, undertake to develop and expand programs in family life education as part of their secondary and elementary teacher education curriculum.

7361.7. The Department of Education shall, to the extent feasible, cooperate with teacher education institutions and with local school districts in the development of effective in-service teacher training programs in family life education for teachers who may provide family life education instruction at either the elementary or secondary school level.

7362. The department shall utilize, for the purpcses specified in this chapter, all federal funds which may be available therefor.

## CHAPTER 1661

*An act to add Chapter 16 (commencing with Section 22350) to Division 8 of the Business and Professions Code and to add Sections 413.40 and 417.40 to the Code of Civil Procedure, relating to service of process.*

[Approved by Governor November 30, 1971. Filed with Secretary of State November 30, 1971.]

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

SECTION 1. Chapter 16 (commencing with Section 22350) is added to Division 8 of the Business and Professions Code, to read:

## CHAPTER 16. PROCESS SERVERS

22350. (a) Any person who makes more than 10 services of process within this state during one calendar year shall file a verified certificate of registration as a process server with the county clerk of the county in which he resides or has his principal place of business.

(b) This chapter shall not apply to any of the following:

(1) Any sheriff, marshal, constable, or government employee who is acting in the course of his employment.

(2) An attorney or his employees.

(3) Any person who is specially appointed by a court to serve its process.

(4) An employee of a person who is registered under this chapter or a person who is acting as an independent contractor for a person registered under this chapter.

(5) A licensed private investigator.

(6) Any agent or employee of a nonprofit or fraternal organization who serves process on behalf of the organization and receives no fee for such service.

22351. (a) The certificate of registration of a registrant who is a natural person shall contain the following statements:

(1) The name, age, address, and telephone number of the registrant.

(2) The registrant has not been convicted of a felony.

(3) The registrant has been a resident of this state for a period of one year immediately preceding the filing of the certificate.

(4) The registrant will perform his duties as a process server in compliance with the provisions of law governing the service of process in this state.

(b) The certificate of registration of a registrant who is a partnership or corporation shall contain the following statements:

(1) The names, ages, addresses, and telephone numbers of the general partners or officers.

(2) The general partners or officers have not been convicted of a felony.

(3) The partnership or corporation has been organized and existing continuously for a period of one year immediately preceding the filing of the certificate or a responsible managing employee, partner, or officer has been previously registered under this chapter.

(4) The partnership or corporation will perform its duties as a process server in compliance with the provisions of law governing the service of process in this state.

22352. A registrant shall pay a fee of one hundred dollars ($100) to the county clerk at the time he files a certificate of registration.

22353. (a) A certificate of registration shall be accompanied by a bond of two thousand dollars ($2,000) which is executed by a corporate surety qualified to do business in this state

and conditioned upon compliance with the provisions of this chapter and all laws governing the service of process in this state. The total aggregate liability on the bond shall be limited to two thousand dollars ($2,000). The bond may be terminated pursuant to Sections 2851 and 2852 of the Civil Code.

(b) In lieu of the bond required by subdivision (a), a registrant may deposit two thousand dollars ($2,000) in cash with the county clerk.

22354. A certificate of registration shall be effective for a period of two years. Thereafter, a registrant shall file a new certificate of registration and pay the fee required by Section 22352.

22355. The county clerk shall maintain a register of process servers and assign a number to each process server.

22356. A registrant shall be responsible at all times for the good conduct of his employees and any person acting as an independent contractor for him.

22357. (a) Any person who recovers damages in any action or proceeding for injuries caused by a service of process which was made by a registrant and did not comply with the provisions of law governing the service of process in this state may recover the amount of the damages from the bond or cash deposit required by Section 22353.

(b) Whenever there has been a recovery against a bond or cash deposit under subdivision (a), the registrant shall file a new bond or deposit an additional amount of cash within 30 days to reinstate the bond or cash deposit to the amount required by Section 22353. If the registrant does not file such bond or deposit such amount within 30 days, his certificate of registration shall be revoked and the remainder of the bond or cash deposit forfeited to the county treasury.

22358. (a) A certificate of registration may be revoked or suspended by the county clerk of the county of registration whenever the registrant has made a service of process which does not comply with the provisions of law governing the service of process in this state or constitutes an improper service of process not amounting to a violation of law.

(b) An investigation concerning the revocation or suspension of a certificate of registration of a registrant may be commenced at any time the county clerk deems it appropriate or upon the complaint of any person who has been injured by a service of process which was made by the registrant and did not comply with the provisions of law governing the service of process in this state or constituted an improper service of process not amounting to a violation of law.

(c) If the county clerk determines from the investigation that cause may exist for the suspension or revocation of the certificate of registration, he shall set the matter for hearing and give notice to the registrant. The registrant shall be entitled to be represented by counsel at the hearing, produce evidence in his behalf, and cross-examine witnesses.

(d) If, after the hearing, the county clerk finds that cause does exist for the suspension or revocation of the certificate of registration, he shall suspend or revoke the certificate. If the certificate is revoked, the bond or cash deposit required by Section 22353 shall be forfeited to the county treasury subject to the right of a person to recover against the bond or cash deposit under Section 22357.

22359. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

SEC. 2. Section 413.40 is added to the Code of Civil Procedure, to read:

413.40. Any service of summons which complies with the provisions of this chapter shall not be rendered invalid or ineffective because it was made by a person in violation of Chapter 16 (commencing with Section 22350) of Division 8 of the Business and Professions Code.

SEC. 3. Section 417.40 is added to the Code of Civil Procedure, to read:

417.40. Any proof of service which is signed by a person registered under Chapter 16 (commencing with Section 22350) of Division 8 of the Business and Professions Code or his employee or independent contractor shall indicate the county in which he is registered and the number assigned to him pursuant to Section 22355 of the Business and Professions Code.

SEC. 4. This act shall become operative on July 1, 1972.

---

## CHAPTER 1662

*An act to add Title 8 (commencing with Section 14050) to Part 4 of the Penal Code, relating to building security.*

[Approved by Governor November 30, 1971. Filed with Secretary of State November 30, 1971.]

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

SECTION 1. The prevention of crime by reducing the opportunity for the commission of criminal acts is of prime importance to the Legislature. Burglary and unlawful entry of a building for other purposes, such as robbery or placing explosives or incendiary devices, can be reduced by devoting greater attention to construction methods and materials as well as intrusion and alerting devices.

It is the intent of the Legislature that greater attention be given this problem so that law enforcement agencies can conduct their duties in a more efficient manner and the members of the public can be better protected.

SEC. 2. Title 8 (commencing with Section 14050) is added to Part 4 of the Penal Code, to read:

## TITLE 8. BUILDING SECURITY

14050. (a) The Department of Justice shall encourage the use of technology in the prevention of crime. To this end it shall develop for recommendation to the Legislature, and thereafter continually review, building security standards. In carrying out these duties, the department shall consult with the Office of Architecture and Construction of the Department of General Services and shall, but is not limited to:

(1) Develop standards for a statewide building security code designed to prevent or reduce the likelihood of burglary or robbery in any building, including new single-family residences, apartments, public-owned buildings, commercial, and industrial buildings.

(2) Develop means of testing and certifying equipment and materials designed to prevent or reduce the likelihood of burglary or robbery in such buildings.

(b) In carrying out its duties pursuant to subdivision (a) the department shall seek the advice of the State Fire Marshal, to insure that fire and life safety standards are not impaired, and shall consult with the Office of Architecture and Construction regarding state building standards.

(c) The department shall submit a progress report to the Legislature, including preliminary recommendations for building security standards to be submitted to the State Building Standards Commission for adoption as part of Title 24 of the California Administrative Code, relating to building standards, not later than January 5, 1973, and a final report not later than the fifth legislative day of the 1974 session. Thereafter, the department shall continually review and update these standards as necessary.

14051. The chief law enforcement and fire officials of every city shall consult with the chief officer of their city who is charged with the enforcement of laws or ordinances regulating the erection, construction, or alteration of buildings within their jurisdiction for the purpose of developing local security standards and regulations supplemental to those adopted as part of Title 24 of the California Administrative Code, relating to building standards. The chief law enforcement and fire officials of every county shall consult with the chief officer of their county who is charged with the enforcement of laws or ordinances regulating the erection, construction, or alteration of buildings within their jurisdiction for the purpose of developing local security standards and regulations supplemental to those adopted as part of Title 24 of the California Administrative Code, relating to building standards. No provision of this, or any other code shall prevent a city or county from enacting building security standards stricter than those enacted by the state.

SEC. 3. There is hereby appropriated from the General Fund to the Department of Justice the sum of forty thousand dollars ($40,000), or so much thereof as may be necessary, to be expended for the purposes of this act.

# CHAPTER 1663

*An act to amend Sections 26 and 40 of, and to add Section 41 to, Chapter 1243 of the Statutes of 1971, relating to state highway funds.*

[Approved by Governor December 1, 1971. Filed with Secretary of State December 1, 1971.]

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

SECTION 1. Section 26 of Chapter 1243 of the Statutes of 1971 is amended to read:

Sec. 26. On the first day of the month following the month in which the withholding of state personal income taxes has commenced, or if that day occurs prior to the effective date of this act, then on the operative date of this act, the State Controller, in making the apportionments specified in Sections 2104 to 2122, inclusive, of the Streets and Highways Code, shall deduct the following amounts:

(a) Four million seven hundred ninety-four thousand dollars ($4,794,000) from the amount to be apportioned pursuant to Section 2104 of the Streets and Highways Code.

(b) Three million sixty-eight thousand dollars ($3,068,000) from the amount to be apportioned pursuant to Section 2106 of the Streets and Highways Code.

(c) Two million one hundred thirty-eight thousand dollars ($2,138,000) from the amount to be apportioned pursuant to Section 2107 of the Streets and Highways Code.

The total deduction of ten million dollars ($10,000,000) shall be transferred to the State Highway Account in the State Transportation Fund for expenditure in accordance with Sections 190 and 190.02 of the Streets and Highways Code.

SEC. 2. Section 40 of Chapter 1243 of the Statutes of 1971 is amended to read:

Sec. 40. The provisions of Sections 24 and 25 of this act shall become operative on the first day of the month following the month in which the withholding of state personal income taxes has commenced, or if that day occurs prior to the effective date of this act, then on the operative date of this act.

SEC. 3. Section 41 is added to the Chapter 1243 of the Statutes of 1971, to read:

Sec. 41. Except as provided in Section 40, this act shall become operative on April 1, 1972, unless the withholding of state personal income taxes is commenced prior to that date, in which case this act shall become operative as follows:

(a) If such withholding is commenced prior to the effective date of this act, this act shall become operative on the first day of the month following the effective date of this act.

(b) If such withholding is commenced on or after the effective date of this act, but prior to April 1, 1972, this act shall become operative on the date such withholding is commenced.

## CHAPTER 1664

*An act to add Section 25533 to the Education Code, relating to community colleges.*

[Approved by Governor December 1, 1971. Filed with Secretary of State December 1, 1971.]

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

SECTION 1. Section 25533 is added to the Education Code, to read:

25533. Notwithstanding any provision of Sections 15008 and 15008.5 to the contrary, the governing board of any district maintaining a community college in the City and County of San Francisco may lease buildings and other facilities in the City and County of San Francisco which meet the requirements of Article 5 (commencing with Section 15501) of Chapter 2 of Division 11, relating to the examination of the structural conditions of such buildings or facilities, for a period of not to exceed 12 years, and with an option to renew such lease for a period of not to exceed 12 years.

SEC. 2. The Legislature finds that the unique circumstances facing the community colleges in the City and County of San Francisco arising out of their need for urban facilities, the lack of space for urban construction, exceptionally high destruction and construction costs, and the availability of existing and adequate urban facilities 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.

## CHAPTER 1665

*An act to add Section 994 to the Revenue and Taxation Code, relating to taxation.*

[Approved by Governor December 1, 1971. Filed with Secretary of State December 1, 1971.]

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

SECTION 1. Section 994 is added to the Revenue and Taxation Code, to read:

994. Notwithstanding the provisions of Section 10758, all special construction equipment and special mobile equipment as defined in Sections 565, 570 and 575 of the Vehicle Code shall be subject to the provisions of this section.

(a) Any steel-wheeled or track-laying equipment shall not be subject to the license fees imposed pursuant to Part 5 (commencing with Section 10701) of Division 2 of this code, but

shall be assessed in the county where it has situs on the lien date.

(b) Rubber-tired equipment which must be moved or operated under permit shall be assessed in the county where it has situs on the lien date, but the assessee of such property shall be allowed to deduct from the amount of property tax the amount of any fee paid on such vehicle under Part 5 (commencing with Section 10701) of Division 2 of this code, if such fee is paid prior to the lien date for the calendar year in which the lien date occurs.

(c) Rubber-tired equipment that does not require a permit and which is licensed under Part 5 (commencing with Section 10701) of Division 2 of this code, shall not be otherwise assessed for purposes of property taxation.

SEC. 2. This act shall become operative on the lien date in 1972.

---

## CHAPTER 1666

*An act to add Section 6060.5 to the Business and Professions Code, relating to the practice of law.*

[Approved by Governor December 1, 1971. Filed with Secretary of State December 1, 1971.]

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

SECTION 1. Section 6060.5 is added to the Business and Professions Code, to read:

6060.5. Neither the board, nor any committee authorized by it, shall require that applicants for admission to practice law in California pass different final bar examinations depending upon the manner or school in which they acquire their legal education.

This section shall not prohibit the board, or any committee authorized by it, from establishing a different bar examination for applicants who are admitted to practice before the highest court of another state or of any jurisdiction where the common law of England constitutes the basis of jurisprudence.

---

## CHAPTER 1667

*An act to add Division 10 (commencing with Section 10000) to the Public Resources Code, relating to public resources.*

[Approved by Governor December 1, 1971. Filed with Secretary of State December 1, 1971.]

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

SECTION 1. Division 10 (commencing with Section 10000) is added to the Public Resources Code, to read:

# DIVISION 10. PUBLIC ACCESS TO PUBLIC RESOURCES

## CHAPTER 1. LEGISLATIVE FINDINGS AND DECLARATIONS

10000. It is the intent of the Legislature, by the provisions of this division, to implement Section 2 of Article XV of the California Constitution insofar as this division is applicable to navigable waters.

10001. The Legislature finds and declares that the public natural resources of this state are limited in quantity and that the population of this state has grown at a rapid rate and will continue to do so, thus increasing the need for utilization of public natural resources. The increase in population has also increased demand for private property adjacent to public natural resources through real estate subdivision developments which resulted in diminishing public access to public natural resources.

10002. The Legislature further finds and declares that it is essential to the health and well-being of all citizens of this state that public access to public natural resources be increased. It is the intent of the Legislature to increase public access to public natural resources.

## CHAPTER 2. ACCESS TO RIVERS AND STREAMS

10020. (a) No city or county or city and county shall approve either a tentative or a final map of any proposed subdivision to be fronted upon a public waterway river or stream which does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision.

(b) Reasonable public access shall be determined by the city or county or city and county in which the proposed subdivision is to be located. In making the determination of what shall be reasonable access, the city or county or city and county shall consider all of the following:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of riverbank and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection, and teaching.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(c) A public waterway river or stream for the purposes of this chapter means those waterways, rivers and streams defined in Sections 100 through 106 of the Harbors and Navigation Code, any stream declared to be a public highway for fishing pursuant to Sections 25660 through 25662 of the Government

Code, the rivers listed in Section 1505 of the Fish and Game Code as spawning areas, all waterways, rivers and streams downstream from any state or federal salmon or steelhead fish hatcheries.

10021. (a) No city or county or city and county shall approve either a tentative or a final map of any proposed subdivision to be fronted upon a public waterway river or stream which does not provide for a dedication of a public easement along a portion of the bank of the river or stream bordering or lying within the proposed subdivision.

(b) The extent, width and character of the public easement shall be reasonably defined to achieve reasonable public use of the public waterway river or stream consistent with public safety. The reasonableness and extent of the easement shall be determined by the city or county or city and county in which the proposed subdivision is to be located. In making the determination for reasonably defining the extent, width, and character of the public easement, the city or county or city and county shall consider all of the following:

(1) That the easement may be for a foot trail, bicycle trail, or horse trail.

(2) The size of the subdivision.

(3) The type of riverbank and the various appropriate recreational, educational and scientific uses including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection and teaching.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

10022. Any public access route or routes and any easement along the bank of a public waterway, river or stream provided by the subdivider shall be expressly designated on the tentative or final subdivision map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication. The acceptance by such governmental entity of such dedication shall occur within three years of the approval of the final subdivision map at which time, unless accepted, such dedication shall be deemed abandoned.

## CHAPTER 3. EXEMPTIONS

10040. Nothing in this division shall be construed to limit any powers or duties in connection with or affect the operation of beaches or parks in this state or to limit or decrease the authority, powers, or duties of any public agency or entity.

10041. Nothing in this division shall require a city or county to disapprove either a tentative or final subdivision map solely on the basis that the reasonable public access otherwise required by this division is not provided through or across the subdivision itself, if the city or county makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final subdivision map.

10042. Nothing in Section 10021 shall apply to the site of electric power generating facilities.

10043. Nothing in this division shall apply to industrial subdivisions.

SEC. 2. It is not the intent of the Legislature by the enactment of this act to take private property for public use without just compensation in violation of the United States or California Constitution.

## CHAPTER 1668

*An act relating to mentally retarded minors.*

[Approved by Governor December 2, 1971. Filed with Secretary of State December 2, 1971.]

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

SECTION 1. The Superintendent of Public Instruction shall authorize one or more school districts or county superintendents of schools in the state to conduct a pilot program for the education of mentally retarded minors who come within the provisions of Section 6903 of the Education Code but who are between three and five years of age.

The Superintendent of Public Instruction shall adopt rules and regulations for the conduct of such a pilot program. Such rules and regulations shall provide for reports to be made to the Legislature on the efficacy of the pilot program.

The Superintendent of Public Instruction shall take all reasonable actions necessary to secure federal funds for the conduct of the pilot program if state funds are not available.

Not less than one hundred forty thousand dollars ($140,000), nor more than one hundred sixty thousand dollars ($160,000), shall be expended for the purposes of the pilot program in the 1972–1973 fiscal year.

This act shall cease to be operative on June 30, 1973.

## CHAPTER 1669

*An act relating to mercury, and making an appropriation therefor.*

[Approved by Governor December 2, 1971. Filed with Secretary of State December 2, 1971.]

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

SECTION 1. The Secretary of the Resources Agency shall conduct a study of the uses of mercury and mercury com-

pounds and disposal of mercury-bearing waste, which shall include, but not be limited to, the following findings:

(a) An estimate of the amounts of mercury and mercury compounds presently used, and which will be used in the future, in this state. Such estimate shall not include amounts of mercury or mercury compounds used in manufacturing which does not involve the separation or isolation of mercury or mercury compounds.

(b) The types of functions and processes which use mercury or mercury compounds.

(c) An estimate of the amounts of mercury, mercury compounds, and mercury-bearing waste that are being released into the environment, which shall be classified by user and process.

(d) The types of measures presently taken to protect employees of users of mercury or mercury compounds.

(e) The methods presently used to dispose of mercury, mercury compounds, and mercury-bearing waste, by type of user.

(f) The methods presently employed to clean up accidental releases of mercury, mercury compounds, and mercury-bearing waste, by type of user.

(g) The effects on the environment caused by release of mercury, mercury compounds, and mercury-bearing waste.

In conducting the study, the Secretary of the Resources Agency shall consult with the Department of Fish and Game, the State Water Resources Control Board, the Department of Agriculture, the State Department of Public Health, and the Department of Conservation. The Secretary of the Resources Agency shall report the results of the study to the Legislature on or before June 30, 1973.

SEC. 2. The Resources Agency shall apply for federal funds to defray the costs of preparing such study, and, to the extent that such federal funds are made available, they shall be used in lieu of the appropriation made by this act.

SEC. 3. The sum of thirty thousand dollars ($30,000) is hereby appropriated from the California Environmental Protection Program Fund to the Resources Agency for expenditure in carrying out the provisions of this act.

---

## CHAPTER 1670

*An act to add Section 20393.1 to the Government Code, relating to County Employees Retirement Law of 1937, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 2, 1971. Filed with Secretary of State December 2, 1971.]

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

SECTION 1. Section 20393.1 is added to the Government Code, to read:

20393.1. Notwithstanding any other provisions of law, a member of this system who elects to leave his accumulated contributions on file in this system while such member is a marshal of a municipal court and a member of a retirement system established under the County Employees Retirement Law of 1937, may retire at the age prescribed by Section 31663.

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 benefits of this act to be available to members of affected retirement systems during this year, this act must take effect immediately.

---

## CHAPTER 1671

*An act to add Section 4700.2 to the Penal Code, relating to trial of state prisoners.*

[Approved by Governor December 3, 1971. Filed with Secretary of State December 3, 1971.]

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

SECTION 1. Section 4700.2 is added to the Penal Code, to read:

4700.2. Whenever a trial is had in which a crime committed in furtherance of or in connection with a violation of Section 4530 of the Penal Code is charged, or whenever a trial is had for conspiracy in a case where one or more objectives of the conspiracy is an escape from the custody of the Department of Corrections, the county or counties in which the pretrial proceedings and trial are held shall prepare a statement of the costs incurred in connection with the trial. The statement of costs shall be approved by the presiding judge of the superior court and shall include all costs incurred by the county including, but not limited to, salaries and expenses incurred by the district attorney in investigation and prosecution, by the sheriff in investigation and custody, by the public defender or court-appointed attorney or attorneys in investigation and defense, witness fees and expenses, reporter fees, transcription costs, necessary courtroom security reasonably required to protect the court and participants, and other direct trial costs. Trial shall be deemed to include all pretrial hearings and postconviction proceedings, if any.

The statement of costs shall be sent to the Director of Finance who shall examine and audit it for the purpose of determining whether it complies with the provisions of this section. The director shall cause the amount of such costs as he determines comply herewith to be paid to the county out of appropriate funds. If sufficient funds are not available, the director shall include any amounts necessary to satisfy such claims in a request for a deficiency appropriation.

SEC. 2. This act shall apply only to trials based upon indictments filed between November 1, 1970, and June 30, 1971.

---

## CHAPTER 1672

*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 December 3, 1971. Filed with Secretary of State December 3, 1971.]

*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 seventeen million dollars ($17,000,000) annually.

---

## CHAPTER 1673

*An act to add Chapter 3.5 (commencing with Section 3630) to Division 3 of the Public Resources Code, relating to oil and gas development.*

[Approved by Governor December 3, 1971. Filed with Secretary of State December 3, 1971.]

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

SECTION 1. Chapter 3.5 (commencing with Section 3630) is added to Division 3 of the Public Resources Code, to read:

## CHAPTER 3.5. UNIT OPERATION

### Article 1. Declaration of Policy

3630. The Legislature hereby finds and declares that the management, development, and operation of lands as a unit for the production of oil and gas aids in preventing waste, increases the ultimate recovery of oil and gas, and facilitates increased concurrent use of surface lands for other beneficial purposes.

3631. Nothing in this chapter shall be construed in such a manner as to conflict with the provisions of Article 2 (commencing with Section 6826) of Chapter 3 of Part 2 of Division 6.

### Article 2. Definitions

3635. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

3635.1. "Person" means any natural person, corporation, association, partnership, joint venture, receiver, trustee, executor, administrator, guardian, fiduciary, or other representative of any kind and includes the state and any city, county, city and county, district or any department, agency, or instrumentality of the state or of any governmental subdivision whatsoever.

3635.2. "Land" means both surface and mineral rights.

3635.3. "Pool" means an underground reservoir containing, or appearing at the time of determination to contain, a common accumulation of crude petroleum oil or natural gas or both. Each zone of a general structure which is separated from any other zone in the structure is a separate pool.

3635.4. "Field" means the same general surface area which is underlaid or reasonably appears to be underlaid by one or more pools.

3635.5. "Tracts of land" means land areas under separate ownership which are all of the following:

(a) Contiguous either on the surface or in the subsurface.

(b) Located within a field which has been producing for more than 20 years.

(c) Located within a field over 75 percent of which lies within incorporated areas.

3636. "Unit agreement" means and includes, in addition to the unit agreement entered into pursuant to the provisions of Article 3 (commencing with Section 3640) of this chapter, any consent agreement or other agreement entered into in connection with, and supplemental to, such unit agreement, but does not include a unit operating agreement or any preliminary agreement confined to effectuating any exchange of interests in land which the parties to such preliminary agreement may desire. "Unit operating agreement" means an agreement, entered into by the working interest owners only, governing all operations performed by the unit operator pur-

suant to the unit agreement and the unit operating agreement for the production of unitized substances.

3636.1. "Unit area" means all lands included within an area subject to a unit agreement entered into pursuant to the provisions of Article 3 (commencing with Section 3640) of this chapter.

3636.2. "Unit production" means all oil, gas, and other hydrocarbon substances produced from a unit area from the effective date of a unit agreement approved by the supervisor pursuant to Section 3643.

3636.3. "Unit operator" means the person or persons designated by the working interest owners as operator or operators of the unit area.

3637. "Working interest" means an interest held in lands by virtue of fee title, including lands held in trust, a lease, operating agreement, or otherwise, under which the owner of such interest has the right to drill for, develop, and produce oil and gas. A working interest shall be deemed vested in the owner thereof even though his right to drill or produce may be delegated to an operator under a drilling and operating agreement, unit agreement, or other type of operating agreement.

3637.1. "Working interest owner" means a person owning a working interest.

3637.2. "Royalty interest" means a right to or interest in oil and gas produced from any lands or in the proceeds of the first sale thereof other than a working interest.

3637.3. "Royalty interest owner" means a person owning a royalty interest.

## Article 3. Unit Agreements

3640. Tracts of land may be unitized as provided in this article to provide for the management, development, and operation thereof as a unit to prevent, or to assist in preventing, waste and to increase the ultimate recovery of oil and gas.

3641. An agreement for the management, development, and operation of two or more tracts of land in the same field or in the same producing or prospective pool as a unit without regard to separate ownerships, and for the allocation of benefits and costs on a basis set forth in such agreement, shall be valid and binding upon those who consent thereto and may be filed with the supervisor for approval. However, unless and until the agreement qualifies for approval, and is approved, by the supervisor persons who do not consent thereto shall not be bound thereby, nor shall their rights be affected thereby.

3642. Any proposed agreement for unit operation of tracts of land which has been consented to by persons who own, of record, title to working interests which aggregate at least an undivided three-fourths of the total working interests in the

area proposed to be unitized, and by persons who own, of record, title to the royalty interest which aggregates at least an undivided three-fourths of the total royalty interest in the area proposed to be unitized, may be filed with the supervisor by the owner of any such working interest in conjunction with a petition requesting approval thereof.

3643. The unit agreement shall be approved, if, after a public hearing, the supervisor finds all of the following:

(a) The unit area of the proposed agreement for unit operation takes in all tracts which, consistent with good oil field practice, should be considered a part of and related to the field or pool proposed for unit operation but does not include tracts which, consistent with good oil field practice, should not be considered a part of or related to the field or pool proposed for unit operation.

(b) As of the date of filing of the petition, the proposed unit agreement was consented to by persons owning at least three-fourths of the working interests and three-fourths of the lessors' royalty interests as described in Section 3642.

(c) The unitized management and operation of the pool or pools proposed to be unitized is reasonably necessary in order to carry on pressure maintenance or pressure replenishment operations, cycling or recycling operations, gas injection operations, water flooding operations, reduction of oil viscosity operations, or any combination thereof, or any other form of joint effort calculated to increase the ultimate recovery of oil and gas from the proposed unit area.

(d) The value of the estimated recovery of additional oil or gas, or the increased present worth value due to accelerated recovery of oil or gas, as a result of the unit operations will exceed the estimated additional cost incident to conducting such operations.

(e) The proposed unit agreement provides for an allocation of the unit production among and to the separately owned tracts in the area proposed to be unitized such as will reasonably permit persons otherwise entitled to share in or benefit by the production from such separately owned tracts to produce or receive, in lieu thereof, their fair, equitable, and reasonable pro rata share of the unit production or other benefits thereof.

(f) The proposed unit agreement provides, to the full extent practical, for the organization and consolidation of surface facilities, including oil production, storage, treatment, and transportation facilities, in such a manner as will eliminate wasteful and excessive use of land surface areas, freeing such areas for other productive use and development, and provides a fair procedure for the waiver, from time to time, of the working interest owners' right of entry on surface areas which in the future become unneeded for the conduct of unit operations.

(g) The proposed unit agreement is fair and reasonable under all the circumstances in other material respects.

(h) If state-owned lands under the jurisdiction of the State Lands Commission are included in the proposed unit agreement, such agreement has been reviewed and approved by the commission as to such lands.

3644. A tract of land's fair, equitable, and reasonable share of the unit production shall be measured by the value of such tract for oil and gas purposes and its contributing value to the unit in relation to like values of other tracts in the unit area, taking into account, among other things, the following:

(a) The primary tract value based upon the projected future value of hydrocarbon substances that would be produced by primary means from such tract after the date of unitization, if no secondary recovery operation were undertaken.

(b) The secondary tract value based upon consideration of the following factors:

(1) The volume in acre-feet of porous, permeable sand originally saturated with hydrocarbon substances within a zone to be unitized, and underlying such tract.

(2) The hydrocarbon substances per acre-foot of such zone recoverable by means of secondary recovery operations.

(3) The value of the hydrocarbon substances so recoverable from such tract from such zones to be unitized.

(4) In the event the necessary data is not available as listed in paragraphs (1), (2), and (3), the value may be assigned using a prudent engineering method, depending on the data available.

(c) All other factors which significantly bear upon the value of the committed properties for primary and secondary recovery.

3645. Upon giving his approval to the unit agreement pursuant to Section 3643, the supervisor shall issue an order directing unit operations of the unit area in accordance with the unit agreement, and requiring that the interests of all persons in the unit area be thereafter subject to the unit agreement the same as if all such persons had expressly consented to the unit agreement. An order of the supervisor issued pursuant to this section shall become effective on the date provided for in the order, except that no such order shall become effective until all interests in the unit area for which timely offers of sale have been made pursuant to Section 3647 have been purchased as provided in that section, or until the termination of such offers of sale.

3646. The supervisor's order shall include fair and reasonable provisions for all of the following:

(a) The date when all tracts of land not theretofore committed to the unit shall be subject to unit operation, which date shall not be earlier than the first day of the month following the effective date of the supervisor's order.

(b) Provision for the carrying or otherwise financing of any persons who request the same and who the supervisor determines are unable to meet their financial obligations in

connection with the unit operation, allowing a reasonable interest charge to those who carry or finance such obligations.

(c) Such additional provisions which the supervisor determines to be appropriate for bringing into the unit area on a fair and reasonable basis tracts of land and interests not theretofore committed to the unit agreement.

3647. The owner of any working interest or royalty interest in a tract which is the subject of a unit agreement who did not consent to the proposed unit agreement shall, 60 days following the date upon which the supervisor issues his order under the provisions of Section 3645, be entitled to offer his interest for sale pursuant to this section. All working interest owners who consented to the proposed unit agreement shall be entitled to participate in purchasing such interest in proportion to their respective shares of unit production. Unless one or more working interest owners purchase such interest, the order of the supervisor shall not become effective.

If a disagreement arises with respect to the price at which such an interest shall be purchased, then either party may request the supervisor to appoint an engineering committee consisting of one or more qualified oil field appraisers and engineers to make an independent appraisal of the value of the interest as of the date the supervisor issued his order under Section 3645. Such committee shall consider all relevant data and information submitted by interested parties and may seek and consider such other information as it deems relevant. Upon receiving the engineering committee's appraisal and the report summarizing the basis of such appraisal, the supervisor shall determine the fair market value of the interest as of the date the supervisor issued his order under Section 3645. Subject to the provisions of Section 3654, such determination shall fix the price at which the sale shall be consummated. Any appeal of this determination shall be filed within 30 days of the date of such determination. The compensation and expenses of the engineering committee shall be subject to approval in amount by the supervisor and, if the unit becomes effective, shall be paid by the working interest owners in the proportion they share unit expenses. If the unit does not become effective within the time provided for in the order of the supervisor issued under Section 3645, the working interest owners who have consented to the unit agreement shall pay such compensation and expenses.

3648. Any unit agreement approved by the supervisor shall contain a provision under which a party whose surface land is being utilized for the benefit of the unit area shall be entitled to compensation for the reasonable value of the use of such surface.

3649. Any proposed modification of an approved unit agreement shall be submitted by the unit operator to the supervisor for his review and approval. No modification shall alter or change the basis for allocating production to tracts of land theretofore committed to the unit area without the

express written consent of all persons who might be adversely affected thereby. The supervisor shall approve the proposed modification if, after a public hearing, he finds that the proposed unit agreement modification is consented to by persons who own, of record, title to working interests which aggregate at least an undivided three-fourths of the total working interests within the unit area and by persons who own, of record, title to the royalty interest which aggregate at least an undivided three-fourths of the total royalty interest in the unit area, that the proposed modification is in conformity with other provisions of the unit agreement, that it is consistent with the purpose of this chapter, and is fair and reasonable under all the circumstances. Upon approval, the unit agreement modification shall be binding upon all persons having any interest in the pool or pools subject to the unit agreement the same as if all such persons had expressly agreed to the modification.

Nothing in this section shall be construed as applying to any modification of a unit operating agreement entered into exclusively by the working interest owners.

3650. If at any time after the entry of an order of unitization issued pursuant to Section 3645, it develops that a pool is larger than theretofore indicated and that all or a portion of a further tract or tracts of land should be included within the unit area in order that the unit operations can cover the entire pool, persons who own of record any working interest in the pool may file a petition with the supervisor requesting the addition of such tract or tracts of land to the unit area insofar as they contain the pool. Upon the filing of such a petition, the supervisor shall hold a public hearing.

3651. The supervisor shall issue his order that such further tract or tracts of land insofar as they contain the pool or pools and the interests of all persons therein shall thereafter be subject to unit operations if he finds all of the following:

(a) All or a portion of a further tract or tracts of land do contain a portion of the pool previously ordered unitized by the supervisor.

(b) The unit agreement has been consented to by persons who own, of record, title to working interests which aggregate at least an undivided three-fourths of the working interests in the total area of the pool or pools, as known to exist at the time of the filing of the petition, and by persons who own, of record, title to the royalty interest which aggregates at least an undivided three-fourths of the royalty interest in the total area of the pool or pools, as known to exist at the time of the filing of the petition.

(c) The addition of such further tract or tracts of land insofar as they contain the pool or pools to the unit operations is reasonably necessary in order to prevent waste or to increase the ultimate recovery of oil and gas.

3652. The supervisor's order issued pursuant to Section 3651 shall contain a fair basis for allocating production to such

further tract or tracts of land and make fair and reasonable provisions under the circumstances in other respects for bringing into the unit operation such tract or tracts of land. In providing for the allocation of unit production from the enlarged unit area, the order shall, however, first treat the unit area previously established as a single tract, and the portion of unit production so allocated thereto shall then be allocated among the separately owned tracts of land included in such previously established unit area in the same proportion as specified therefor in the previous order. The supervisor shall allocate production from the enlarged unit area between the previously established unit area and the additional tract or tracts of land, and if there be more than one such additional tract of land, shall allocate the production allotted the additional tracts of land as between such additional tracts of land, in such a manner as will reasonably permit persons otherwise entitled to share in or benefit by the production from such tracts of land to produce or receive, in lieu thereof, their fair, equitable, and reasonable pro rata share of the unit production or other benefits thereof. A tract's fair, equitable, and reasonable share of the unit production shall be measured by the value of each such tract of land for oil and gas purposes and its contributing value to the unit operation in relation to like values of other tracts in the unit, taking into account, among other things, the following:

(a) The primary tract value based upon the projected future value of hydrocarbon substances that would be produced by primary means from such tract after the date of unitization, if no secondary recovery operation were undertaken.

(b) The secondary tract value based upon consideration of the following factors:

(1) The volume in acre-feet of porous, permeable sand originally saturated with hydrocarbon substances within a zone to be unitized, and underlying such tract.

(2) The hydrocarbon substances per acre-foot of such zone recoverable by means of secondary recovery operations.

(3) The value of the hydrocarbon substances so recoverable from such tract from such zones to be unitized.

(4) In the event the necessary data is not available as listed in paragraphs (1), (2), and (3), the value may be assigned using a prudent engineering method, depending on the data available.

(c) All other factors which significantly bear upon the value of the committed properties for primary and secondary recovery.

3653. Any disagreement with respect to the unit operation between persons owning any interest in the pool or pools subject to the unit agreement may be submitted to the supervisor for his review and decision.

3654. Any and all decisions or determinations made by the supervisor under the provisions of this chapter shall be ap-

pealable to any court of competent jurisdiction by any person whose interests are affected by any such decision or determination. Except as otherwise provided in this article, such appeal must be made within 60 days from the date of such decision or determination.

3655. The three-fourths interests referred to in Sections 3642, 3649, and 3651 shall be determined as follows:

(a) A total value, composed of the combined value of all of the primary tract assignment and secondary tract assignment, shall be assigned to all of the tracts of land which are the subject of the unit agreement or the proposed unit agreement.

(b) The pro rata interest of each working interest owner shall be equal to a fraction, the numerator of which shall be the total value of the primary tract assignment and secondary tract assignment of the tract or tracts in which he has a working interest, in accordance with his fractional share of such interest, if any, and the denominator of which shall be the value determined under subdivision (a).

(c) The pro rata interest of each royalty interest owner shall be equal to a fraction, the numerator of which shall be the total value of the primary tract assignment and secondary tract assignment of the tract or tracts in which he has a royalty interest, in accordance with his fractional share of such interest, if any, and the denominator of which shall be the value determined under subdivision (a).

If there are no royalties outstanding with respect to a tract or tracts of land included within or proposed to be included within a unit area, then for the purpose of determining the three-fourths of royalty interests the working interest owners in any such tract of land shall be deemed to be the owners of a royalty with respect to such tract in the same proportion as their ownership of the working interest therein.

3656. No unit agreement approved by the supervisor pursuant to the provisions of this chapter shall effect or result in, or be construed to effect or result in, the alienation, transfer, or change of any title or ownership, legal or equitable, of any person or party in or to any tract of land or the mineral rights therein to any other person or party.

3657. Operations incident to the drilling, producing, or operating of a well or wells on any portion of a unit area under a unit agreement approved by the supervisor pursuant to the provisions of this chapter shall be deemed, for the purposes of determining compliance with lease and other contractual obligations, the conduct of such operations on each separately owned tract in the unit area by the several working interest owners thereof. That portion of the production allocated to each tract of land included in the unit area, when produced, shall be deemed for all purposes to have been produced from such tract by a well or wells drilled therein.

3658. Any order of the supervisor issued pursuant to this article shall, from and after its effective date, be effective

as to, and be binding upon, each person owning an interest in the unit area covered thereby, or in the oil and gas produced therefrom, or the proceeds thereof. Each such person shall have the right to enforce the provisions of the unit agreement, including, but not limited to, the provisions for determining rates of production, whether or not such person expressly consented to the unit agreement.

3659. Prior to any public hearing held by the supervisor pursuant to this chapter, the supervisor shall give reasonable written notice of the hearing to all persons shown by the records of the tax assessor to have an interest in the land proposed for unit operation, and shall give written notice to any city within which the land lies and, with respect to land which lies in an unincorporated area, to the county in which the land lies. Such city or county or any other interested person may, on any matter relevant to the proposed agreement for operation, submit testimony and evidence for the consideration of the supervisor.

## Article 4. Liens

3680. A person to whom another is indebted for expenses incurred in carrying on unit operations may, in order to secure payment of the amount due, fix a lien upon the interest of the debtor in the unit production as and when produced from the unit area by filing for record with the recorder of the county where the property or a portion thereof involved is located, an affidavit setting forth all of the following:

(a) In general terms the kind of materials, tools, equipment, or supplies furnished or labor or services performed.

(b) A description of the land involved, the name of the debtor, and his interest in the production from the unit area.

(c) The amount which is still due and unpaid.

(d) A statement that at least 20 days prior to the date of the affidavit such person gave written notice to the debtor by registered mail at his last known address, setting forth the information required under subdivisions (a), (b), and (c) of this section.

Any such affidavit shall be filed for record not later than 90 days after the delivery of the property or the completion of the labor.

3681. The lien shall be a first lien on the production and otherwise shall be of the same nature and subject to foreclosure in the same manner and within the same time as mechanics' liens. In any case where the lien claimant is in possession of the production which is subject to the lien, the supervisor may authorize the lien claimant to sell such production or so much thereof as may be necessary to satisfy such lien, provided that the supervisor shall hold or arrange for the holding of the proceeds of such sale for appropriate distribution upon a determination of the controversy.

### Article 5. Regulations

3685. Within three months after the effective date of this chapter, the supervisor shall, after one or more public hearings, adopt regulations governing the submittal of proposed unit agreements, modifications thereof, additions thereto, and disagreements with respect to unit operations. The regulations shall include, but not be limited to, requirements for filing fees sufficient to cover the costs of administration, and submittal of policies of title insurance. The regulations may be amended from time to time by the supervisor with the approval of the director.

### Article 6. Preemption

3690. This chapter shall not be deemed a preemption by the state of any existing right of cities and counties to enact and enforce laws and regulations regulating the conduct and location of oil production activities, including, but not limited to, zoning, fire prevention, public safety, nuisance, appearance, noise, fencing, hours of operation, abandonment, and inspection.

---

## CHAPTER 1674

*An act to amend Sections 39020, 39021, and 39023 of, to add Sections 39020.5, 39021.3, 39021.5, 39022, 39023.3, and 39050 to, and to repeal Section 39022 of, the Health and Safety Code, relating to the State Air Resources Board.*

[Approved by Governor December 3, 1971. Filed with Secretary of State December 3, 1971.]

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

SECTION 1. 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 five members who shall be appointed by the Governor with the consent of the Senate. Members of the board shall be appointed on the basis of their demonstrated interest and proven ability in the field of air pollution control and their understanding of the needs of the general public in connection with air pollution problems, and shall have the following qualifications:

(a) Two members shall have training and experience in automotive engineering or closely related fields.

(b) Two members shall have training and experience in chemistry, meteorology, or related scientific fields, including agriculture, or law.

(c) One member shall qualify under subdivisions (a) or (b), or shall have administrative experience in the field of air pollution control with no special technical training required.

SEC. 2. Section 39020.5 is added to the Health and Safety Code, to read:

39020.5. The Governor shall appoint the chairman from among the members of the board who shall serve at the pleasure of the Governor.

SEC. 3. Section 39021 of the Health and Safety Code is amended to read:

39021. The terms of office of the members of the board who are serving at the operative date of the amendments of this section enacted at the 1971 Regular Session of the Legislature shall expire on July 1, 1972.

SEC. 4. Section 39021.3 is added to the Health and Safety Code, to read:

39021.3. An annual salary of ten thousand eighty dollars ($10,080) shall be paid to each member of the board, provided he devotes a minimum of 60 hours per month to board work. Such salary shall be reduced proportionately if less than 60 hours per month is devoted to board work.

SEC. 5. Section 39021.5 is added to the Health and Safety Code, to read:

39021.5. The board shall hold regular meetings at least twice a month. Special meetings may be called by the chairman or upon the request of a majority of the members. Each member of the board shall receive his actual necessary traveling expenses incurred in the performance of his official duties. Time spent in such meetings shall count towards the 60 hours specified in Section 39021.3.

SEC. 6. Section 39022 of the Health and Safety Code is repealed.

SEC. 7. Section 39022 is added to the Health and Safety Code, to read:

39022. The provisions of Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2 of the Government Code apply to the board and the board is the head of a department within the meaning of the chapter.

SEC. 8. Section 39023 of the Health and Safety Code is amended to read:

39023. The board shall appoint an executive officer and may delegate such duties to the executive officer as the board deems appropriate. The intention of the Legislature is hereby declared to be that the executive officer shall perform and discharge under the direction and control of the board the powers, duties, purposes, functions, and jurisdiction vested in the board and delegated to him by it.

Any power, duty, purpose, function, or jurisdiction which the board may lawfully delegate shall be conclusively presumed to have been delegated to the executive officer unless it is shown that the board by affirmative vote recorded in its minutes spe-

cifically has reserved the same for its own action. The executive officer may redelegate to his subordinates unless by board rule or express provision of law he is specifically required to act personally.

SEC. 9. Section 39023.3 is added to the Health and Safety Code, to read:

39023.3. The board and the executive officer, and their designated representatives, have the authority to make inspections and to seek inspection warrants pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure for the purpose of carrying out the provisions of this division.

SEC. 10. Section 39050 is added to the Health and Safety Code, immediately preceding Section 39051, to read:

39050. In addition to its other powers, the board may do any of the following to carry out the purposes of this division:

(a) Contract for technical advisory services and other services as may be necessary for the performance of its powers and duties.

(b) Appoint such advisory groups and committees as it requires. Members of such committees or advisory groups shall receive fifty dollars ($50) per day for each day they meet pursuant to a request of the board, plus necessary traveling and other expenses incurred while performing their duties.

In appointing advisory groups and committees, the board may appoint a number of persons qualified in various fields and disciplines. Such persons who are so appointed shall be kept informed of the issues before the board and the work pending before the board. When the board desires the advice, in connection with a particular problem or problems, of any one or more of the persons so appointed, the chairman of the board may select such person or persons to serve as members of a working group or committee for the purpose of providing such advice. After the working group or committee has given its advice to the board, it shall cease to function as a working group or committee. The financial remuneration specified in this subdivision shall only be available to persons during such time they are serving as members of a working group or committee at the request of the board.

(c) Require information from any local or regional authority necessary to carry out the purposes of this division.

SEC. 11. This act shall become operative July 1, 1972.

---

## CHAPTER 1675

*An act to amend Sections 4702 and 4801 of the Civil Code, relating to support.*

[Approved by Governor December 3, 1971. Filed with Secretary of State December 3, 1971.]

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

SECTION 1. Section 4702 of the Civil Code is amended to read:

4702. (a) In any proceeding where a court makes or has made an order requiring payment of child support to a parent receiving welfare moneys for the maintenance of minor children, the court shall direct that payments of support be made to the county clerk, probation officer, or other officer of the court or county officer designated by the court for such purpose, and shall direct the district attorney to appear on behalf of such welfare recipient in any proceeding to enforce such order.

(b) In any proceeding where a court makes or has made an order requiring payment of child support to a parent having custody of any minor children of the marriage, the court may direct that payments thereof be made to the county clerk, probation officer, or other officer of the court or county officer designated by the court for such purpose, and may direct the district attorney to appear on behalf of such minor children in any action to enforce such order. The court shall include in its order any service charge imposed under the authority of Section 580.5 of the Welfare and Institutions Code.

(c) Expenses of the county clerk, probation officer, or other officer of the court or county officer designated by the court, and expenses of the district attorney incurred in the enforcement of any order of the type described in subdivision (a) or (b), shall be a charge upon the county where the proceedings are pending. Any fees for service of process in the enforcement of any such order shall be a charge upon the county where the process is served.

SEC. 2. Section 4801 of the Civil Code is amended to read:

4801. (a) In any judgment decreeing the dissolution of a marriage or a legal separation of the parties, the court may order a party to pay for the support of the other party any amount, and for such period of time, as the court may deem just and reasonable having regard for the circumstances of the respective parties, including the duration of the marriage, and the ability of the supported spouse to engage in gainful employment without interfering with the interests of the children of the parties in the custody of such spouse. The court may order the party required to make such payment of support to give reasonable security therefor. Any order for support of the other party may be modified or revoked as the court may deem necessary, except as to any amount that may have accrued prior to the date of the filing of the notice of motion or order to show cause to modify or revoke. The order of modification or revocation may be made retroactive to the date of filing of the notice of motion or order to show cause to modify or revoke.

(b) Except as otherwise agreed by the parties in writing, the obligation of any party under any order or judgment for the support and maintenance of the other party shall terminate upon the death of either party or the remarriage of the other party.

(c) When a court orders a person to make specified payments for support of the other party for a contingent period of time, the liability of such person terminates upon the happening of such contingency. If the party to whom payments are to be made fails to notify the person ordered to make such payments, or the attorney of record of such person, of the happening of such contingency and continues to accept support payments, such party shall refund any and all moneys received which accrued after the happening of such contingency, except that such overpayments shall first be applied to any and all support payments which are then in default. The court may, in the original order for support, order the party to whom payments are to be made to notify the person ordered to make such payments, or his attorney of record, of the happening of such contingency.

(d) An order for payment of an allowance for the support of one of the parties shall terminate at the end of the period specified in the order and shall not be extended unless the court in its original order retains jurisdiction.

SEC. 3. Section 4801 of the Civil Code is amended to read:

4801. (a) In any judgment decreeing the dissolution of a marriage or a legal separation of the parties, the court may order a party to pay for the support of the other party any amount, and for such period of time, as the court may deem just and reasonable having regard for the circumstances of the respective parties, including the duration of the marriage, and the ability of the supported spouse to engage in gainful employment without interfering with the interests of the children of the parties in the custody of such spouse. The court may order the party required to make such payment of support to give reasonable security therefor. Any order for support of the other party may be modified or revoked as the court may deem necessary, except as to any amount that may have accrued prior to the date of the filing of the notice of motion or order to show cause to modify or revoke. The order of modification or revocation may be made retroactive to the date of filing of the notice of motion or order to show cause to modify or revoke, or to any date subsequent thereto.

(b) Except as otherwise agreed by the parties in writing, the obligation of any party under any order or judgment for the support and maintenance of the other party shall terminate upon the death of either party or the remarriage of the other party.

(c) When a court orders a person to make specified payments for support of the other party for a contingent period of time, the liability of such person terminates upon the happening of such contingency. If the party to whom payments

are to be made fails to notify the person ordered to make such payments, or the attorney of record of such person, of the happening of such contingency and continues to accept support payments, such party shall refund any and all moneys received which accrued after the happening of such contingency, except that such overpayments shall first be applied to any and all support payments which are then in default. The court may, in the original order for support, order the party to whom payments are to be made to notify the person ordered to make such payments, or his attorney of record, of the happening of such contingency.

(d) An order for payment of an allowance for the support of one of the parties shall terminate at the end of the period specified in the order and shall not be extended unless the court in its original order retains jurisdiction.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 1816 are both chaptered and amend Section 4801 of the Civil Code, and this bill is chaptered after Assembly Bill No. 1816, that the amendments to Section 4801 proposed by both bills be given effect and incorporated in Section 4801 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 1816 are both chaptered, both amend Section 4801, and Assembly Bill No. 1816 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

---

## CHAPTER 1676

*An act to amend Section 3505 of the Government Code, relating to public employees.*

[Approved by Governor December 3, 1971. Filed with Secretary of State December 3, 1971.]

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

SECTION 1. Section 3505 of the Government Code is amended to read:

3505. The governing body of a public agency, or such boards, commissions, administrative officers or other representatives as may be properly designated by law or by such governing body, shall meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of such recognized employee organizations, as defined in subdivision (b) of Section 3501, and shall consider fully such presentations as are made by the employee organization on behalf of its members prior to arriving at a determination of policy or course of action.

"Meet and confer in good faith" means that a public agency, or such representatives as it may designate, and repre-

sentatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation prior to the adoption by the public agency of its final budget for the ensuing year. The process should include adequate time for the resolution of impasses where specific procedures for such resolution are contained in local rule, regulation, or ordinance, or when such procedures are utilized by mutual consent.

---

## CHAPTER 1677

*An act to amend Section 13586 of the Education Code, relating to school district employment.*

[Approved by Governor December 3, 1971. Filed with Secretary of State December 3, 1971.]

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

SECTION 1. Section 13586 of the Education Code is amended to read:

13586. No person shall be employed or retained in employment by a school district who has been convicted of any sex offense as defined in Section 12912 or narcotics offense as defined in Section 12912.5. If, however, any such conviction is reversed and the person is acquitted of the offense in a new trial or the charges against him are dismissed, this section does not prohibit his employment thereafter.

Nothing in this section shall prohibit the employment by a school district of a person convicted of a narcotics offense involving the use or possession of marijuana if the governing board of the school district determines, from the evidence presented, that the person has been rehabilitated for at least five years.

The governing board shall determine the type and manner of presentation of the evidence, and the determination of the governing board as to whether or not the person has been rehabilitated is final.

---

## CHAPTER 1678

*An act to add Section 2900.6 to the Penal Code, relating to sentences.*

[Approved by Governor December 3, 1971 Filed with Secretary of State December 3, 1971.]

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

SECTION 1. Section 2900.6 is added to the Penal Code, to read:

2900.6. In all misdemeanor convictions, either by plea or by verdict, when the defendant has been in custody, either without bail or because of his inability to post bail, all days of custody of the defendant from the date of arrest to the date on which the serving of the sentence imposed commences shall be credited upon his sentence, or credited to any fine which may be imposed, at the rate of not less than twenty dollars ($20) per day, or more, in the discretion of the court imposing the sentence. If the total number of days in custody exceed the number of days of the sentence to be imposed, the entire sentence shall be deemed to have been served. In any case where the court has imposed both a jail sentence and a fine, any days to be credited to the defendant shall first be applied to the sentence imposed, and thereafter such remaining days, if any, shall be applied to the fine.

For the purposes of this section, credit shall be given only where the custody to be credited is attributable to charges arising from the same criminal act or acts for which the defendant has been convicted.

---

## CHAPTER 1679

*An act to add Section 998 to, and repeal Sections 997 and 998 of, the Code of Civil Procedure, relating to offers in compromise.*

[Approved by Governor December 3, 1971. Filed with Secretary of State December 3, 1971.]

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

SECTION 1. Section 997 of the Code of Civil Procedure is repealed.

SEC. 2. Section 998 of the Code of Civil Procedure is repealed.

SEC. 3. Section 998 is added to the Code of Civil Procedure, to read:

998. (a) The costs allowed under Sections 1031 and 1032 shall be withheld or augmented as provided in this section.

(b) Not less than 10 days prior to commencement of the trial as defined in subdivision 1 of Section 581, any party may serve an offer in writing upon any other party to the action to allow judgment to be taken in accordance with the terms and conditions stated at that time. If such offer is accepted, the offer with proof of acceptance shall be filed and the clerk or 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.

(c) If an offer made by a defendant is not accepted and the plaintiff fails to obtain a more favorable judgment, the plaintiff shall not recover his costs and shall pay the defendant's costs from the time of the offer. In addition, in any action or proceeding other than an eminent domain action, the court, in its discretion, may require the plaintiff to pay the defendant's costs from the date of filing of the complaint and 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 the defendant.

(d) If an offer made by a plaintiff is not accepted and the defendant fails to obtain a more favorable judgment, the court in its discretion may require the defendant to pay 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 the plaintiff, in addition to plaintiff's costs.

(e) Police officers shall be deemed to be expert witnesses for the purposes of this section; plaintiff includes a cross-complainant and defendant includes a cross-defendant. Any judgment entered pursuant to this section shall be deemed to be a compromise settlement.

(f) The provisions of this chapter shall not apply to an offer which is made by a plaintiff in an eminent domain action.

---

## CHAPTER 1680

*An act to add Section 1801.5 to the Welfare and Institutions Code, relating to youth.*

[Approved by Governor December 3, 1971. Filed with Secretary of State December 3, 1971.]

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

SECTION 1. Section 1801.5 is added to the Welfare and Institutions Code, to read:

1801.5. If the person is ordered returned to the Youth Authority following a hearing by the court, he, or his parent or guardian on his behalf, may, within 10 days after the making of such order, file a written demand that the question of whether he is physically dangerous to the public be tried by a jury in the superior court of the county in which he was committed. Thereupon, the court shall cause a jury to be summoned and to be in attendance at a date stated, not less than four days nor more than 30 days from the date of the demand for a jury trial. The court shall submit to the jury the question: Is the person physically dangerous to the public

because of his mental or physical deficiency, disorder, or abnormality? The court's previous order entered pursuant to Section 1801 shall not be read to the jury, nor alluded to in such trial. The trial shall be had as provided by law for the trial of civil cases and shall require a verdict by at least three-fourths of the jury.

---

## CHAPTER 1681

*An act to add Section 1243.1 to the Code of Civil Procedure, and to add Section 33398 to the Health and Safety Code, relating to eminent domain.*

[Approved by Governor December 3, 1971. Filed with Secretary of State December 3, 1971.]

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

SECTION 1. Section 1243.1 is added to the Code of Civil Procedure, to read:

1243.1. In any case in which a public entity, as defined in Section 811.2 of the Government Code, which possesses the power of eminent domain establishes by resolution or ordinance the necessity to acquire a particular parcel or parcels of real property by eminent domain, and such public entity does not thereafter initiate, within six months, an action in eminent domain to take such parcel, the owner of the parcel may bring an action in inverse condemnation requiring the taking of such parcel and a determination of the fair market value payable as just compensation for such taking. In such inverse condemnation action, the court may, in addition, or in the alternative, if it finds that the rights of the owner have been interfered with, award damages for any such interference by the public entity. This section shall not affect a public entity's authority to do any of the following:

(1) Institute a condemnation action.

(2) Take immediate possession of the particular parcel of property sought to be condemned.

(3) Rescind a resolution or ordinance which established the necessity to acquire a particular parcel of real property and abandon the condemnation action.

SEC. 2. Section 33398 is added to the Health and Safety Code, to read:

33398. Section 1243.1 of the Code of Civil Procedure shall not apply to any resolution or ordinance adopting, approving, amending, or approving the amendment of a redevelopment project or plan. Section 1243.1 of the Code of Civil Procedure shall apply to a resolution adopted by a redevelopment agency declaring the public necessity for and authorizing the condemnation of, and expressly authorizing the filing of a condemnation action as to a particular parcel or parcels of real property.

## CHAPTER 1682

*An act to amend Section 442.10 of the Health and Safety Code, as added by Chapter 1242 of the Statutes of 1971, and to amend Section 2 of Chapter 1242 of the Statutes of 1971, relating to care facilities, and making an appropriation therefor.*

[Approved by Governor December 3, 1971. Filed with Secretary of State December 3, 1971.]

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

SECTION 1. Section 442.10 of the Health and Safety Code, as added by Chapter 1242 of the Statutes of 1971, is amended to read:

442.10. For the purposes of funding such contracts of the commission as are authorized by the provisions of this part and for meeting the costs of the commission in carrying out its duties in the administration thereof, fees shall be collected by the State Department of Public Health as follows and shall be deposited in the California Hospital Commission Fund which is hereby established:

(a) Every Section 441.2 hospital is hereby charged a special fee of 0.02 of 1 percent of the hospital's gross operating cost for the provision of health care services for its last fiscal year ending on or before June 30, 1971. The fee shall be due on the first day of the first calendar month which commences after the effective date of this section, and delinquent on the last day of the first calendar month which commences after the effective date of this section, and shall be collected by the State Department of Public Health, except that institutions included under Section 441.2 which are licensed pursuant to Chapter 1 (commencing with Section 7000) of Division 7 of the Welfare and Institutions Code shall pay such fee to the Director of Mental Hygiene who shall transmit the funds received to the Director of Public Health. Institutions included in Section 441.2 which are exempt from licensure pursuant to the provisions of Section 1415 shall pay the fee required by this subdivision to the Department of Public Health within the time schedules provided in this section.

(b) For 1973 and every year thereafter, the State Department of Public Health shall, concurrent with applications for licensure, set, and charge to, and collect from all Section 441.2 hospitals a special fee, which shall be due on January 1 and delinquent on January 31 of each year beginning with the year 1973, of not more than 0.02 of 1 percent of the hospital's gross operating cost for the provision of health care services for its last fiscal year which ended on or before June 30 of the preceding calendar year. Each year the Director of Public Health shall, after consultation with the commission, establish the fee

to produce revenues equal to the appropriation for these purposes in the budget act for the current fiscal year. The director shall immediately notify the Director of Mental Hygiene of the amount of such fee and the Department of Mental Hygiene shall collect such fee from all hospitals licensed by the Department of Mental Hygiene pursuant to Chapter 1 (commencing with Section 7000) of Division 7 of the Welfare and Institutions Code which are included within the definition of Section 441.2. All funds received by the Department of Mental Hygiene from such fees shall be transmitted to the Director of Public Health. Institutions included in Section 441.2 which are exempt from licensure pursuant to the provisions of Section 1415 shall pay the fee required by this subdivision to the State Department of Public Health within the time schedules provided in this section.

(c) Any amounts raised by the collection of the special fees provided for by subdivisions (a) and (b) of this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the commission in succeeding years, when appropriated by the Legislature, for expenditure under the provisions of this part and shall reduce the amount of such special fees which the State Department of Public Health is authorized to set and charge.

(d) No hospital against which the fees required by this section are charged shall be issued a license or have an existing license renewed unless the fees are paid; nor shall any hospital, which is exempt from licensure pursuant to the provisions of Section 1415, but is a Section 441.2 hospital, be permitted to continue to operate without the payment of the fees required by this section. The commission may bring an action to enjoin the violation or threatened violation of this subdivision in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this subdivision 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 the commission 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.

The license of any hospital against which the fees required by this section are charged for the year 1972 shall be revoked, after notice and hearing, if it is determined by the department by which such hospital is licensed that the fee for 1972 was not paid within the time prescribed by subdivision (a).

SEC. 2. Section 2 of Chapter 1242 of the Statutes of 1971 is amended to read:

Sec. 2. There is hereby appropriated as of the last day of the first calendar month which commences after the effective date of this section, from the California Hospital Commission Fund established pursuant to the provisions of Section 442.10

of the Health and Safety Code as enacted by Section 1 of this act, the sum of five hundred thousand dollars ($500,000) to the California Hospital Commission for expenditure by the commission during the 1971–1972 fiscal year in carrying out the provisions of Part 1.7 (commencing with Section 440) of Division 1 of the Health and Safety Code as enacted by Section 1 of this act.

---

## CHAPTER 1683

*An act to amend Section 1063.3 of the Insurance Code, relating to the California Insurance Guarantee Association.*

[Approved by Governor December 3, 1971. Filed with Secretary of State December 3, 1971 ]

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

SECTION 1. Section 1063.3 of the Insurance Code is amended to read:

1063.3. (a) The association shall have authority to submit reports and make recommendations to the commissioner regarding the financial conditions of any member insurer. Such reports and recommendations shall not be public documents. There shall be no liability on the part of, and no cause of action of any nature shall arise against, member insurers, the association or its agents or employees, the board of governors, or the commissioner or his authorized representatives, for any statements made by them in any reports or recommendations made hereunder. Nothing in this section shall authorize the association to audit the books of a member insurer.

(b) The board of governors of the association may, upon a two-thirds vote, request the commissioner to order an examination of any member insurer which the board in good faith believes may be in a financial condition hazardous to the policyholders or the public. The commissioner may begin such examination, which may be conducted as a National Association of Insurance Commissioners' examination. The cost of such examination shall be paid by the association, to the extent authorized by the board of governors, and the examination report shall be treated in the same manner as other reports, as provided in subdivision (a). The commissioner shall notify the board of governors when the examination is completed.

(c) The commissioner shall report to the board of governors when he has reasonable cause to believe that any member insurer examined, as provided in this section, or being examined, as provided in this section, at the request of the board may be insolvent or in a financial condition hazardous to the policyholders or the public.

# CHAPTER 1684

*An act to amend Sections 682, 683, and 690.6 of, and to add Section 682.3 to, the Code of Civil Procedure, relating to levies of execution.*

[Approved by Governor December 3, 1971 Filed with Secretary of State December 3, 1971]

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

SECTION 1. Section 682 of the Code of Civil Procedure is amended to read:

682. The writ of execution must be issued in the name of the people, sealed with the seal of the court, and subscribed by the clerk or judge, and be directed to the sheriff, constable, or marshal, and it must intelligibly refer to the judgment, stating the court, the county, and in municipal and justice courts, the judicial district, where the judgment is entered, and if it be for money, the amount thereof, and the amount actually due thereon, and if made payable in a specified kind of money or currency, as provided in Section 667, the execution must also state the kind of money or currency in which the judgment is payable, and must require the officer to whom it is directed to proceed substantially as follows:

1. If it be against the property of the judgment debtor, it must require such officer to satisfy the judgment, with interest, out of the personal property of such debtor, or if it is against the earnings of such debtor, such levy shall be made in accordance with Section 682.3, and if sufficient personal property cannot be found, then out of his real property; or if the judgment be a lien upon real property, then out of the real property belonging to him on the day when the abstract of judgment was filed as provided in Section 674 of this code, or at any time thereafter.

2. If it be against real or personal property in the hands of the personal representatives, heirs, devisees, legatees, tenants, or trustees, it must require such officer to satisfy the judgment, with interest, out of such property.

3. If it be against the person of the judgment debtor, it must require such officer to arrest such debtor and commit him to the jail of the county until he pay the judgment, with interest, or be discharged according to law.

4. If it be issued on a judgment made payable in a specified kind of money or currency, as provided in Section 667, it must also require such officer to satisfy the same in the kind of

money or currency in which the judgment is made payable, and such officer must refuse payment in any other kind of money or currency; and in case of levy and sale of the property of the judgment debtor, he must refuse payment from any purchaser at such sale in any other kind of money or currency than that specified in the execution. Any such officer collecting money or currency in the manner required by this chapter, must pay to the plaintiff or party entitled to recover the same, the same kind of money or currency received by him, and in case of neglect or refusal to do so, he shall be liable on his official bond to the judgment creditor in three times the amount of the money so collected.

5. If it be for the delivery of the possession of real or personal property, it must require such officer to deliver the possession of the same, describing it, to the party entitled thereto, and may at the same time require such officer to satisfy any cost, damages, rents, or profits recovered by the same judgment, out of the personal property of the person against whom it was rendered, and the value of the property for which the judgment was rendered to be specified therein if a delivery thereof cannot be had; and if sufficient personal property cannot be found, then out of the real property, as provided in the first subdivision of this section.

SEC. 2. Section 682.3 is added to the Code of Civil Procedure, to read:

682.3. (a) Whenever the levy of execution is against the earnings of a judgment debtor, the employer served with the writ of execution shall withhold the amount specified in the writ from earnings then or thereafter due to the judgment debtor and not exempt under Section 690.6, and shall pay such amount, each time it is withheld, to the sheriff, constable or marshal who served the writ. If such person shall fail to pay each amount to the sheriff, constable or marshal, the judgment creditor may commence a proceeding against him for the amounts not paid. The execution shall terminate and the person served with the writ shall cease withholding sums thereunder when any one of the following events takes place:

(1) Such person receives a direction to release from the levying officer. Such release shall be issued by the levying officer in any of the following cases:

(a) Upon receipt of a written direction from the judgment creditor.

(b) Upon receipt of an order of the court in which the action is pending, or a certified copy of such order, discharging or recalling the execution or releasing the property. This subdivision shall apply only if no appeal is perfected and undertaking executed and filed as provided in Section 917.2 or a certificate to that effect has been issued by the clerk of the court.

(c) In all other cases provided by law.

(2) Such person has withheld the full amount specified in the writ of execution from the judgment debtor's earnings.

(3) The judgment debtor's employment is terminated by a resignation or dismissal at any time after service of the execution and he is not reinstated or reemployed within 90 days after such termination.

(4) A period of 90 days has passed since the time such person was served with the writ of execution.

(b) At any time after a levy on his earnings the judgment debtor may proceed to claim a full exemption of his earnings in accordance with the provisions of Sections 690.6 and 690.50 within 10 days of the date of the levy of execution. The exemption so claimed shall extend to any wages withheld pursuant to the levy of execution whether or not withheld after the claim of exemption is filed.

(c) Subject to the provisions of Section 690.50, the sheriff, constable or marshal who serves the writ of execution and receives the amounts withheld from the judgment debtor's earnings, shall account for and pay to the person entitled thereto, all sums collected under the writ, less his lawful fees and expenses at least once every 30 days, and make return on collection thereof to the court.

SEC. 3. Section 683 of the Code of Civil Procedure is amended to read:

683. The execution may be made returnable, at any time not less than 10 nor more than 60 days after its receipt by the officer to whom it is directed, or, if the execution is upon the earnings of the judgment debtor, upon the termination of the levy of execution as provided in Section 682.3, to the court in which the judgment is entered. When the execution is returned, the clerk must attach it to the judgment roll, or the judge must make the proper entry in the docket.

If an execution is returned unsatisfied, another may be afterward issued within the time specified in this code.

If property either personal or real be levied upon under such writ of execution but the sale thereunder be postponed beyond or not held within the return date after it is received by the officer to whom it was delivered and which has been returned to the clerk of the court in which the judgment is entered, upon request of the person in whose favor the writ runs the court may direct the clerk to redeliver said execution to the officer to whom it was directed in order to permit the officer to make an alias return of the proceedings of the sale or levy thereon as in the case of an original return of execution.

SEC. 4. Section 690.6 of the Code of Civil Procedure is amended to read:

690.6. (a) Except as provided in Section 11489 of the

Welfare and Institutions Code, all of the earnings of the debtor due or owing for his personal services shall be exempt from levy of attachment without filing a claim for exemption as provided in Section 690.50.

(b) One-half or such greater portion as is allowed by statute of the United States, of the earnings of the debtor due or owing for his personal services rendered at any time within 30 days next preceding the date of a withholding by the employer under Section 682.3, shall be exempt from execution without filing a claim for exemption as provided in Section 690.50.

(c) All of such earnings, if necessary for the use of the debtor's family residing in this state and supported in whole or in part by the debtor, unless the debts are:

(1) Incurred by the debtor, his wife, or his family for the common necessaries of life.

(2) Incurred for personal services rendered by any employee or former employee of the debtor.

(d) The court shall determine the priority and division of payment among all of the creditors of a debtor who have levied an execution upon nonexempt earnings upon such basis as is just and equitable.

(e) Any creditor, upon motion, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the priority and division of payment among all the creditors of the debtor who have levied an execution upon nonexempt earnings pursuant to this section.

SEC. 5. Section 690.6 of the Code of Civil Procedure is amended to read:

690.6 (a) Except as provided in Section 11489 of the Welfare and Institutions Code, all of the earnings of the debtor received for his personal services shall be exempt from levy of attachment without filing a claim for exemption as provided in Section 690.50.

(b) One-half or such greater portion as is allowed by statute of the United States, of the earnings of the debtor received for his personal services rendered at any time within 30 days next preceding the date of a withholding by the employer under Section 682.3, shall be exempt from execution without filing a claim for exemption as provided in Section 690.50.

(c) All earnings of the debtor received for his personal services rendered at any time within 30 days next preceding the levy of execution, if necessary for the use of the debtor's family residing in this state and supported in whole or in part by the debtor, unless the debts are:

(1) Incurred by the debtor, his wife, or his family for the common necessaries of life.

(2) Incurred for personal services rendered by any employee or former employee of the debtor.

(d) The court shall determine the priority and division of payment among all of the creditors of a debtor who have levied an execution upon nonexempt earnings upon such basis as is just and equitable.

(e) Any creditor, upon motion, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the priority and division of payment among all the creditors of the debtor who have levied an execution upon nonexempt earnings pursuant to this section.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill No. 2172 are both chaptered and amend Section 690.6 of the Code of Civil Procedure, and this bill is chaptered after Assembly Bill No. 2172, that the amendments to Section 690.6 proposed by both bills be given effect and incorporated in Section 690.6 in the form set forth in Section 5 of this act. Therefore, Section 5 of this act shall become operative only if this bill and Assembly Bill No. 2172 are both chaptered, both amend Section 690.6, and Assembly Bill No. 2172 is chaptered before this bill, in which case Section 4 of this act shall not become operative.

## CHAPTER 1685

*An act to amend Section 54 of Chapter 577 of the Statutes of 1971, and to amend Sections 14005.12, 14005.6, 14057, 14105.3, 14106.2, 14132, and 14134 of, to add Section 14005.5 to, and to add Article 5.5 (commencing with Section 14180) to Chapter 7 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to health care and services, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 8, 1971 Filed with Secretary of State December 8, 1971.]

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

SECTION 1. Section 54 of Chapter 577 of the Statutes of 1971 is amended to read:

Sec. 54. The provisions of this act in no way eliminate fiscal obligation incurred prior to October 1, 1971, by any county or the state under the provisions of Article 5 (commencing with Section 14150) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code in effect prior to October 1, 1971. After September 30, 1971, all uncollected county share amounts under said Article 5 due the state for prior periods remain an obligation of the county to the state.

However, in any event the total county share toward the costs for health care and administration for the 1971–1972 fiscal year shall be the amount specified in Section 14150.

SEC. 2. Section 14005.12 of the Welfare and Institutions Code is amended to read:

14005.12. For the purposes of Section 14005.7 the amount considered as required for maintenance per month, exclusive of special need, shall be the minimum basic standards of adequate care determined pursuant to Section 11452 of this code, except that the standard for a single person shall be 85 percent of the standard for a two-person family under Section 11452; provided, 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. 3. Section 14005.5 is added to the Welfare and Institutions Code, to read:

14005.5. The director shall adopt regulations to provide that costs of health care services shall be deducted from gross income in determining the net income of a person or a family to be applied to the eligibility standard established by Sections 14005.4 and 14005.6. As used herein, "costs of health care services" means costs of services which were received by the applicant or his family in the period during which income is to be considered, for which the applicant has paid or has indebtedness, and is not a claim against the Medi-Cal program and for which the applicant will not be reimbursed by a third party.

SEC. 4. Section 14005.6 of the Welfare and Institutions Code is amended to read:

14005.6. (a) When a person is not eligible for aid under any of the chapters set forth in Section 14005.1, but meets all of the following conditions, he is eligible for health care benefits or services under Section 14005:

(1) He or his family meet the income and resource requirements for aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of this code, except that the minimum basic standard of adequate care for a single person living alone shall be 75 percent of the standard for a two-person family under Section 11452;

(2) He resides within the state;

(3) He is a citizen of the United States, or has been legally present in the United States for a period of five years immediately preceding the date of application for Medi-Cal coverage, or who has applied for citizenship;

(4) He is 21 years of age or older, or has entered into a ceremonial marriage; and

(5) He is not receiving adequate financial contributions toward his support and cost of health care from a husband

or wife or parent or adult child able to and responsible for support under the laws of this state.

(b) Any person who has a legal obligation under pertinent sections of the Civil Code to support a person who is eligible under this section to receive health care services, shall complete a statement containing such financial information as may be deemed reasonably necessary by the department for the county to determine his ability to support the applicant. Any such person who fails or refuses to complete such statement, or who furnishes or reports false or misleading financial information, is guilty of a misdemeanor.

A responsible relative shall be required to pay towards the cost of health care services of a beneficiary under this chapter, the amount for which he would be liable under pertinent sections of the Civil Code.

The duty to support under this section shall be enforced by the county which determined the eligibility of the person to whom support is owed.

The failure of a responsible relative to comply with this section shall in no way affect the eligibility for health care services of the person for whom he is responsible.

SEC. 5. Section 14057 of the Welfare and Institutions Code is amended to read:

14057. "Carrier" means:

(a) a private insurance company holding a valid outstanding certificate of authority from the Insurance Commissioner of the state;

(b) a medical society or other medical group;

(c) an association of insurers organized under Article 6.7 (commencing with Section 795) of Chapter 1, Part 2, of Division 1 of the Insurance Code;

(d) a nonprofit hospital service plan qualifying under Chapter 11A (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code;

(e) a nonprofit membership corporation, or health benefits plan administered by or through such corporation, lawfully operating under Section 9200 or Section 9201 of the Corporations Code, when such corporation is lawfully engaged in providing, arranging, paying for, or reimbursing the cost of personal health services under insurance policies or contracts, medical and hospital service agreements, or membership contracts;

(f) a county hospital system; or

(g) a person or organization registered under the Knox-Mills Health Plan Act.

SEC. 6. Section 14105.3 of the Welfare and Institutions Code is amended to read:

14105.3. The department is considered to be the purchaser, but not the dispenser or distributor, of prescribed drugs under the Medi-Cal program for the purpose of enabling the department to obtain from each manufacturer of prescribed drugs the most favorable price for such drugs furnished by

that manufacturer, based upon the large quantity of such drugs purchased under the Medi-Cal program, and to enable the department, notwithstanding any other provision of California law, to obtain from such manufacturers discounts, rebates, or refunds based on such quantities purchased under said program, insofar as may be permissible under federal law. Nothing in this section shall interfere with usual and customary distribution practices in the drug industry.

SEC. 7. Section 14106.2 of the Welfare and Institutions Code is amended to read:

14106.2. (A) No carrier shall be deemed to transact insurance or to be subject to any provision of the Insurance Code by virtue of negotiating, executing, or performing a prepayment contract under this chapter, or by virtue of compliance with the provisions of such a prepayment contract, including, but not limited to, creation, segregation, or maintenance of security to protect or safeguard the performance of such a prepayment contract. The director may require such security in respect to any such contract including, but not limited to, securities, surety bonds, or evidences of governmental debt, of the kinds, in the manner, and to the extent provided by the prepayment contract.

(B) Prepaid health plans to which the state is a party under the provisions of this chapter, and contracts and arrangements embodying such plans shall not be subject to the provisions of law prescribing the forms of hospital or medical service or insurance contracts or requiring approval thereof or of the form thereof, by any state officer or agency except the director or the department.

This exemption applies, but is not limited to: (a) Chapter 4 (commencing with Section 10270) of Part 2 of Division 2 of the Insurance Code, (b) Section 11069 of the Insurance Code, (c) Section 11513 of the Insurance Code, and (d) the Knox-Mills Health Plan Act. However, the exemption provided for in this section shall not exempt any insurer subject to taxation under Part 7 (commencing with Section 12001) of Division 2 of the Revenue and Taxation Code from the tax imposed under such part on gross premiums derived from contracts under this chapter.

SEC. 8. Section 14132 of the Welfare and Institutions Code is amended to read:

14132. The following is the basic schedule of benefits under this chapter:

(a) Outpatient services are covered as follows:

Physician, hospital outpatient, optometric, chiropractic, psychology, podiatric, occupational therapy, physical therapy, speech therapy, audiology, and services of persons rendering 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.

The extent of such coverage is limited to a maximum total of two services from among the above in any month, and not to exceed twenty-four (24) services from among the above during any period of twelve (12) consecutive months; provided however that only as to physician outpatient services, any visits unused during the month immediately preceding the current month may be used in the current month, subject to the limitation that physician and other services from among the above shall not be covered in excess of twenty-four (24) among all such services during any period of twelve (12) consecutive months. As to hospital outpatient services, the above limitation on extent of coverage shall not apply to the services set forth in subdivisions (e), (f), (g), (h), (*l*), and (m) when rendered as part of a hospital outpatient visit.

(b) Hospital inpatient care, including physician services, is covered to a maximum of sixty-five (65) days in a period of twelve (12) consecutive months, subject to utilization controls.

(c) Nursing home care, including physician services and prescription drugs, subject to the Medi-Cal Drug Formulary, are covered to the extent of a full year of service in any period of twelve (12) consecutive months, subject to utilization controls. Other covered services listed in subdivision (a) of this section shall be subject to outpatient service controls described in subdivision (a) of this section.

(d) Purchase of prescription drugs is covered, but not to exceed two prescriptions purchased during any one month, as prescribed, subject to the Medi-Cal Drug Formulary.

(e) Hospital outpatient dialysis services and home hemodialysis services, including physician services, medical supplies, drugs and equipment required for dialysis, are covered, subject to utilization controls.

(f) Outpatient laboratory and outpatient X-ray services are covered to the extent prescribed.

(g) Blood and blood derivatives are covered.

(h) Emergency and essential diagnostic and restorative dental services, except for orthodontic, fixed bridgework, and partial dentures that are not necessary for balance of a complete artificial denture, are covered, subject to utilization controls. Notwithstanding the foregoing, the director may by regulation provide for certain artificial dentures necessary for obtaining employment.

(i) Medical transportation is covered, subject to utilization controls.

(j) Home health care services are covered, subject to utilization controls.

(k) Prosthetic and orthotic devices and eyeglasses are covered, subject to utilization controls.

(*l*) Hearing aids are covered, subject to utilization controls.

(m) Durable medical equipment and medical supplies are covered, subject to utilization controls.

(n) Physical therapy services, occupational therapy services, speech therapy services and audiology services provided in re-

habilitation centers approved by the department are covered, subject to utilization controls and approval by the department of extended treatment plans.

SEC. 9. Section 14134 of the Welfare and Institutions Code is amended to read:

14134. To achieve and assure proper utilization of services and facilities under this chapter, copayment by the person to whom a Medi-Cal card has been issued is required under the basic schedule of benefits for services and articles set forth in this section in all cases where not prohibited by federal law or regulations; provided, however, that copayment is not required of any person determined by the county as having no income, personal resources and real property. For the purposes of this section, property used as a home by the beneficiary or by dependents for whom the beneficiary is legally responsible, furniture and clothing, the cash value of life insurance, and the first two hundred fifty dollars ($250) of personal property held by the individual or family up to and including seven members shall be exempted as a resource. An additional thirty-six dollars ($36) of personal property shall be exempt for each additional family member. In addition equity in a motor vehicle with a market value of under one thousand five hundred dollars ($1,500) shall be exempted as a personal resource for each individual or family having such equity. For purposes of this section, such parts of social security and railroad retirement payments as are exempt from consideration in the determination of public assistance grants by federal law or regulations shall not be considered as income. If a beneficiary has income which, when combined with his actual grant, if any, results in an income in excess of the amount to which he or his family would be entitled if they were solely dependent upon a public assistance grant, then he shall be required to copay. Medi-Cal payment to providers for the following services and articles shall be reduced by an amount equal to the amount of copayment required herein.

(a) For each outpatient visit to or by a provider, which is not subject to prior authorization, one dollar ($1).

(b) For each prescribed drug, fifty cents ($0.50).

This section shall cease to be operative on June 30, 1973.

SEC. 10. Article 5.5 (commencing with Section 14180) is added to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

### Article 5.5. The Medical Therapeutics and Drug Advisory Committee

14180. There is in the Department of Health Care Services the Medical Therapeutics and Drug Advisory Committee, hereinafter referred to as the committee.

14181. The committee shall consist of nine members as follows:

(a) Four members who are physicians licensed under the provisions of Chapter 5 (commencing with Section 2000) of

Division 2 of the Business and Professions Code, each of whom shall have at least five years' experience in the practice of medicine.

(b) Four members who are pharmacists licensed under the provisions of Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code, each of whom shall have at least five years' experience in the practice of pharmacy.

(c) One member who is licensed either as provided in paragraph (a) or (b) of this section, and who shall have at least five years' experience teaching pharmacology to medical students in an approved medical school in this state.

14182. The members of the committee shall be appointed by the Governor and shall hold office at his pleasure. The Governor shall designate one member as the chairman, who shall preside at meetings of the committee.

14183. The members of the committee shall receive their actual and necessary travel and other expenses incurred in the performance of official committee duties.

14184. The committee shall:

(a) Review drugs on the Medi-Cal Drug Formulary and make written recommendations to the director as to the addition of any drug to or the deletion of any drug from said formulary.

(b) Review and report in writing to the director as to the comparative therapeutic effect of drugs in accordance with Section 14053.5.

SEC. 11. Notwithstanding the provisions of Chapter 577 of the 1971 Statutes, reimbursement shall be made for Medi-Cal services which were authorized under an approved treatment plan prior to October 1, 1971. Nothing in the provisions of Chapter 577 of the 1971 Statutes shall be construed to require or authorize the revocation of authorization approved prior to October 1, 1971.

SEC. 12. Section 10 of this act shall become operative on the 61st day after final adjournment of the 1971 Regular Session of the Legislature.

SEC. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to carry out the intent expressed in the Medi-Cal Reform Act of 1971, to reform the Medi-Cal program, to extend health care coverage to approximately 800,000 additional medically needy Californians, to restructure the scope of benefits to provide tax savings and more equitable cost sharing to the counties, to facilitate increased use of prepaid health plans, and to assure an orderly transition from the existing program, it is necessary that this act take effect immediately.

# CHAPTER 1686

*An act to amend Section 11018 of the Business and Professions Code, relating to subdivision of land.*

[Approved by Governor December 10, 1971 Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 11018 of the Business and Professions Code is amended to read:

11018. The Real Estate Commissioner shall make an examination of any subdivision, and shall, unless there are grounds for denial, issue to the subdivider a public report authorizing the sale or lease in this state of the lots or parcels within the subdivision. The report shall contain the data obtained in accordance with Section 11010 and which the commissioner determines are necessary to implement the purposes of this article. The commissioner may publish the report.

The grounds for denial are:

(a) Failure to comply with any of the provisions in this chapter or the regulations of the commissioner pertaining thereto.

(b) The sale or lease would constitute misrepresentation to or deceit or fraud of the purchasers or lessees.

(c) Inability to deliver title or other interest contracted for.

(d) Inability to demonstrate that adequate financial arrangements have been made for all offsite improvements included in the offering.

(e) Inability to demonstrate that adequate financial arrangements have been made for any community, recreational or other facilities included in the offering.

(f) Failure to make a showing that the parcels can be used for the purpose for which they are offered; and in the case of a subdivision being offered for residential purposes failure to make a showing that vehicular access and a source of potable domestic water either is available or will be available.

(g) Failure to provide in the contract or other writing the use or uses for which the parcels are offered, together with any covenants or conditions relative thereto.

(h) Agreements or bylaws to provide for management or other services pertaining to common facilities in the offering, which fail to comply with the regulations of the commissioner.

(i) Failure to demonstrate that adequate financial arrangements have been made for any guaranty or warranty included in the offering.

# CHAPTER 1687

*An act relating to duplication of property taxes to finance fire protection, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. It has come to the attention of the Legislature that some cities have failed to adopt in a timely fashion a resolution to exempt property taxpayers within the city from county taxes to finance fire protection, since the city tax rate provides for such protection, or having adopted such a resolution in a timely fashion, the city failed to file such resolution with the county within the time prescribed by law. Thus, the property taxpayers within such cities have, in effect, paid twice for the same service in the 1971–1972 fiscal year. They have paid the cities for fire protection which the cities, in fact, provide, and they have paid taxes to the county for fire protection which the county does not provide within such cities.

SEC. 2. (a) If the legislative body of any city determines that the property taxpayers within such city have paid twice for fire protection in the manner described in Section 1, it may, by ordinance, appropriate from any funds available for such purpose a sum sufficient to refund to taxpayers an amount equal to the total amount of county taxes attributable to such item for the 1971–1972 fiscal year, plus any penalties and interest paid which are attributable to the tax imposed for such item. Upon adoption of an ordinance pursuant to this section, the legislative body of the city shall immediately cause a certified copy of the ordinance to be transmitted to the board of supervisors of the county in which the city is located.

(b) If an ordinance is adopted pursuant to subdivision (a) of this section, it shall specify the amount of the refunds and shall provide for the time and manner in which the refunds shall be made. Such refunds shall be made to the person who paid the tax or to his guardian, executor, or administrator. As used in this subdivision, "person" includes any person, firm, partnership, association, corporation, company, syndicate, estate, trust, business trust, or organization of any kind.

(c) If an ordinance is adopted pursuant to subdivision (a) of this section, a county, as soon as is practicable following receipt of the certified copy of such ordinance, shall reduce the total county tax rate for fiscal year 1971–1972 levied on tax-delinquent, secured property within the city by the amount levied upon such property for purposes of financing county fire protection services. The interest and penalties attributable to such delinquent taxes shall be canceled.

SEC. 3. If a county receives a copy of an ordinance under Section 2 of this act, the county may impose an additional tax on all property on which a tax is imposed for fire protection within the county for the 1972–1973 fiscal year, or for the 1972–1973 and 1973–1974 fiscal years if it has elected in the contract executed pursuant to Section 5 of this act to amortize payment of the total amount specified in the contract over a period not to exceed two years. Such additional tax shall be in the amount agreed upon pursuant to Section 5 of this act, and shall be levied and collected in all respects as a county tax for the 1972–1973 fiscal year, or for the 1972–1973 and 1973–1974 fiscal years, as the case may be.

SEC. 4. The legislative body of a city adopting an ordinance pursuant to this act may provide that the ordinance shall take effect immediately.

SEC. 5. The legislative body of a city which adopts an ordinance pursuant to this act and the board of supervisors of the county which levies and collects the city's taxes shall, by contract, agree that the county shall reimburse the city for all refunds made pursuant to subdivision (b) of Section 2 of this act, which amount shall be reduced by the amount of all incidental costs incurred by the county arising by reason of the operation of any ordinance or county tax rate adopted under this act. Such contract may provide for the amount of the additional county tax imposed pursuant to Section 3 of this act, and such amount shall be sufficient to compensate the city for the amount refunded pursuant to subdivision (b) of Section 2 of this act. The contract may also provide for the manner in which the county shall pay to the city the amount agreed upon. The county may elect in the contract to amortize payment of the total amount specified in the contract over a period not to exceed two years.

SEC. 6. Upon request of the legislative body of a city which has adopted an ordinance pursuant to Section 2 of this act, the county in which the city is located shall furnish the city with any data or information required by the city in making the refund as provided in this act.

SEC. 7. This act shall remain in effect until the 61st day after the final adjournment of the 1974 Regular Session of the Legislature, and shall have no force or effect on or after that date.

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:

Certain cities have failed to file with the board of supervisors the resolution as required by Section 25643 of the Government Code and as a result their residents may suffer great economic hardship due to increased property taxes unless this act is given immediate effect.

## CHAPTER 1688

*An act to amend Section 10900 of the Welfare and Institutions Code, relating to public social services.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 10900 of the Welfare and Institutions Code is amended to read:

10900. The department shall, within the limits of funds made available, provide welfare personnel training courses and services, including in-service training, educational leaves or stipends, traineeships, internships, and the expansion of fieldwork training facilities within county departments for the use of colleges and universities in preparing students for employment in the administration of public social services programs. The training courses and services provided pursuant to this section shall be designed to promote welfare personnel training in every county in this state, which will provide the quality and quantity of trained personnel required to eliminate or reduce the circumstances or conditions which impede or prevent an individual or a family from making progress toward proper social adjustment, self-support, and self-direction.

In-service training for county employees who engage in the determination of eligibility for public social services shall include special training in techniques designed to enable such employees to identify applications for public social services which require special investigation pursuant to Section 11055.

---

## CHAPTER 1689

*An act to amend Sections 15201, 15202, and 15203 of the Government Code, relating to the administration of justice, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 15201 of the Government Code is amended to read:

15201. As used in this chapter, "costs incurred by the county" mean all cost, except normal salaries and expenses, incurred by the county in bringing to trial or trials, including the trial or trials of, a person or persons for the offense of homicide, including costs, except normal salaries and expenses,

incurred by the district attorney in investigation and prosecution, by the sheriff in investigation, by the public defender or court-appointed attorney or attorneys in investigation and defense, and all other costs, except normal salaries and expenses, incurred by the county in connection with bringing the person or persons to trial including the trial itself including extraordinary expenses for such services as witness fees and expenses, court-appointed expert witnesses, reporter fees, and costs in preparing transcripts. Trial cost shall also include all pretrials, hearings, and postconviction proceedings, if any.

SEC. 2. Section 15202 of the Government Code is amended to read:

15202. A county which is responsible for the cost of a trial or trials or any hearing of a person for the offense of homicide may apply to the Director of Finance for reimbursement of the costs incurred by the county in excess of the amount of money derived by the county from a tax of five cents ($0.05) on each one hundred dollars ($100) on the property assessed for purposes of taxation within the county.

SEC. 3. Section 15203 of the Government Code is amended to read:

15203. If the county meets the conditions described in Section 15202 and applies to the Director of Finance for reimbursement pursuant to that section, and the Director of Finance determines that the reimbursement meets the provisions of Section 15201, he shall include any amounts necessary to fulfill the purposes of Section 15202 annually in a request for deficiency appropriation in augmentation of the emergency fund.

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

Serious crimes have been occurring in the state at an increasing rate. The financial ability of counties to furnish proper trials is limited. In order to fulfill the constitutional requirements of fair and speedy trials, it is necessary that increased financial assistance be immediately made available to the counties.

SEC. 5. This act shall apply to any costs, as defined in Section 15201 of the Government Code, incurred by a county on or after May 1, 1971.

---

## CHAPTER 1690

*An act to amend Section 198 of the Code of Civil Procedure, relating to jurors.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 198 of the Code of Civil Procedure is amended to read:

198. A person is competent to act as juror if he be:

1. A citizen of the United States of the age of 18 years who shall have been a resident of the state and of the county or city and county for one year immediately before being selected and returned;

2. In possession of his natural faculties and of ordinary intelligence and not decrepit;

3. Possessed of sufficient knowledge of the English language.

---

## CHAPTER 1691

*An act to repeal Section 6 of Chapter 520, Statutes 1969, relating to criminal justice, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 6 of Chapter 520, Statutes 1969 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:

Assembly Bill No. 394, which has been enacted as Chapter 121 of the Statutes of 1971, repeals Section 6 of Chapter 520 of the Statutes of 1969 which makes amendments to various sections of the Penal Code inoperative after December 31, 1971. However, Assembly Bill No. 394 will not take effect until after December 31, 1971. Therefore, it is necessary that this act go into immediate effect to permit such amendments to remain operative after December 31, 1971.

---

## CHAPTER 1692

*An act to amend Sections 1143, 1147, 1147.5 and 1148 of the Probate Code, relating to probate proceedings.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 1143 of the Probate Code is amended to read:

1143. When a public administrator takes possession of the estate of a decedent as provided in this chapter, and it appears that the total value of the estate of the decedent does not exceed two thousand dollars ($2,000), the public administrator may apply to the superior court of his county or a judge thereof for an order permitting him summarily to sell any personal property belonging to the decedent, and to withdraw any money of the decedent on deposit with any bank, and to collect any indebtedness or claim that may be owing to the decedent. The money received from any such sale or collection shall be used to pay commissions to the public administrator, and to defray the expenses of the burial of the decedent and the expenses of his last illness; the balance, if any, shall be used to pay other claims approved by the court; and there shall be no administration upon the estate unless additional property is discovered. No notice of the application need be given. The application may be filed whether or not there is a will of the decedent in existence, if the executor named therein refuses to act, or if the will does not appoint an executor.

SEC. 2. Section 1147 of the Probate Code is amended to read:

1147. The public administrator, as soon as he receives the same, shall deposit all moneys of the estate with the county treasurer of the county in which the proceedings are pending or with one or more banks authorized to do business in his county, or invest any amount thereof in an account or accounts in one or more insured savings and loan associations authorized to do business in his county, and if there is none then with any bank or in an account or accounts in one or more insured savings and loan associations in the state, whereupon he shall be discharged from further care or responsibility therefor until the money is withdrawn by him. Money deposited with the county treasurer or with a bank or invested in an account or accounts in one or more insured savings and loan associations may be withdrawn upon the order of the public administrator when required for the purposes of administration.

SEC. 3. Section 1147.5 of the Probate Code is amended to read:

1147.5. If money or other property is deposited by the public administrator, pursuant to the provisions of Section 1147, in any state or national bank, or invested in an account or accounts in one or more insured savings and loan associations, and if the deposits or investments belong (1) to known decedents' estates on which letters testamentary or letters of administration have never been issued or (2) to known decedents' estates on which letters testamentary or letters of administration have been issued but no decree of distribution

has been rendered, due to the absence of any parties interested in the estate or the failure of such parties diligently to protect their interests by taking reasonable steps for the purpose of securing a distribution of the estate, such money or other property remaining unclaimed at the expiration of five years from the date of such deposit, together with the increase and proceeds thereof, shall be presumed to be abandoned. The State Controller may, at any time following the expiration of said five-year period, file a petition in the superior court of the county in which the deposit or investment is held, setting forth the fact that the money or other property has remained on deposit or invested under such circumstances for such five-year period, and petitioning the court for an order declaring that such money or other property is presumptively abandoned and directing the holder of such money or other property to pay such money or other property to the State Treasurer or State Controller as herein provided.

Upon presentation of a certified copy of such court order, the holder of such money or other property shall forthwith transmit the same to the State Treasurer or State Controller for deposit in the State Treasury, as provided by Section 1310 of the Code of Civil Procedure. All money or other property deposited in the State Treasury under the provisions of this section shall be deemed to be deposited in the State Treasury under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, and shall be transmitted, received, accounted for and disposed of as provided by Title 10 of Part 3 of the Code of Civil Procedure.

SEC. 4. Section 1148 of the Probate Code is amended to read:

1148. The county treasurer shall receive and safely keep all such moneys deposited with him and pay them out upon the order of the public administrator when required for the purposes of administration. The county treasurer and his sureties are responsible upon his official bond for the safekeeping and payment of all such moneys, as herein provided.

After a final settlement of the estate, if there are no heirs or other persons entitled thereto, or if such heirs or other persons entitled thereto do not appear and claim the same, the county treasurer shall deliver to the State Treasurer or the State Controller all money and other personal property in his hands belonging to the estate, under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

---

## CHAPTER 1693

*An act to amend Section 53200 of the Government Code, relating to group insurance.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 53200 of the Government Code is amended to read:

53200. As used in this article:

(a) "Local agency" means a county, city, school district, district, municipal corporation, political subdivision, public corporation, or other public agency of the state.

(b) "Group life insurance" and "group policies of life insurance" includes "group annuities", and "group annuity contracts."

(c) "Legislative body" means the board of supervisors of a county or city, or the governing board, by whatever name called, of a school district, district, municipal corporation, political subdivision, public corporation, or other public agency of the state.

(d) "Health and welfare benefit" means any one or more of the following: hospital, medical, surgical, disability, or related benefits, whether provided on an insurance or a service basis, and includes group life insurance as defined in subdivision (b) of this section.

(e) "Employees" or "officers and employees" mean all employees and officers, including members of the legislative body, who are eligible under the terms of any plan of health and welfare benefits adopted by a local agency pursuant to this article.

---

## CHAPTER 1694

*An act to amend Sections 27004, 27166, and 27174.1 of, to amend and renumber Sections 27281a and 27300a of, and to repeal Sections 27281 and 27300 of, the Streets and Highways Code, and to amend Sections 1 and 8 of, to add Sections 4.4, 4.5, 4.6, 5.5, 8.1, 8.2, and 10 to, and to repeal Section 7 of, Chapter 805 of the Statutes of 1969, relating to bridge and highway districts.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 27004 of the Streets and Highways Code is amended to read:

27004. As used in this part, "tolls" include tolls, charges, rentals, rates, traffic charges, and other income and revenue actually received or receivable by, or for the account of, the district for the use and operation of equipment, rolling stocks, ferries, properties, and facilities for travel that are constructed, owned, operated, or maintained by the district.

SEC. 1.5. Section 27166 of the Streets and Highways Code is amended to read:

27166. The district may have and exercise, in the name of the district, the right of eminent domain for the condemnation of any property, whether such property is already devoted to the same use or another public use, or otherwise, necessary for the construction of bridges, or the approaches thereto, or highways leading thereto, or for the operation of the interim system of buses and ferries specified in Section 4.5 of Chapter 805 of the Statutes of 1969, or for the purpose of acquiring such portion of the Northwest Pacific Railroad Company's right of way, as may be needed to implement a proposed plan for transit services submitted by the district pursuant to Section 4.5 of Chapter 805 of the Statutes of 1969. The district may condemn any existing highway, or right-of-way, or any portion thereof, whether the same be publicly or privately owned. In any proceeding to exercise the right of eminent domain, the district shall have the same rights, powers, and privileges as the State of California. If property is condemned by the district, the district may take possession and use the property in accordance with the provisions of Section 1254 of the Code of Civil Procedure.

SEC. 2. Section 27174.1 of the Streets and Highways Code is amended to read:

27174.1. The district may adopt rules and regulations not inconsistent with the Vehicle Code for the control of traffic on any facility of travel constructed by the district, to aid and insure the safe and orderly flow of traffic, and shall so far as practicable notify the public of such rules and regulations by signs on such facility of travel. The district may also adopt rules and regulations pertaining to parking areas in conjunction with any facilities of travel constructed or maintained by the district. The district may also adopt rules and regulations governing the use of all modes of transportation owned, operated, or maintained by the district.

SEC. 3. Section 27281 of the Streets and Highways Code is repealed.

SEC. 4. Section 27281a of the Streets and Highways Code is amended and renumbered to read:

27281. The general manager shall furnish the board with an estimate of the tolls necessary to pay the obligations of the district. The board shall, upon the recommendation of the general manager, or such modifications thereof as it may adopt, fix such tolls as will:

(a) First, pay the operating expenses of the district.

(b) Second, provide for repairs and maintenance of works owned or operated by the district, including payments into a replacement fund for buses and ferries.

(c) Third, provide for the purchase, lease, or other acquisition of district equipment, supplies, and other properties, including provision for interest, sinking funds, reserve funds, or

other funds required for the payment of any obligations incurred by the district for the acquisition of such properties.

(d) Fourth, pay any indebtedness or lien that may exist against the district or any of its property or revenues.

SEC. 5. Section 27300 of the Streets and Highways Code is repealed.

SEC. 6. Section 27300a of the Streets and Highways Code is amended and renumbered to read:

27300. The board shall in each fiscal year set aside in separate funds out of the revenues of the works a sufficient sum to:

(a) First, pay the operating expenses of the district.

(b) Second, provide for repairs and maintenance of the works owned or operated by the district, including payments into a replacement fund for buses and ferries.

(c) Third, provide for the purchase, lease, or other acquisition of district equipment, supplies, and other properties, including provision for interest, sinking funds, reserve funds, or other funds required for the payment of any obligations incurred by the district for the acquisition of such properties.

(d) Fourth, pay any indebtedness or lien that may exist against the district or any of its property or revenues.

The revenues of the works are hereby pledged to the aforesaid purposes.

SEC. 6.5. Section 1 of Chapter 805 of the Statutes of 1969 is amended to read:

Section 1. The Legislature finds that in 1971 the Golden Gate Bridge, Highway and Transportation 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, Highway and Transportation District is directed to develop a transportation facilities plan.

SEC. 7. Section 4.4 is added to Chapter 805 of the Statutes of 1969, to read:

Sec. 4.4. For purposes of this act, "transit services" means the transportation of passengers and their incidental baggage by the district by means other than sightseeing ferryboats.

SEC. 8. Section 4.5 is added to Chapter 805 of the Statutes of 1969, to read:

Sec. 4.5. The district shall submit its plan for transit services, other than for the interim system of buses and ferries between the City and County of San Francisco and the Counties of Marin and Sonoma, to the Legislature by June 30, 1973.

The district may not, until 120 days after submission of the plan to the Legislature, expend any of its funds to imple-

ment the addition of a second deck to the Golden Gate Bridge or any other proposed plan for transit services, other than for its interim system of buses and ferries. It is the intention of the Legislature that the district's interim system of buses and ferries shall be the system outlined in the district's grant application to the Urban Mass Transportation Administration, dated May 21, 1971, entitled, "Application of the Golden Gate Bridge, Highway and Transportation District for a Mass Transportation Capital Grant under the Urban Mass Transportation Act of 1964." The district, however, may expend the necessary funds for planning purposes, and for the acquisition of rights-of-way necessary regardless of what type of transit system may be proposed in the transportation facilities plan submitted to the Legislature pursuant to Sections 4 and 4.5.

SEC. 9. Section 4.6 is added to Chapter 805 of the Statutes of 1969, to read:

Sec. 4.6. Notwithstanding Section 66508 of the Government Code, no long-range transportation plan of the district shall be adopted unless such plan is consistent with the regional transportation plan of the Metropolitan Transportation Commission and approved by the commission.

SEC. 10. Section 5.5 is added to Chapter 805 of the Statutes of 1969, to read:

Sec. 5.5. If the district constructs any rail transit lines, such lines, and the rolling stock and other facilities therefor, shall be coordinated with the system of the San Francisco Bay Area Rapid Transit District.

If the district constructs any tunnel within the Geary Corridor in the City and County of San Francisco, such tunnel and its underground stations shall be constructed so that the conversion of such facilities to physically accommodate the equipment used by the San Francisco Bay Area Rapid Transit District can be accomplished at a minimum cost.

SEC. 10.5. Section 7 of Chapter 805 of the Statutes of 1969 is repealed.

SEC. 11. Section 8.1 is added to Chapter 805 of the Statutes of 1969, to read:

Sec. 8.1. It is the intention of the Legislature that the district pursue all avenues to obtain federal financing for both its interim transit system and any long-range transportation facilities approved by the Metropolitan Transportation Commission. Furthermore, the district shall take no action which may preclude it from obtaining federal grants-in-aid if such grants are reasonably anticipated. Furthermore, the district shall encourage minority enterprise to the maximum extent practicable.

SEC. 12. Section 8.2 is added to Chapter 805 of the Statutes of 1969, to read:

Sec. 8.2. Except for the necessity to finance its interim plan, the district shall not issue, or cause to be issued, general

obligation, revenue bonds, or any other form of long-term indebtedness.

SEC. 13. Section 8 of Chapter 805 of the Statutes of 1969 is amended to read:

Sec. 8. Prior to the expenditure of any funds pursuant to Section 4.5, the board of directors shall determine:

(a) The amount which the counties, and the transit districts therein, 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. The method of computing and receiving such amount shall be the method provided for in the district's Resolution No. 7030, adopted May 8, 1970.

(b) That the board of supervisors of these counties, and the transit districts therein, have made a commitment to contribute the amount specified in subdivision (a).

SEC. 14. Section 10 is added to Chapter 805 of the Statutes of 1969, to read:

Sec. 10. For purposes of this act, "district" means the Golden Gate Bridge, Highway and Transportation District or its successor.

---

## CHAPTER 1695

*An act to amend Section 830.3 of the Penal Code, relating to peace officers.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 830.3 of the Penal Code is amended to read:

830.3. (a) The Deputy Director and the Assistant Director of the Department of Justice, the Chief, Assistant Chief, and special agents of the Bureau of Criminal Identification and Investigation, the Chief, Assistant Chief, and narcotics agents of the Bureau of Narcotic Enforcement, and such investigators who are so designated by the Attorney General, are peace officers.

The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(b) Any inspector or investigator regularly employed and paid as such in the office of a district attorney is a peace officer.

The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed, or which there is probable cause to believe has been committed, within the county which employs him; or

(2) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

(c) The Director of the Department of Alcoholic Beverage Control and persons employed by such department for the enforcement of the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any premises licensed pursuant to the Alcoholic Beverage Control Act.

(d) The Chief and investigators of the Division of Investigation of the Department of Consumer Affairs are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.

(e) Members of the Wildlife Protection Branch of the Department of Fish and Game deputized pursuant to Section 856 of the Fish and Game Code, deputies appointed pursuant to Section 851 of such code, and county fish and game wardens appointed pursuant to Section 875 of such code are peace officers; provided, that the primary duty of deputized members of the Wildlife Protection Branch, and the exclusive duty, except as provided in Section 1509.7 of the Military and Veterans Code, of any other peace officer listed in this subdivision, shall be the enforcement of the provisions of the Fish and Game Code, as such duties are set forth in Sections 856, 851 and 878, respectively, of such code.

(f) The State Forester and such employees or classes of employees of the Division of Forestry of the Department of Conservation and voluntary fire wardens as are designated by him pursuant to Section 4156 of the Public Resources Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of such code.

(g) Officers and employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 1655 of such code.

(h) The secretary, chief investigator, and racetrack investigators of the California Horse Racing Board are peace of-

ficers; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any horseracing enclosure licensed pursuant to the Horse Racing Law.

(i) Police officers of a regional park district, appointed or employed pursuant to Section 5561 of the Public Resources Code, and officers and employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of such code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as such duties are set forth in Sections 5561 and 5008, respectively, of such code.

(j) Policemen of the San Francisco Port Authority are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to the San Francisco Harbor, as that duty is set forth in Part 1 (commencing with Section 1690) of Division 6 of the Harbors and Navigation Code.

(k) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 13104 of such code.

(*l*) Members of an arson-investigating unit, regularly employed and paid as such, of a fire protection agency of the state, of a county, city, or district, and members of a fire department of a local agency regularly paid and employed as such, are peace officers; provided, that the primary duty of arson investigators shall be the detection and apprehension of persons who have violated or who are suspected of having violated any fire law, and the exclusive duty, except as provided in Section 1509.7 of the Military and Veterans Code, of fire department members other than arson investigators when acting as peace officers shall be the enforcement of laws relating to fire prevention and fire suppression. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, members of fire departments other than arson investigators are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(m) The Chief and such inspectors of the Bureau of Food and Drug Inspections as are designated by him pursuant to subdivision (a) of Section 216 of the Health and Safety Code are peace officers; provided, that the exclusive duty of any

such peace officer shall be the enforcement of the law as that duty is set forth in Section 216 of such code.

(n) Persons designated by a local agency as park rangers, and regularly employed and paid as such, are peace officers; provided, that the primary duty of any such peace officer shall be the protection of park property and preservation of the peace therein. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, such park rangers are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(o) Members of a community college police department appointed pursuant to Section 25429 of the Education Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section 25429 of the Education Code.

(p) All investigators of the Division of Labor Law Enforcement, as designated by the Labor Commissioner, are peace officers; provided that the primary duty of any such peace officer shall be enforcement of the law as prescribed in Section 95 of the Labor Code.

(q) The authority of any peace officer listed in subdivisions (c) through (p), inclusive, extends to any place in the state; provided, that except as otherwise provided in this section, Section 830.6, or Section 1509.7 of the Military and Veterans Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

---

## CHAPTER 1696

*An act to add Chapter 9 (commencing with Section 19000) to Division 7 of the Financial Code, relating to industrial loan companies.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Chapter 9 (commencing with Section 19000) is added to Division 7 of the Financial Code, to read:

CHAPTER 9. RESTRICTED INDUSTRIAL LOAN COMPANIES

19000. A corporation validly formed under the laws of this state which is in good standing may become an industrial loan company under this division if the corporation complies with all pertinent provisions of this division. However, notwithstanding anything to the contrary contained in Chapter 2 (commencing with Section 18200) of this division, such corporation, before opening or commencing business, shall have and shall thereafter maintain a paid-in and unimpaired capital of not less than two hundred thousand dollars ($200,000).

Such corporation is restricted to making business loans not exceeding ten thousand dollars ($10,000) in principal amounts. A "business loan" is an unsecured loan of money to a person, firm or corporation conducting a business enterprise for profit to be used solely in connection with the conduct of said business.

Such corporation shall not accept or hold any deposits nor issue any thrift obligations or certificates.

---

## CHAPTER 1697

*An act to add Section 320 to the Public Utilities Code, relating to public utilities.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 320 is added to the Public Utilities Code, to read:

320. The Legislature hereby declares that it is the policy of this state to achieve, whenever feasible and not inconsistent with sound environmental planning, the undergrounding of all future electric and communication distribution facilities which are proposed to be erected in proximity to any highway designated a state scenic highway pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code and which would be visible from such scenic highways if erected above ground. The commission shall prepare and adopt by December 31, 1972, a statewide plan and schedule for the undergrounding of all such utility distribution facilities in accordance with the aforesaid policy and the rules of the commission relating to the undergrounding of facilities.

The commission shall coordinate its activities regarding the plan with local governments and planning commissions concerned.

The commission shall require compliance with the plan upon its adoption.

This section shall not apply to facilities necessary to the operation of any railroad.

## CHAPTER 1698

*An act to amend Section 22658 of the Vehicle Code, relating to removal of vehicles.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 22658 of the Vehicle Code is amended to read:

22658. (a) The owner or person in lawful possession of any private property may, subsequent to giving notice to the city police or county sheriff, whichever is appropriate, cause the removal of a vehicle parked on such property to the nearest public garage if there is displayed in plain view on the property a sign prohibiting public parking and containing the telephone number of the local traffic law enforcement agency. The person causing removal of such vehicle shall comply with the requirements of Sections 22852 and 22853 relating to notice in the same manner as applicable to an officer removing a vehicle from private property. The provisions of this section shall not limit or affect any right or remedy which the owner or person in lawful possession of private property may have by virtue of other provisions of law authorizing the removal of a vehicle parked upon such property.

(b) The owner of a vehicle removed from private property pursuant to subdivision (a) may recover for any damage to the vehicle resulting from any intentional or negligent act of any person causing the removal of, or removing, the vehicle.

## CHAPTER 1699

*An act to amend Sections 5118 and 5119 of the Civil Code, relating to husband and wife.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 5118 of the Civil Code is amended to read:

5118. The earnings and accumulations of a spouse and the minor children living with, or in the custody of, the spouse, while living separate and apart from the other spouse, are the separate property of the spouse.

SEC. 2. Section 5119 of the Civil Code is amended to read:

5119. After the rendition of a judgment decreeing legal separation of the parties, the earnings or accumulations of each party are the separate property of the party acquiring such earnings or accumulations.

---

## CHAPTER 1700

*An act to add Section 3049.5 to the Penal Code, relating to parole.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 3049.5 is added to the Penal Code, to read:

3049.5. Notwithstanding the provisions of Section 3049, any prisoner selected for inclusion in a specific research program approved by the Board of Corrections may be paroled upon completion of the diagnostic study provided for in Section 5079. The number of prisoners released in any year under this provision shall not exceed 5 percent of the total number of all prisoners released in the preceding year.

This section shall not apply to a prisoner who, while committing the offense for which he has been imprisoned, physically attacked any person by any means. A threat of attack is not a physical attack for the purposes of this section unless such threat was accompanied by an attempt to inflict physical harm upon some person.

The Board of Corrections shall report to the Legislature on the fifth Legislative day of the 1974 Regular Session of the Legislature regarding any research program completed or in progress authorized under this section, and thereafter it shall report annually.

---

## CHAPTER 1701

*An act to amend Sections 69582, 69590, 69591, 69594, 69595, and 69600 of the Government Code, relating to judges.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 69582 of the Government Code is amended to read:

69582. In the County of Contra Costa there shall be 11 judges of the superior court.

SEC. 2. Section 69590 of the Government Code is amended to read:

69590. In the County of Monterey there shall be four judges of the superior court. On and after July 1, 1971, there shall be five judges.

SEC. 3. Section 69591 of the Government Code is amended to read:

69591. In the County of Orange there shall be 27 judges of the superior court. On and after March 1, 1972 there shall be 29 judges.

SEC. 4. Section 69594 of the Government Code is amended to read:

69594. In the County of San Bernardino there shall be 13 judges.

SEC. 5. Section 69595 of the Government Code is amended to read:

69595. In the County of San Diego there shall be 28 judges of the superior court.

SEC. 6. Section 69600 of the Government Code is amended to read:

69600. In the County of Santa Clara there shall be 24 judges of the superior court.

## CHAPTER 1702

*An act to add Sections 920.3, 1556.3, and 1912 to the Probate Code, relating to accounts.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 920.3 is added to the Probate Code, to read:

920.3. Upon each accounting, the executor or administrator shall show that during the period covered by the account he has kept all cash in his possession invested in interest-bearing accounts or investments as authorized by law, except such amounts of cash as are reasonably necessary for the orderly administration of the estate being administered unless provided otherwise by will.

SEC. 2. Section 1556.3 is added to the Probate Code, to read:

1556.3. Upon each accounting, the guardian shall show that during the period covered by the account he has kept all cash

in his possession invested in interest-bearing accounts or investments authorized by law, except such amounts of cash as are reasonably necessary for the orderly administration of the estate being administered.

SEC. 3. Section 1912 is added to the Probate Code, to read:

1912. Upon each accounting, the conservator shall show that during the period covered by the account he has kept all cash in his possession invested in interest-bearing accounts or investments authorized by law, except such amounts of cash as are reasonably necessary for the orderly administration of the estate being administered.

---

## CHAPTER 1703

*An act to add Chapter 2.5 (commencing with Section 4150) to Division 5 of Title 1 of the Government Code, relating to public works contracts.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Chapter 2.5 (commencing with Section 4150) is added to Division 5 of Title 1 of the Government Code, to read:

### CHAPTER 2.5. CONTRACTOR'S RESPONSIBILITY FOR WORK

4150. Construction contracts of public agencies shall not require the contractor to be responsible for the cost of repairing or restoring damage to the work caused by an act of God. However, such contracts may include provisions for terminating the contract. The requirements of this section shall not be mandatory as to construction contracts financed by revenue bonds. This section shall not prohibit a public agency from requiring that a contractor obtain insurance to indemnify the public agency for any damage to the work caused by an act of God if the insurance premium is a separate bid item.

4151. For the purposes of this chapter:

(a) "Public agency" shall include the state, the Regents of the University of California, a city, county, district, public authority, public agency, municipal utility, and any other political subdivision or public corporation of the state.

(b) "Acts of God" shall include only the following occurrences or conditions and effects: earthquakes and tidal waves, when such occurrences or conditions and effects have been proclaimed a disaster or state of emergency by the Governor of the State of California or by the President of the United States or were of a magnitude at the site of the work sufficient

to have caused a proclamation of disaster or state of emergency had they occurred in a populated area.

4152. The provisions of this chapter shall only apply to acts of God which occur after the date on which statutes enacted at the 1971 Regular Session of the Legislature become effective.

## CHAPTER 1704

*An act relating to school attendance.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. The Superintendent of Public Instruction may, with the approval of the State Board of Education, authorize one school district to develop a pilot program to determine the feasibility of extending greater flexibility to students in a class where outside experience in the community would be directly related to their studies. He may authorize the school district to receive credit for the attendance of pupils under the pilot program even if they are not under the immediate supervision and control of an employee of the district as required by subdivision (a) of Section 11251 of the Education Code, so long as each such student is a full-time student, enrolled for the minimum schoolday as defined in Section 11052 or 11055, and is participating in an independent study program. For purposes of computing average daily attendance a pupil shall not be credited with more than one day of attendance for any schoolday in which he participates in a program pursuant to this act regardless of the length of time during that day in which he has been active therein.

SEC. 2. Section 1 of this act may be applied only upon the request of a school district under a pilot program under the authority of the Superintendent of Public Instruction and the State Board of Education.

SEC. 3. The Superintendent of Public Instruction shall evaluate the program conducted pursuant to this act and shall report thereon to the Legislature by the fifth calendar day of the 1975 Regular Session of the Legislature.

SEC. 4. Sections 1 and 2 of this act shall cease to be operative on June 30, 1974.

## CHAPTER 1705

*An act to amend Section 4160 of the Business and Professions Code, relating to hazardous substances.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 4160 of the Business and Professions Code is amended to read:

4160. "Poison" means and includes the compositions of the following schedules:

Schedule "A"

(a) Arsenic compounds and preparations.

(b) Cyanides and preparations, including hydrocyanic acid.

(c) Fluorides soluble in water, and preparations.

(d) Mercury compounds and preparations, except preparations made and labeled for external use only and containing not more than five-tenths percent (0.5%) total mercury, and except ointments or soaps containing not more than two percent (2.0%) total mercury or not more than ten percent (10.0%) ammonium mercuric chloride or mercuric oxide.

(e) Phosphorus and preparations.

(f) Thallium compounds and preparations.

(g) Aconite, belladonna, cantharides, cocculus, conium, digitalis, gelsemium, hyoscyamus, nux vomica, santonica, stramonium, strophanthus, veratrum, or their contained or derived active compounds and preparations, except preparations made and labeled for external use only, and except preparations containing not more than four-thousandths percent (0.004%) total belladonna alkaloids or not more than two-hundredths percent (0.02%) total nux vomica alkaloids, and except preparations in dosage forms each containing not more than two-tenths milligram (0.20 mg.) total belladonna alkaloids or not more than one milligram (1.0 mg.) total nux vomica alkaloids.

(h) Zinc phosphide and preparations.

(i) Sodium fluoroacetate and preparations.

Schedule "B"

(a) Antimony, barium, copper, lead, silver or zinc compounds soluble in water, and preparations containing five percent (5.0%) or more of these compounds.

(b) Bromine or iodine and preparations.

(c) Hypochlorous acid, free or combined, and preparations that yield ten percent (10.0%) or more of available chlorine, excepting chloride of lime or bleaching powder.

(d) Permanganates soluble in water, and preparations containing five percent (5.0%) or more of these compounds.

(e) Nitric acid and preparations containing five percent (5.0%) or more of the free acid.

(f) Hydrochloric, hydrobromic or sulfuric acids, and preparations containing ten percent (10.0%) or more of the free acids.

(g) Oxalic acid or oxalates, and preparations containing ten percent (10.0%) or more of these compounds.

(h) Acetic acid and preparations containing twenty percent (20.0%) or more of the free acid.

(i) Potassium or sodium hydroxides, and preparations containing ten percent (10.0%) or more of the free alkalies.

(j) Ammonia solutions or ammonium hydroxide, and preparations containing five percent (5.0%) or more of free ammonia.

(k) Chloroform or ether, and preparations containing five percent (5.0%) or more of these compounds, except preparations made and labeled for external use only.

(*l*) Methyl alcohol or formaldehyde, and preparations containing one percent (1.0%) or more of these compounds, except when used as a preservative and not sold to the general public.

(m) Phenol or carbolic acid, cresols or other phenol derivatives, soluble in water, and preparations containing five percent (5.0%) or more of these compounds.

(n) Nitroglycerine and nitrites.

(o) Nicotine and preparations containing nicotine expressed as alkaloid more than two percent (2.0%).

(p) Ergot, cottonroot, pennyroyal and larkspur, or their contained or derived active compounds or mixtures thereof.

Schedule "C"

(a) Carbon tetrachloride.

(b) Camphorated oil.

(c) Boric acid.

Schedule "D"

(a) Toluene, any substance or material containing toluene, including but not limited to glue, cement, dope, paint thinners, paint, and any combination of hydrocarbons either alone or in combination with any substance or material including but not limited to paint, paint thinners, shellac thinners, and solvents which, when inhaled, ingested, or breathed, can cause a person to be under the influence of, or intoxicated from, any such combination of hydrocarbons.

(b) Any glue or cement containing a substance which the Department of Public Health has determined by regulations adopted pursuant to the Administrative Procedure Act (Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11371), and Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, Government Code) has toxic qualities similar to toluene and should, in the interest of public safety, be subject to the provisions of this article.

Subdivisions (a) and (b) of Schedule "D" shall not apply to any glue or cement which has been certified by the Department of Public Health as containing a substance which makes such glue or cement malodorous or causes such glue or cement to induce sneezing, nor shall subdivisions (a) and (b) of

Schedule "D" apply where the glue or cement is sold, delivered, or given away simultaneously with or as part of a kit used for the construction of model airplanes, model boats, model automobiles, model trains, or other similar models.

---

## CHAPTER 1706

*An act to amend Section 2031 of the Code of Civil Procedure, relating to discovery in civil actions.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 2031 of the Code of Civil Procedure is amended to read:

2031. (a) Upon motion of any party showing good cause therefor, and upon at least 10 days' notice to all other parties, and subject to the provisions of subdivision (b) of Section 2019 of this code, the court in which an action is pending may (1) order any party to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated documents, papers, books, accounts, letters, photographs, objects or tangible things, not privileged, which are relevant to the subject matter of the action, or are reasonably calculated to discover admissible evidence relating to any matters within the scope of the examination permitted by subdivision (b) of Section 2016 of this code and which are in his possession, custody, or control; or (2) order any party to permit entry upon designated land or other property in his possession or control for the purpose of inspecting, measuring, surveying, or photographing the property or any designated object or operation thereon within the scope of the examination permitted by subdivision (b) of Section 2016 of this code. The order shall specify the time, place, and manner of making the inspection and taking the copies and photographs and may prescribe such terms and conditions as are just.

(b) Service upon a party of any notice, motion or order made under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

---

## CHAPTER 1707

*An act to add Section 17538.7 to the Business and Professions Code, relating to deceptive practices.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 17538.7 is added to the Business and Professions Code, to read:

17538.7. It is unlawful, with respect to attempted collection of a consumer debt, for a creditor or collection agency or an agent, employee or assignee of a creditor or collection agency, or an attorney for any of the foregoing, to send a communication which simulates legal or judicial process or which gives the appearance of being authorized, issued, or approved by a governmental agency or attorney when it is not.

## CHAPTER 1708

*An act to amend Section 35250 of the Vehicle Code, relating to vehicles.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

*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, except that the boom or mast of a forklift truck may exceed a height of 13 feet and 6 inches, but such boom or mast shall not exceed a height of 14 feet.

## CHAPTER 1709

*An act to add Section 3507.1 to the Government Code, relating to public employer-employee relations.*

[Approved by Governor December 10, 1971 Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 3507.1 is added to the Government Code, to read:

3507.1. In the absence of local procedures for resolving disputes on the appropriateness of a unit of representation, upon the request of any of the parties, the dispute shall be submitted to the Department of Conciliation of the Department of Industrial Relations for mediation or for recommendation for resolving the dispute.

SEC. 2. The provisions of this act shall not apply to the State of California.

# CHAPTER 1710

*An act to add Article 9 (commencing with Section 53550) to Chapter 3, Part 1, Division 2, Title 5 of the Government Code, relating to refunding bonds, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Article 9 (commencing with Section 53550), Chapter 3, Part 1, Division 2, Title 5 is added to the Government Code, to read:

## Article. 9. Refunding of Bonded Indebtedness of Local Agencies

53550. The following terms shall have the following meanings:

(a) The term "local agency" means public district, public corporation, authority, agency, board, commission, county, city and county, city, school district, or other public entity.

(b) The term "bonds" means bonds, warrants, notes or other evidence of indebtedness of a local agency payable, both principal and interest, from the proceeds of ad valorem taxes or ad valorem assessments which may be levied without limitation as to rate or amount upon property in the local agency subject to taxation or assessment.

(c) The term "legislative body" means the board of directors or other governing body of the local agency, unless the context otherwise requires.

(d) The term "principal act" means the law under which bonds to be refunded were issued.

53551. The legislative body of any local agency may issue negotiable coupon bonds, to be denominated refunding bonds, for the purpose of refunding any of the indebtedness of the local agency evidenced by bonds, whether due or not due, or which has or may hereafter become payable at the option of such local agency or by consent of the bondholders, or by any lawful means, whether such indebtedness, evidenced by bonds be now existing or may hereafter be created, and there shall not be moneys in a special fund in the treasury of such local agency irrevocably pledged to the payment or redemption of all such bonds; but the amount of such refunding bonds to be issued under the provisions of this article shall first be determined by such legislative body by resolution entered upon the minutes of such legislative body.

53552. Whenever the legislative body of a local agency shall determine that prudent management of the fiscal affairs of the local agency requires that it issue refunding bonds under the provisions of this article, it may do so without

submitting the question of the issuance of such refunding bonds to a vote of the qualified electors of such local agency. Refunding bonds shall not be issued if the total net interest cost to maturity on the refunding bonds exceeds the total net interest cost to maturity on the bonds to be refunded.

Refunding bonds shall not be issued under terms by which the total payments of principal and interest in any one year on such refunding bonds exceed the total amounts payable as principal and interest on the bonds to be refunded unless the legislative body had the power at the time of issuance and sale of the bonds to be refunded to fix the rate or rates of interest to be borne by such bonds and the time or times at which such bonds were to mature.

53553. When the legislative body determines to issue refunding bonds pursuant to this article, it shall adopt a resolution providing for the issuance of such bonds. Such resolution shall:

(a) Describe the bonds being refunded; and the date on which it is anticipated that the exchange, purchase or call and redemption necessary to effect the refunding shall occur;

(b) Fix the date of such refunding bonds;

(c) Designate the denomination or denominations thereof;

(d) Fix the rate or rates of interest to be borne by such refunding bonds, which rate or rates shall not exceed 7 percent per annum, payable semiannually, except that interest for the first year from date of issuance may be payable at the end of said year;

(e) Fix the maturity dates of such refunding bonds, which shall not exceed 40 years from the date of such refunding bonds, or the latest maturity date of the bonds being refunded, whichever occurs earlier;

(f) Designate the place or places of payment of both principal and interest; and

(g) Prescribe the form of such refunding bonds.

53554. Such refunding bonds shall:

(a) Be negotiable in form;

(b) Recite that they are bonds of the local agency issuing the bonds;

(c) Recite that they are issued pursuant to the provisions of this article;

(d) Be executed in the name of the local agency; and

(e) Be signed by the president or chairman of the legislative body of the local agency, and executed, countersigned or attested by such officer or officers of the local agency as are required to execute, countersign or attest bonds issued pursuant to the principal act, as the case may be.

The interest coupons shall be signed in the same manner as interest coupons attached to bonds issued by the local agency pursuant to the principal act. The provisions of the Uniform Facsimile Signatures of Public Officials Act (Chapter 6, (commencing with Section 5500), Division 6, Title 1) apply to refunding bonds issued pursuant to this article.

53555. Refunding bonds issued pursuant to this article may be exchanged for the bonds to be refunded on such basis as the legislative body determines is for the benefit of the local agency but except where the bonds being refunded are being redeemed in advance of maturity as provided in Section 53556, in no case on the basis that the principal amount of refunding bonds exceeds the principal amount of the bonds to be refunded plus the cost of issuing the refunding bonds. As an alternative to exchanging the refunding bonds for the bonds to be refunded, the legislative body may sell the refunding bonds at public or private sale for not less than their par value. The proceeds of any sale of refunding bonds for cash shall be placed in the treasury of the local agency to the credit of a fund to be established for the purpose of refunding the bonds to be refunded, which fund shall be designated the "funding fund," and such proceeds shall be applied only to refund the bonds for which the refunding bonds are issued after payment of the costs of calling and redeeming the bonds being refunded and of issuing the refunding bonds. Any proceeds of the refunding bonds remaining after the exchange, purchase or call and redemption of the bonds to be redeemed has been accomplished shall be deposited in the fund established for the payment of the principal and interest of the refunding bonds and used only for the purpose of paying such principal and interest as it matures.

53556. If the refunding bonds are issued in whole or in part to refund before maturity bonds which according to their terms are subject to call and redemption before maturity at a price in excess of par, the par value of the refunding bonds shall be equal to the sum of the par value of the bonds to be refunded and the applicable premium payable at the date on which call and redemption shall take place, subject to adjustment of accrued interest to the date of exchange.

53557. Following the issuance of any refunding bonds pursuant to this article, the legislative body of the local agency shall provide for the payment of principal and interest thereon in the same manner and at the same times as it provides for payment of principal and interest on bonds issued pursuant to its principal act and which constitute general obligations of such local agency. The legislative body may provide in the resolution of issuance of such refunding bonds for the pledge of revenues of any revenue-producing facility of the local agency as additional security for the refunding bonds to the same extent that such revenues were pledged as additional security for the bonds to be refunded.

53558. Upon the issuance, sale and delivery or exchange of refunding bonds pursuant to this article, such refunding bonds shall constitute indebtedness of the local agency issuing such bonds and shall be included in any computation of general obligation indebtedness of such local agency for purposes of any debt limitation applicable to bonds of such local

agency under the principal act or for any other lawful purpose; provided, however, that at such time as the proceeds of such refunding bonds have been placed into the funding fund established pursuant to Section 53555, the bonds to be refunded as designated in the resolution of issuance of such refunding bonds shall no longer be considered outstanding in any computation of the general obligation indebtedness of such local agency.

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 local agencies throughout the state have outstanding general obligation bonds for which payment of principal and interest during the fiscal year 1971–1972 and thereafter will be required to be made. It will be necessary for these local agencies to budget for the collection of taxes and revenues in fiscal year 1971–1972 of amounts sufficient to pay such principal and interest. In many cases, it would be possible to refund some or all of such outstanding bonds so as to effect substantial savings in the amounts needed to pay such principal and interest. Such savings would permit the lowering of property tax rates within such local agencies. However, unless this act is passed as an urgency statute it will not be possible for such local agencies to refund such bonds and effect such savings prior to the time when budgets must be prepared and tax rates fixed for fiscal 1971–1972. For this reason, it is necessary that this act take effect immediately.

---

## CHAPTER 1711

*An act relating to the financing of children's centers and development centers for handicapped minors.*

[Approved by Governor December 10, 1971 Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Notwithstanding any provision of Articles 1 (commencing with Section 16601) and 2 (commencing with Section 16645.1) of Chapter 5 of Division 12 of the Education Code, for any school district which adopted its budget for the 1971–72 fiscal year pursuant to Section 20607 of the Education Code containing proposed expenditures for children's centers and development centers for handicapped minors to be financed by permissive override taxes pursuant to Sections 16633, 16635, and 16645.9 of the Education Code, but for which no provision was made by the board of supervisors having jurisdiction thereof for the inclusion of such permissive

override taxes in the fixing and levying of the school district's 1971–72 tax rate, the county auditor shall make no allocation of the property tax collections to such special funds, and the district may transfer from its general fund to the appropriate special funds sufficient money to pay for such proposed expenditures for children's centers and development centers for handicapped minors.

SEC. 2. Any amounts of money transferred from the general fund to appropriate special funds during the 1971–72 fiscal year pursuant to Section 1 of this act, less the amount by which the 1971–72 tax collections for the district exceeds the total amount requested by the district to be raised in 1971–72 local taxes, may be repaid from such special funds to the general fund at any time during the 1972–73 fiscal year. "Tax collections" and "total amount requested" as used in this section do not include amounts collected or requested to service bonded debt.

SEC. 3. The provisions of this act shall be operative until June 30, 1973, and shall have no force or effect thereafter.

---

## CHAPTER 1712

*An act to add Sections 17538 and 17538.3 to the Business and Professions Code, relating to false advertising.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 17538 is added to the Business and Professions Code, to read:

17538. It is unlawful in the sale or offering for sale of consumer goods for any person conducting a mail order or catalog business in this state or advertising a California mailing address to accept money through the mails from a consumer for consumer goods ordered by mail or telephone and then permit six weeks, unless otherwise stated in the advertisement, to elapse without doing any one of the following things:

(a) Delivering or mailing the consumer goods ordered.

(b) Making a full refund.

(c) Sending the consumer a letter or notice advising him of the duration of an expected delay or the substitution of consumer goods of equivalent or superior quality, and offering to send him a refund within one week if he so requests. If the vendor proposes to substitute consumer goods, he shall describe it in detail, indicating how it differs from the consumer goods ordered.

(d) Sending the consumer substituted consumer goods of equivalent or superior quality, if the consumer is extended the

opportunity to return the substituted goods and the seller promises to refund to the consumer the cost of returning such goods together with any portion of the purchase price previously paid by the consumer. A notice to the consumer stating the right to obtain a refund and the cost of returning the substituted consumer goods shall accompany the sending of such goods to the consumer.

For purposes of subdivisions (c) and (d), consumer goods may not be considered of "equivalent or superior quality" if they are not substantially similar to the goods ordered, or not fit for the usual purposes for which such consumer goods are used, or if the seller normally offers the substituted consumer goods at a price lower than the price of the consumer goods ordered.

(e) When a consumer makes an initial application for an open-end credit plan, as defined in the Federal Consumer Credit Protection Act (15 U.S.C. 1682), at the same time the consumer goods or services are ordered, and such goods or services are to be purchased on credit, the person conducting the mail order business shall have seven weeks, rather than six weeks, to perform the actions specified in this section.

(f) As used in this section and Section 17538.3:

(1) "Goods" means tangible chattels bought for use primarily for personal, family, or household purposes, including certificates or coupons exchangeable for such goods, and including goods which, at the time of the sale or subsequently, are to be so affixed to real property as to become a part of such real property, whether or not severable therefrom.

(2) "Person" means an individual, partnership, corporation, association, or other group, however organized.

(3) "Consumer" means an individual who seeks or acquires, by purchase or lease, any goods or services for personal, family, or household purposes.

SEC. 2. Section 17538.3 is added to the Business and Professions Code, to read:

17538.3. The provisions of Section 17538 do not apply to any of the following:

(a) To consumer goods ordered pursuant to an open-end credit plan as defined in the Federal Consumer Credit Protection Act or any other credit plan pursuant to which the consumer's account was opened prior to the mail order in question, and under which the creditor may permit the consumer to make purchases from time to time from the creditor or by use of a credit card.

(b) To instances in which all advertising for consumer goods contains a notice as to each item offered, which, in the case of printed advertising, shall be in a type size at least as large as that indicating the price, that a delay may be expected of a specified period. In such cases, one of the events described in Section 17538 must occur no later than one week after expiration of the period specified in the advertisement.

(c) To consumer goods, such as quarterly magazines, which by their nature are not ready for use or consumption until a future date and for that reason cannot be stocked at the time of order.

(d) To installments other than the first of consumer goods, such as magazine subscriptions, ordered for serial delivery.

(e) To any delay in delivery of consumer goods caused by the United States Post Office, an act of God, or a labor strike by the seller's employees.

---

## CHAPTER 1713

*An act to add Section 1710.1 of the Civil Code, relating to deceit and deceitful advertising.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 1710.1 is added to the Civil Code, to read:

1710.1. Any person who, with intent to defraud, sells or disposes of a radio, piano, phonograph, sewing machine, washing machine, typewriter, adding machine, comptometer, bicycle, firearm, safe, vacuum cleaner, dictaphone, watch, watch movement, watchcase, or any other mechanical or electrical device, appliance, contrivance, material, piece of apparatus or equipment, from which the manufacturer's nameplate, serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, is civilly liable to the manufacturer in the sum of five hundred dollars ($500) per transaction and civilly liable to the purchaser for treble the actual damages sustained by the purchaser.

This section does not apply to those cases or instances where any of the changes or alterations enumerated in this section have been customarily made or done as an established practice in the ordinary and regular conduct of business by the original manufacturer or his duly appointed direct representative or under specific authorization from the original manufacturer.

---

## CHAPTER 1714

*An act to add Section 65804 to the Government Code, relating to zoning and planning hearings.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 65804 is added to the Government Code, to read:

65804. It shall be the purpose of this section to implement minimum procedural standards for the conduct of city and county zoning hearings. Further, it is the intent of the Legislature that this section provide such standards to insure uniformity of, and public access to, zoning and planning hearings while maintaining the maximum control of cities and counties over zoning matters.

The following procedures shall govern city and county zoning hearings:

(a) All local city and county zoning agencies shall develop and publish procedural rules for conduct of their hearings so that all interested parties shall have advance knowledge of procedures to be followed.

(b) When a matter is contested and a request is made in writing prior to the date of the hearing, all local city and county planning agencies shall insure that a record of all such hearings shall be made and duly preserved, a copy of which shall be available at cost. The city or county may require a deposit from the person making the request.

(c) When a planning staff report exists, such report shall be made public prior to or at the beginning of the hearing and shall be a matter of public record.

(d) When any hearing is held on an application for a change of zone for parcels of at least 10 acres, a staff report with recommendations and the basis for such recommendations shall be included in the record of the hearing.

Notwithstanding Section 65803, this section shall apply to chartered cities.

---

## CHAPTER 1715

*An act to amend Sections 12201 and 12202 of, and to add Sections 12202.5 and 12208 to, the Government Code, relating to fees of the Secretary of State.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 12201 of the Government Code is amended to read:

12201. (a) The fee for filing articles of incorporation or agreements of consolidation providing for shares shall be as provided in the following schedule:

| Amount represented by the total number of shares provided for in the articles of incorporation or the agreement of consolidation | Fee |
|---|---|
| $75,000 or less | $25 |
| Over $75,000 and not over $500,000 | $75 |
| Over $500,000 and not over $1,000,000 | $100 |
| Over $1,000,000— | |
| (1) For the first $1,000,000 | $100 |
| (2) For each additional $500,000 or fraction thereof | $50 |

(b) For the purposes of subdivision (a), the amount represented by the total number of shares provided for in the articles of incorporation or the agreement of consolidation shall be:

(1) The aggregate par value of the shares, if only shares with a par value are therein provided for,

(2) The product of the number of shares multiplied by ten dollars ($10), if only shares without par value are therein provided for, or

(3) The aggregate par value of the shares with a par value plus the product of the number of shares without par value multiplied by ten dollars ($10), if shares with and without par value are therein provided for.

SEC. 2. Section 12202 of the Government Code is amended to read:

12202. (a) The fee for filing certificates of amendment of articles of incorporation or agreements of merger providing for shares the total number of which represents an amount in excess of the amount represented by the total number of authorized shares of the corporation, or the surviving corporation, respectively, is five dollars ($5) for each fifty thousand dollars ($50,000), or fraction thereof, of such additional amount, or in the case of agreements of merger, the fee provided in Section 12202.5, if greater.

In all other cases it is five dollars ($5).

(b) For the purposes of subdivision (a), the amounts represented by (i) the total number of authorized shares of the corporation, or the surviving corporation, respectively, and (ii) the total number of shares provided for in the certificate of amendment or agreement of merger, shall be

(1) The aggregate par value of the shares, in the case of shares with a par value,

(2) The product of the total number of the shares multiplied by ten dollars ($10), in the case of shares without par value, or

(3) The aggregate par value of the shares with a par value plus the product of the number of shares without par value multiplied by ten dollars ($10), in the case of shares with and without par value.

SEC. 3. Section 12202.5 is added to the Government Code, to read:

12202.5. The fee for filing certificates or agreements of merger or certificates as to merger or consolidation proceedings pursuant to Section 4110 of the Corporations Code is twenty-five dollars ($25). This section does not apply to certificates of ownership pursuant to Section 4124 of the Corporations Code nor to certificates as to consolidation proceedings pursuant to Section 4110 where the agreement of consolidation does not provide for shares nor to certificates as to merger proceedings pursuant to Section 4110 where the articles of incorporation of each domestic corporation party to the merger agreement do not provide for shares.

SEC. 4. Section 12208 is added to the Government Code, to read:

12208. The Secretary of State may by regulation establish fees to be charged and collected for special handling in connection with filing of documents, issuing of certificates, and other services performed by him. Such fees shall approximate the estimated cost of special handling. Special handling fees shall be accounted as Secretary of State expenditure reimbursements.

---

## CHAPTER 1716

*An act to amend Sections 73075 and 74001 of, and to repeal Sections 73075.5 and 73075.6 of, the Government Code, relating to courts.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 73075 of the Government Code is amended to read:

73075. Each of the municipal court districts established in Alameda County shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

| | |
|---|---|
| Alameda Judicial District | 1 |
| Berkeley-Albany Judicial District | 4 |
| Oakland-Piedmont Judicial District | 14 |
| San Leandro-Hayward Judicial District | 6 |
| Fremont-Newark-Union City Judicial District | 3 |
| Livermore Judicial District | 1 |

SEC. 2. Section 73075.5 of the Government Code is repealed.

SEC. 3. Section 73075.6 of the Government Code is repealed.

SEC. 4. The provision of this act for an additional judge for the San Leandro-Hayward Judicial District shall become operative on the effective date of this act or January 1, 1972, whichever is later; and the provisions of this act for an additional judge for the Fremont-Newark-Union City Judicial District shall become operative on April 1, 1972.

SEC. 5. Section 74001 of the Government Code is amended to read:

74001. There shall be the following number of judges: in the North Orange County Municipal Court, eight; in the Central Orange County Municipal Court, nine; in the West Orange County Municipal Court, eight; in the Orange County Harbor Municipal Court, four; and in the South Orange County Municipal Court, three.

---

## CHAPTER 1717

*An act to amend Section 1070 of the Evidence Code, relating to information disclosure.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 1070 of the Evidence Code is amended to read:

1070. A publisher, editor, reporter, or other person connected with or employed upon a newspaper, or by a press association or wire service, or any person who has been so connected or employed, cannot be adjudged in contempt by a court, the Legislature, or any administrative body, for refusing to disclose the source of any information procured while so connected or employed for publication in a newspaper.

Nor can a radio or television news reporter or other person connected with or employed by a radio or television station, or any person who has been so connected or employed, be so adjudged in contempt for refusing to disclose the source of any information procured while so connected or employed for news or news commentary purposes on radio or television.

---

## CHAPTER 1718

*An act to add Section 13025.5 to the Health and Safety Code, relating to fire equipment.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 13025.5 is added to the Health and Safety Code, to read:

13025.5. Any fire department maintained by the City of Oakland or the City and County of San Francisco using fire hydrant outlets with other than two-and-one-half-inch (2½-inch) threaded fittings shall cause any vehicle used for firefighting purposes and designed to pump water from such hydrants, which is normally used in areas of such city or city and county bordering the boundaries of any other public entity, as defined in Section 13050.1, providing any fire protection and suppression service to carry a minimum of eight adapters, consisting of four increasers and four reducers, which enable any such vehicle to couple its equipment and apparatus to fire hydrant outlets having two-and-one-half-inch (2½-inch) threaded fittings, and which enable fire equipment vehicles from other public entities using two-and-one-half-inch (2½-inch) threaded fittings to couple their firefighting equipment and apparatus to fire hydrant outlets maintained by such city or city and county.

SEC. 2. Fire departments maintained by the City of Oakland and the City and County of San Francisco use fire hydrant outlets with two-and-three-quarter-inch (2¾-inch) threaded fittings, rather than two-and-one-half-inch (2½-inch) threaded fittings used by other departments throughout the state. In order to obtain optimum fire protection in these cities, it is necessary that the fire departments maintained by the City of Oakland and the City and County of San Francisco be equipped with adapters to allow fire departments located outside these cities to hook up to fire hydrants in such cities when rendering fire protection services in the City of Oakland and the City and County of San Francisco.

The Legislature finds that the unique circumstances relating to the fire departments maintained by the City of Oakland and the City and County of San Francisco 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.

---

## CHAPTER 1719

*An act to amend Section 22757 of the Education Code, relating to community development training.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 22757 of the Education Code is amended to read:

22757. The office of the Governor is designated as the state educational agency to carry out the purposes and the provisions of Section 802 of Title VIII of the Housing Act of 1964.

The office of the Governor is hereby vested with authority to prepare and submit any state plan required by said section of said act of Congress, to prepare and submit amendments to such state plan, and to administer such state plan or amendments thereto, in accordance with said act of Congress, and any rules and regulations adopted thereunder. Any such state plan or amendment thereto prepared by the office of the Governor shall be subject to the approval of the Department of Finance.

The office of the Governor is hereby vested with all necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof in the administration of the act of Congress and the rules and regulations adopted thereunder.

SEC. 2. This act shall become operative on July 1, 1972.

---

## CHAPTER 1720

*An act to add Section 36071 to the Health and Safety Code, and to amend Sections 2611, 2616, 2617, 2630, 2635, 2636, 2642, and 2645 of, to add Sections 2630.5, 2643, and 2644 to, and to repeal Sections 2617.5, 2619, and 2622 of, the Labor Code, relating to housing.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 36071 is added to the Health and Safety Code, to read:

36071. The Commission of Housing and Community Development shall adopt, amend, repeal, and the Department of Housing and Community Development shall enforce rules and regulations for the protection of the health, safety, and general welfare of the occupant and the public governing housing provided pursuant to this part, which shall control the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of such housing.

SEC. 2. Section 2611 of the Labor Code is amended to read:

2611. Buildings used for human habitation, and buildings accessory thereto, within a labor camp shall comply with the regulations adopted pursuant to this chapter, unless a local ordinance prescribing minimum standards equal to such regulations is applicable. Notwithstanding the provisions of Section 2640, if such a local ordinance is applicable to buildings

used for human habitation, and buildings accessory thereto, within a labor camp, such buildings shall comply with the construction and erection provisions of the ordinance.

SEC. 3. Section 2616 of the Labor Code is amended to read:

2616. "Labor camp" means any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome or other housing accommodations, including employee housing or labor supply camp, maintained in connection with any work or place where work is being performed, whether or not rent is involved, and the premises upon which they are situated or the area set aside and provided for parking of mobilehomes or camping of five or more employees by the employer.

SEC. 4. Section 2617 of the Labor Code is amended to read:

2617. "Labor supply camp" means any place, area or piece of land where housing is provided for five or more employees or prospective employees of another by any individual, firm, partnership, association, or corporation that, for a fee, employs persons to render personal services for, or under the direction of, a third person, or that recruits, solicits, supplies, or hires persons on behalf of an employer, and that, for a fee, provides in connection therewith one or more of the following services:

(a) Furnishes board, lodging, or transportation for such employees or prospective employees.

(b) Supervises, times, checks, counts, weighs, or otherwise directs or measures the work of such employees.

(c) Disburses wage payments to such employees.

SEC. 5. Section 2617.5 of the Labor Code is repealed.

SEC. 6. Section 2619 of the Labor Code is repealed.

SEC. 7. Section 2622 of the Labor Code is repealed.

SEC. 8. Section 2630 of the Labor Code is amended to read:

2630. There is hereby established the State Roster of Labor Camps in the custody of the Department of Housing and Community Development. Every owner or operator of a labor camp shall register such labor camp with the enforcement agency not less than 45 days prior to initial occupancy in each calendar year. The enforcement agency shall forward a copy of each registration to the department for inclusion in the roster.

Registration or reregistration shall be on forms supplied by the enforcement agency and shall contain at least the following information:

(a) The name and address of the camp owner and operator.

(b) The location of the camp.

(c) A complete description of the facilities comprising the camp.

(d) Number of employees to be housed.

(e) Proposed dates of occupancy.

(f) Required fee.

Any change in the foregoing information applicable to a registered camp shall require reregistration of such camp.

The commission may establish a schedule of registration fees to pay the cost of the inspection program as outlined in Section 2642. Such registration fees shall be established on a graduating scale based on the number of employees housed and in no event shall exceed one hundred dollars ($100) per camp.

SEC. 9. Section 2630.5 is added to the Labor Code, to read:

2630.5. Labor camps in operation without a valid registration shall be ordered to be vacated by the enforcement agency if not registered within five days after posting of notice by the enforcement agency.

SEC. 10. Section 2635 of the Labor Code is amended to read:

2635. The commission shall adopt, amend, or repeal, and the appropriate enforcement agency shall enforce rules and regulations for the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all labor camps.

SEC. 11. Section 2636 of the Labor Code is amended to read:

2636. Except as provided in Sections 2611 and 2628, the rules and regulations adopted, amended, or repealed from time to time pursuant to this chapter shall be consistent with accepted standards and practices reasonably applicable to permanent and temporary labor camps and the utilization of housing or camping facilities. In promulgating rules and regulations, the commission shall consider, among other things, geographic, topographic, and climatic conditions. The commission may establish a schedule of fees for the construction and operation of labor camps wherever the department is the enforcing agency.

SEC. 12. Section 2642 of the Labor Code is amended to read:

2642. The enforcement agency shall annually enter and inspect all registered labor camps, and all accommodations, equipment, or paraphernalia connected therewith and shall make such reinspection as deemed necessary to assure compliance with the current provisions of this part and the regulations adopted pursuant thereto. The enforcement agency shall make every effort to complete such inspection prior to the occupancy of such labor camps.

SEC. 13. Section 2643 is added to the Labor Code, to read:

2643. The department shall maintain a file of all reports of complaint or other significant information regarding labor camp maintenance and operation. Each file and information shall be available to local enforcement agencies, district attorneys and the Attorney General. Such material shall be a matter of public record.

SEC. 14. Section 2644 is added to the Labor Code, to read:

2644. The Attorney General, upon the request of the Director of Housing and Community Development, shall conduct such investigations as may be necessary to determine whether any violation of any provision of this chapter has occurred. For such purpose, the Attorney General shall have the powers specified in Section 2640.

The Attorney General shall conduct such prosecutions of violations of this chapter as the director may request.

SEC. 15. Section 2645 of the Labor Code is amended to read:

2645. Any labor camp which does not conform to this chapter is a public nuisance and if not made to conform within five days, or within such longer period of time, not to exceed 30 days, which may be allowed by the enforcement agency after written notice, shall be abated by proper action brought in the superior court of the county in which the labor camp or greater portion thereof is situated.

---

## CHAPTER 1721

*An act to amend Section 3251 of the Civil Code, relating to payment bonds for public works.*

[Approved by Governor December 10, 1971. Filed with Secretary of State December 10, 1971.]

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

SECTION 1. Section 3251 of the Civil Code is amended to read:

3251. Unless a payment bond is filed and approved as provided in this chapter, or unless the failure to file it is the result of inadvertence or excusable neglect, no claim in favor of the original contractor arising under the contract shall be audited, allowed or paid by the public entity awarding the contract or any officer thereof. Claimants shall receive payment of their respective claims in the manner provided by Chapter 4 (commencing with Section 3179) upon complying with the provisions thereof.

SEC. 2. This act shall apply to any airport contract performed and partially paid for by state funds provided pursuant to Article 4 (commencing with Section 21680) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code which was entered into by a city whose population is less than 5,000 or a contract which was entered into by a county whose population is less than 390,000, as determined by the 1960 Federal Decennial Census, or a contract which was entered into by an airport district subject to the provisions of Part 2 (commencing with Section 22001) of Division 9 of the Public Utilities Code,

on or after August 6, 1968, and thereafter performed on or before December 31, 1970.

SEC. 3. The changes which this act makes in Section 3251 of the Civil Code shall remain in effect until the 62nd day after final adjournment of the 1971 Regular Session of the Legislature, and, thereafter, shall be of no force or effect. On and after such date, Section 3251 of the Civil Code shall read as it did immediately prior to the effective date of this act.

---

## CHAPTER 1722

*An act to repeal Section 5001.5 of, and to add Sections 5001.5, 5001.65, 5001.7, 5001.8, 5001.9, 5001.95, and 5001.96 to, the Public Resources Code, relating to the state park system.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 5001.5 of the Public Resources Code is repealed.

SEC. 2. Section 5001.5 is added to the Public Resources Code, 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 and Recreation Commission into one of the following categories:

(a) State wildernesses, which, in contrast with those areas where man and his own works dominate the landscape, are hereby recognized as areas where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. A state wilderness is further defined to mean an area of undeveloped state-owned or -leased land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

State wildernesses may be established within the boundaries of other state park system units.

(b) State reserves, which consist of areas embracing outstanding natural or scenic characteristics of statewide significance. The purpose of a state reserve is to preserve its native

ecological associations, unique faunal or floral characteristics, geological features and scenic qualities in a condition of undisturbed integrity. Resource manipulation shall be restricted to the minimum required to negate the deleterious influences of man.

Improvements undertaken shall be for the purpose of making the areas available, on a day-use basis, for public enjoyment and education in a manner consistent with the preservation of their natural features. Living and nonliving resources contained within state reserves shall not be disturbed or removed for other than scientific or management purposes.

State reserves may be established in the terrestrial or underwater environments of the state.

(c) State parks, which consist of relatively spacious areas of outstanding scenic or natural character, oftentimes containing also significant historical, archaeological, ecological, geological, or other such values. The purpose of state parks shall be to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of such ecological regions of California as the Sierra Nevada Mountains, northeast volcanic, great valley, coastal strip, Klamath-Siskiyou Mountains, southwest mountains and valleys, redwoods, foothills and low coastal mountains, and desert and desert mountains.

Each state park shall be managed as a composite whole in order to restore, protect, and maintain its native environmental complexes to the extent compatible with the primary purpose for which the park was established.

Improvements undertaken within state parks shall be for the purpose of making the areas available for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations. Improvements may be undertaken to provide for such recreational activities as, but not limited to, camping, picnicking, sightseeing, nature study, hiking, and horseback riding, so long as such improvements involve no major modification of lands, forests, or waters. Improvements which do not directly enhance the public's enjoyment of the natural, scenic, cultural, or ecological values of the resource, which are attractions in themselves, or which are otherwise available to the public within a reasonable distance outside the park, shall not be undertaken within state parks.

State parks may be established in either the terrestrial or underwater environments of the state.

(d) State recreation units, which consist of areas selected, developed, and operated to provide outdoor recreational opportunities. Such units shall be designated by the State Park and Recreation Commission by naming, in accordance with the provisions of this article relating to classification.

In the planning of improvements to be undertaken within state recreation units, consideration shall be given to compat-

ibility of design with the surrounding scenic and environmental characteristics.

State recreation units may be established in the terrestrial or underwater environments of the state and shall include:

(1) State recreation areas, consisting of areas selected and developed to provide multiple recreational opportunities to meet other than purely local needs. Such areas shall be selected for their having terrain capable of withstanding extensive human impact and for their proximity to large centers of population, major routes of travel, or proven recreational resources such as man-made or natural bodies of water. Areas containing ecological, geological, or scenic resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural preserves.

Improvements may be undertaken to provide for such recreational activities as, but not limited to, camping, picnicking, swimming, hiking, bicycling, horseback riding, boating, waterskiing, winter sports, fishing, and hunting.

Improvements to provide for urban or indoor formalized recreational activities shall not be undertaken within state recreation areas.

(2) Underwater recreation areas, consisting of areas in the underwater environment selected and developed to provide surface and subsurface water-oriented recreational opportunities, while preserving basic resource values for present and future generations.

(3) State vehicular recreation areas, consisting of areas where topographic features and associated recreational vehicle opportunities are the primary values. Such areas shall be chosen to insure that no substantial natural values are lost and that no adjoining properties incur adverse effects from the operation and maintenance of vehicular recreation areas. When important natural or scenic values are found to be present within the boundaries of a state vehicular recreation area they shall be defined within a natural preserve in accordance with the provisions of subdivision (f). The development of facilities shall be aimed at making full public use of the recreational opportunities present, and the natural and cultural elements of the environment may be managed or modified to enhance the recreation experiences. Under all circumstances, conditions of accelerated and unnatural erosion shall be anticipated and prevented to the extent possible. Where the occurrence of such erosion is unanticipated, every measure shall be taken to restore the area.

(4) State beaches, consisting of areas with frontage on the ocean, or bays designed to provide swimming, boating, fishing, and other beach-oriented recreational activities. Coastal areas containing ecological, geological, or scenic resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural preserves.

(5) Wayside campgrounds, consisting of relatively small areas suitable for overnight camping and offering convenient access to major highways.

(e) Historical units, to be named appropriately and individually, which consist of areas established primarily to preserve objects of historical and scientific interest, and places commemorating important persons or historic events. Such areas should be of sufficient size, where possible, to provide a significant proportion of the landscape associated with the historical objects. The only facilities provided are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking. Upon approval by the State Park and Recreation Commission, lands outside the primary historic zone may be selected or acquired, developed, or operated to provide camping facilities within appropriate historical units. Certain agricultural, mercantile, or other commercial activities may be permitted, provided those activities are a part of the history of the individual unit and developments retain or restore historical authenticity. Historical units shall be named to perpetuate the primary historical theme of the individual units.

(f) Natural preserves, which consist of distinct areas of outstanding natural or scientific significance established within the boundaries of other state park system units. The purpose of natural preserves shall be to preserve such features as rare or endangered plant and animal species and their supporting ecosystems, representative examples of plant or animal communities existing in California prior to the impact of civilization, geological features illustrative of geological processes, significant fossil occurrences or geological features of cultural or economic interest, or topographic features illustrative of representative or unique biogeographical patterns. Areas set aside as natural preserves shall be of sufficient size to allow, where possible, the natural dynamics of ecological interaction to continue without interference, and to provide, in all cases, a practicable management unit. Habitat manipulation shall be permitted only in those areas found by scientific analysis to require manipulation to preserve the species or associations which constitute the basis for the establishment of the natural preserve.

SEC. 3. Section 5001.65 is added to the Public Resources Code, to read:

5001.65. Commercial exploitation of resources is prohibited in state park system units.

Qualified institutions and individuals shall be encouraged to conduct nondestructive forms of scientific investigation within state park system units, upon receiving prior approval of the director.

The taking of mineral specimens for recreational purposes from state beaches, state recreation areas, or state vehicular recreation areas shall be permitted upon receiving prior approval of the director.

SEC. 4. Section 5001.7 is added to the Public Resources Code, to read:

5001.7. The landing of aircraft in state park system units is subject to the following limitations:

(a) Airport facilities and services may be allowed in a unit of the state park system, other than a state wilderness, state reserve, or natural preserve, if the department determines that it is desirable to expand visitor use of the unit and that the location of such facilities and services is compatible with the management of the unit in relation to its primary usage.

(b) Airport facilities and services shall be excluded from state wildernesses, state reserves, and natural preserves, and shall be excluded from any other unit of the state park system where the department determines that the primary resource value of the unit would be impaired by such facilities and services or that a landing strip or flight patterns would not be compatible with the recreation experience of other visitors.

SEC. 5. Section 5001.8 is added to the Public Resources Code, to read:

5001.8. The use of motor vehicles in state park system units is subject to the following limitations:

(a) In state wildernessess and natural preserves, use is prohibited.

(b) In state parks, state reserves, state beaches, wayside campgrounds, and historical units, use is confined to paved areas and other areas specifically designated and maintained for normal ingress, egress, and parking.

(c) In state recreation areas, use is confined to specifically designated and maintained roads and trails.

(d) In state vehicular recreation areas, use is confined to specifically designated areas.

SEC. 6. Section 5001.9 is added to the Public Resources Code, to read:

5001.9. Any improvement existing within the state park system as of the effective date of the enactment of Section 5001.5 at the 1971 Regular Session of the Legislature which fails to comply with the provisions of Section 5001.5 shall not be expanded.

SEC. 7. Section 5001.95 is added to the Public Resources Code, to read:

5001.95. No state park system unit, other than a state wilderness or a natural preserve, shall be located within the boundaries of another state park system unit.

SEC. 8. Section 5001.96 is added to the Public Resources Code, to read:

5001.96. Attendance at state park system units shall be held within limits established by carrying capacity determined in accordance with Section 5019.5.

## CHAPTER 1723

*An act to add Section 27647 to the Government Code, and to repeal Section 27647 of the Government Code, as proposed to be added by Senate Bill No. 670, relating to county counsel.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 27647 is added to the Government Code, to read:

27647. (a) If requested so to do by the superior court of the county of which he is county counsel, or by any municipal court or justice court in such county, or by any judge thereof, and insofar as such duties are not in conflict with, and do not interfere with, his other duties, the county counsel may represent any such court or judge thereof in all matters and questions of law pertaining to any of such judge's duties, including any representation authorized by Section 68111 and representation in all civil actions and proceedings in any court in which with respect to the court's or judge's official capacity, such court or judge is concerned or is a party.

(b) This section shall not apply to any of the following:

(1) Any criminal proceedings in which a judge is a defendant.

(2) Any grand jury proceedings.

(3) Any proceeding before the Commission on Judicial Qualifications.

(4) Any civil action or proceeding arising out of facts under which the judge was convicted of a criminal offense in a criminal proceeding.

SEC. 2. Section 27647 of the Government Code, as proposed to be added by Senate Bill No. 670, is repealed.

---

## CHAPTER 1724

*An act to amend Sections 16116, 16117, 16118, 16119, 16120, and 16122 of, and to repeal Sections 16123 and 16124 of, the Welfare and Institutions Code, and to amend Section 2 of Chapter 1322 of the Statutes of 1968, relating to aid for adoption of children, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 16116 of the Welfare and Institutions Code is amended to read:

16116. For purposes of this chapter, a "hard-to-place" child is a child who is disadvantaged because of adverse pa-

rental background, or a handicapped child, or a child of the age of three years or more. The provisions of this chapter apply only to hard-to-place children.

SEC. 2. 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 or because they are a sibling group who should be placed in the same home 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. 3. Section 16118 of the Welfare and Institutions Code is amended to read:

16118. The department shall establish and administer the program to be carried out by the department or any licensed adoption agency pursuant to this chapter. The department shall adopt such regulations as are necessary to carry out the provisions of this chapter.

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.

SEC. 4. Section 16119 of the Welfare and Institutions Code is amended to read:

16119. The department and all adoption agencies shall disseminate information to prospective adoptive families, especially those families of lower income levels and those belonging to disadvantaged groups, as to the availability of adoptable hard-to-place children and of the existence of aid to adoptive families under this chapter.

The county responsible for providing foster care for a child shall provide financial aid to the adoptive family in an amount determined pursuant to Section 16120.

SEC. 5. Section 16120 of the Welfare and Institutions Code is amended to read:

16120. The adoption fees may be waived for all adoptive parents as necessary to provide adoptive families for hard-to-place children. There may be paid for a period not to exceed three years an amount of financial assistance not more than the amount that would be paid for foster care for the child if the placement for adoption had not taken place. Additional financial assistance may be granted for a period of not more than two years if the adoptive parents have a continuing need as determined by the department or a designated licensed adoption agency. The Director of Finance is authorized to transfer funds to a special account for use by the department to provide the in-lieu foster care payments as provided by

this section. Such transfer of funds shall not exceed the amount of the estimated reduction in foster care payments which will result from the placement of hard-to-place children in adoptive homes. The county share of the cost of in-lieu foster care payments to adoptive parents shall be paid from county funds. The county responsible for the care of the child in a foster home is responsible for the payment provided for by this section in adoptive placements arranged by the department or any licensed adoption agency and in cases in which a child receiving aid to families with dependent children in a foster home is adopted by his foster parents and the department or designated adoption agency joins in the petition for adoption.

SEC. 6. Section 16122 of the Welfare and Institutions Code is amended to read:

16122. The department shall actively seek, and make maximum use of, federal funds which might be available for the purposes of this chapter. All gifts or grants received from private sources for the purposes of this chapter shall be used to offset state costs incurred under the program established by this chapter.

SEC. 7. Section 16123 of the Welfare and Institutions Code is repealed.

SEC. 8. Section 16124 of the Welfare and Institutions Code is repealed.

SEC. 9. Section 2 of Chapter 1322 of the Statutes of 1968 is amended to read:

Sec. 2. It is not the intent of this act to increase expenditures but to provide for temporary payments to selected adoptive parents in the same way that such persons would be eligible to receive aid payments if they were to apply for a boardinghome license.

SEC. 10. This act shall be known as and may be cited as the Mervyn M. Dymally Aid for the Adoption of Children Act, or the Dymally Adoption Bill.

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

In order to avoid the lapse in the Aid for Adoption of Children program which will expire December 31, 1971, it is necessary that this act take effect immediately.

---

## CHAPTER 1725

*An act to add Section 31133 to the Water Code, relating to county water districts.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 31133 is added to the Water Code, to read:

31133. Notwithstanding any other provision of law, the Malaga County Water District may:

(a) Organize, promote, conduct, and advertise programs of community recreation;

(b) Establish systems of recreation and recreation centers, including parks and parkways.

(c) Acquire, construct, improve, maintain and operate recreation centers within the district.

The district shall not incur a bonded indebtedness for the purposes authorized by this section exceeding 1 percent of the assessed value of all the taxable property in the district, and no such bonded indebtedness shall be incurred except for capital outlay purposes.

The district shall not exercise any powers under this section unless the exercise of such powers is approved by the voters of the district at an election held within the district at which a majority of the voters voting on the proposition approve the exercise of such powers. Such election may be consolidated with any other election held within the district. If a majority of the votes cast at the election is in favor of the proposition, the county clerk shall immediately cause to be filed with the Secretary of State a certificate reciting such fact. If the voters of the district do not approve the exercise of any of such powers at an election held prior to January 1, 1974, this section shall become inoperative on such date and shall have no further force or effect.

SEC. 2. The provisions of this act are necessary because a substantial portion of the land in the Malaga County Water District is an unincorporated urban area, and there is a great need for recreational facilities within such area of the district. There is no other local governmental entity willing to provide recreation to the people 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 Section 31133 of the Water Code as a special law is necessary for the solution of problems existing in the Malaga County Water District.

---

## CHAPTER 1726

*An act to amend Section 10811 of the Welfare and Institutions Code, relating to public social services.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 10811 of the Welfare and Institutions Code is amended to read:

10811. Each county shall provide child care services for former, current, and potential recipients of public assistance who certify that if provided such services they will accept or maintain employment or training and who further certify that without such services they would be unable to accept or maintain employment or training. The county is authorized to charge a fee for child care services pursuant to a schedule established by the department based on the ability of the person to pay using a sliding scale, ranging from a lesser amount for parents with low-income levels to a higher amount for parents with higher income levels. In no event shall the fee exceed the fee in comparable arrangements established pursuant to Section 16614 of the Education Code. The county may contract with other public or private entities to provide child care services.

The state shall pay as its share from the funds appropriated therefor the percentage provided in subdivision (a) of Section 15200 of the nonfederal costs of the services provided pursuant to this section.

The county expenditure for services under this section shall be in addition to the amount spent during the 1970–1971 fiscal year for child care services.

This section may be cited as the Miller Child Care Services Act of 1971.

## CHAPTER 1727

*An act to amend Sections 9304 and 10013 of the Education Code, relating to school textbooks.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 9304 of the Education Code is amended to read:

9304. The board shall include in the textbooks and teachers' manuals adopted such materials as it may deem necessary and proper to encourage thrift, fire prevention, and the humane treatment of animals, and teach the health hazards of tobacco and the evil effects of alcohol, narcotics, and hallucinogenic drugs on the human system.

The board shall also include in such textbooks and teachers' manuals, as it may deem necessary and proper, accurate portrayals of both men and women in all types of roles, including professional, vocational, and executive roles.

SEC. 2. 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.

The governing board shall also include in all textbooks accurate portrayals of both men and women in all types of roles, including professional, vocational, and executive roles.

SEC. 3. This act shall become operative on July 1, 1975.

---

## CHAPTER 1728

*An act to amend Sections 31226, 31226.1, 31226.4, and 31226.5 of the Education Code, relating to the State College Educational Opportunity Program.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 31226 of the Education Code is amended to read:

31226. There is a state student assistance program which shall be known as the State College Educational Opportunity Program. It shall be the purpose of the program to provide educational assistance and grants for undergraduate study at California State Colleges to students who are economically disadvantaged or educationally and economically disadvantaged, but who display potential for success in accredited curricula offered by the California State Colleges.

For the purposes of this chapter:

(a) "Trustees" means the Trustees of the California State Colleges.

(b) "Educational agency" means an agency, other than a federal agency, which is supported in whole or in part by funds appropriated for educational purposes.

(c) "State agency" means every state office, officer, department, division, bureau, board, and commission.

(d) The residence of a recipient shall be determined in accordance with the rules for determining residence prescribed by Article 1 (commencing with Section 23751) of Chapter 3 of Division 18 of this code.

SEC. 2. Section 31226.1 of the Education Code is amended to read:

31226.1. State College Educational Opportunity Program grants may be awarded to persons selected for enrollment in programs authorized by the trustees according to the procedures established by the trustees, provided that they are residents of this state, are high school graduates or have, pursuant to such procedures, equivalent qualifications, and have been nominated by their high school, the Veterans Administration, a state agency or educational agency designated by the trustees, or a state college president. The trustees shall determine eligibility for grants awarded pursuant to this chapter. Such grants may be granted and renewed according to standards set by the trustees until the student has received a baccalaureate degree or has completed four academic years, whichever occurs first. In special circumstances, such as illness or military service, or family hardship, the trustees may renew the grant beyond the fourth year of study, provided the student has not received a baccalaureate degree. When the recipient is an enrollee in a special educational opportunity program approved by the trustees, for the purposes of this chapter, the state college sponsoring the program shall receive from the trustees reimbursement of up to sixty dollars ($60) per month per enrollee up to 12 months support.

SEC. 3. Section 31226.4 of the Education Code is amended to read:

31226.4. Each high school in this state may nominate to the trustees students it deems deserving of the grants made available under this chapter. The trustees shall compile a list of students so nominated from which it may select students for grants in accordance with standards set by the trustees pursuant to this chapter. The Veterans Administration, state agencies and educational agencies and state college presidents may nominate persons whom they deem eligible for such grants.

SEC. 4. Section 31226.5 of the Education Code is amended to read:

31226.5. Records of the academic progress of each student attending college under a grant shall be kept by each state college having a program and forwarded to the trustees in order that the program created by this chapter may be evaluated.

---

## CHAPTER 1729

*An act to amend Section 11161.5 of the Penal Code, to amend Sections 600, 628, 681, and 727 of, and to add Sections 634.5, 727.5, and 727.6 to, the Welfare and Institutions Code, relating to child abuse.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 600 of the Welfare and Institutions Code is amended to read:

600. Any person under the age of 21 years who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge such person to be a dependent child of the court:

(a) Who is in need of proper and effective parental care or control and has no parent or guardian, or has no parent or guardian willing to exercise or capable of exercising such care or control, or has no parent or guardian actually exercising such care or control.

(b) Who is destitute, or who is not provided with the necessities of life, or who is not provided with a home or suitable place of abode.

(c) Who is physically dangerous to the public because of a mental or physical deficiency, disorder or abnormality.

(d) Whose home is an unfit place for him by reason of neglect, cruelty, depravity, or physical abuse of either of his parents, or of his guardian or other person in whose custody or care he is.

SEC. 1.5. Section 600 of the Welfare and Institutions Code is amended to read:

600. Any person under the age of 18 years who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge such person to be a dependent child of the court:

(a) Who is in need of proper and effective parental care or control and (1) has no parent or guardian, (2) has no parent or guardian willing to exercise or capable of exercising such care or control, or (3) has no parent or guardian actually exercising such care or control.

(b) Who is destitute, or who is not provided with the necessities of life, or who is not provided with a home or suitable place of abode.

(c) Who is physically dangerous to the public because of a mental or physical deficiency, disorder or abnormality.

(d) Whose home is an unfit place for him by reason of neglect, cruelty, depravity, or physical abuse of either of his parents, or of his guardian or other person in whose custody or care he is.

SEC. 2. Section 628 of the Welfare and Institutions Code is amended to read:

628. (a) Upon delivery to the probation officer of a minor who has been taken into temporary custody under the provisions of this article, the probation officer shall immediately investigate the circumstances of the minor and the facts surrounding his being taken into custody and shall immediately release such minor to the custody of his parent, guardian, or responsible relative unless one or more of the following conditions exist:

(1) The minor is in need of proper and effective parental care or control and has no parent, guardian, or responsible relative; or has no parent, guardian, or responsible relative willing to exercise or capable of exercising such care or control; or has no parent, guardian, or responsible relative actually exercising such care or control.

(2) The minor is destitute or is not provided with the necessities of life or is not provided with a home or suitable place of abode.

(3) The minor is provided with a home which is an unfit place for him by reason of neglect, cruelty, depravity, or physical abuse of either of his parents, or of his guardian or other person in whose custody or care he is.

(4) Continued detention of the minor is a matter of immediate and urgent necessity for the protection of the person or property of another.

(5) The minor is likely to flee the jurisdiction of the court.

(6) The minor has violated an order of the juvenile court.

(7) The minor is physically dangerous to the public because of a mental or physical deficiency, disorder or abnormality.

(b) In any case in which there is reasonable cause for believing that a minor who is under the care of a physician or surgeon or a hospital, clinic, or other medical facility and cannot be immediately moved is a person described in subdivision (d) of Section 600, the minor shall be deemed to have been taken into temporary custody and delivered to the probation officer for the purposes of this chapter while he is at the office of the physician or surgeon or such medical facility.

SEC. 2.5. Section 628 of the Welfare and Institutions Code is amended to read:

628. (a) Upon delivery to the probation officer of a minor who has been taken into temporary custody under the provisions of this article, the probation officer shall immediately investigate the circumstances of the minor and the facts surrounding his being taken into custody and shall immediately release such minor to the custody of his parent, guardian, or responsible relative unless one or more of the following conditions exist:

(1) The minor is in need of proper and effective parental care or control and has no parent, guardian, or responsible relative; or has no parent, guardian, or responsible relative willing to exercise or capable of exercising such care or control; or has no parent, guardian, or responsible relative actually exercising such care or control.

(2) The minor is destitute or is not provided with the necessities of life or is not provided with a home or suitable place of abode.

(3) The minor is provided with a home which is an unfit place for him by reason of neglect, cruelty, depravity or physical abuse of either of his parents, or of his guardian or other person in whose custody or care he is.

(4) Continued detention of the minor is a matter of immediate and urgent necessity for the protection of the minor or the person or property of another.

(5) The minor is likely to flee the jurisdiction of the court.

(6) The minor has violated an order of the juvenile court.

(7) The minor is physically dangerous to the public because of a mental or physical deficiency, disorder or abnormality.

(b) In any case in which there is reasonable cause for believing that a minor who is under the care of a physician or surgeon or a hospital, clinic, or other medical facility and cannot be immediately moved is a person described in subdivision (d) of Section 600, the minor shall be deemed to have been taken into temporary custody and delivered to the probation officer for the purposes of this chapter while he is at the office of the physician or surgeon or such medical facility.

SEC. 3. Section 634.5 is added to the Welfare and Institutions Code, to read:

634.5. Notwithstanding the provisions of Section 634, when a minor who is alleged to be a person described in subdivision (d) of Section 600 appears before the juvenile court at a detention hearing, the court shall appoint counsel. The court may appoint the district attorney to represent the minor pursuant to Section 681.

The counsel appointed by the court shall represent the minor at the detention hearing and at all subsequent proceedings before the juvenile court.

SEC. 3.5. Section 681 of the Welfare and Institutions Code as added by Chapter 1355 of the Statutes of 1967 is amended to read:

681. In a juvenile court hearing, where the minor who is the subject of the hearing is represented by counsel, the district attorney shall, with the consent or at the request of the juvenile court judge, appear and participate in the hearing to assist in the ascertaining and presenting of the evidence. Where the petition in a juvenile court proceeding alleges that a minor is a person described in subdivision (a), (b), or (d) of Section 600, and either of the parents, or the guardian, or other person having care or custody of the minor, or who resides in the home of the minor, is charged in a pending criminal prosecution based upon unlawful acts committed against the minor, the district attorney shall, with the consent or at the request of the juvenile court judge, represent the minor in the interest of the state at the juvenile court proceeding. The terms and conditions of such representation shall be with the consent or approval of the judge of the juvenile court.

SEC. 4. Section 727 of the Welfare and Institutions Code is amended to read:

727. When a minor is adjudged a dependent child of the court, on the ground that he is a person described by Section 600, the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and sup-

port of such minor, including medical treatment, subject to further order of the court.

The court may order the care, custody, control and conduct of such minor to be under the supervision of the probation officer or may commit such minor to the care, custody and control of:

(a) Some reputable person of good moral character who consents to such commitment.

(b) Some association, society, or corporation embracing within its objects the purpose of caring for such minors, with the consent of such association, society, or corporation.

(c) The probation officer, to be boarded out or placed in some suitable family home or suitable private institution, subject to the requirements of Chapter 1 (commencing with Section 16000) of Part 4 of Division 9; provided, however, that pending action by the State Department of Social Welfare, the placement of a minor in a home certified as meeting minimum standards for boarding homes by the probation officer shall be legal for all purposes.

(d) Any other public agency organized to provide care for needy or neglected children.

When a minor is adjudged a dependent child of the court, on the ground that he is a person described by subdivision (d) of Section 600 and the court orders that a parent or guardian shall retain custody of such minor subject to the supervision of the probation officer, the parent or guardian shall be required, as a condition of his continued custody of such minor, to participate in a counseling program to be provided by an appropriate agency designated by the court.

SEC. 5. Section 727.5 is added to the Welfare and Institutions Code, to read:

727.5. If the parent or person legally responsible for the care of any minor who is found to be a person described in subdivision (d) of Section 600 receives public assistance or care, any portion of which is attributable to the minor, a copy of the order of the court providing for the removal of the minor from his home shall be furnished to the appropriate social services official, who shall reduce the public assistance and care furnished the parent or other person by the amount attributable to the minor.

SEC. 6. Section 727.6 is added to the Welfare and Institutions Code, to read:

727.6. In any case in which the court has ordered that a parent or guardian shall retain physical custody of a minor who is found to be a person described in subdivision (d) of Section 600, subject to supervision of the probation officer, whenever the probation officer subsequently receives a report of acts or circumstances which indicate that there is reasonable cause to believe that the minor is a person described in subdivision (d) of Section 600, he shall commence proceedings under this chapter. If, as a result of the proceedings required,

the court finds that the minor is a person described in subdivision (d) of Section 600, the court shall remove such minor from the care, custody, and control of his parent or guardian and shall commit such minor to the care, custody, and control of those persons or organizations enumerated in Section 727.

SEC. 7. Section 11161.5 of the Penal Code is amended to read:

11161.5. (a) In any case in which a minor is brought to a physician and surgeon, dentist, resident, intern, chiropractor, or religious practitioner for diagnosis, examination or treatment, or is under his charge or care, or in any case in which a minor is observed by any registered nurse when in the employ of a public health agency, school, or school district and when no physician and surgeon, resident, or intern is present, by any superintendent, any supervisor of child welfare and attendance, or any certificated pupil personnel employee of any public or private school system or any principal of any public or private school, by any teacher or any public or private school, by any licensed day care worker, or by any social worker, and it appears to the physician and surgeon, dentist, resident, intern, chiropractor, religious practitioner, registered nurse, school superintendent, supervisor of child welfare and attendance, certificated pupil personnel employee, school principal, teacher, licensed day care worker, or social worker from observation of the minor that the minor has physical injury or injuries which appear to have been inflicted upon him by other than accidental means by any person, he shall report such fact by telephone and in writing to the local police authority having jurisdiction and to the juvenile probation department. The report shall state, if known, the name of the minor, his whereabouts and the character and extent of the injuries.

Whenever it is brought to the attention of a director of a county welfare department that a minor has physical injury or injuries which appear to have been inflicted upon him by other than accidental means by any person, he shall file a report as provided in this section.

No person shall incur any civil or criminal liability as a result of making any report authorized by this section.

Copies of all written reports received by the local police authority shall be forwarded to the State Bureau of Criminal Identification and Investigation. If the records of the Bureau of Criminal Identification and Investigation maintained pursuant to Section 11110 reveal any reports of suspected infliction of physical injury upon the same minor or upon any other minor in the same family by other than accidental means, or if the records reveal any arrest or conviction in other localities for a violation of Section 273a inflicted upon the same minor or any other minor in the same family, or if the records reveal any other pertinent information with respect to the same minor or any other minor in the same family, the local reporting

agency and the local juvenile probation department shall be immediately notified of the fact.

Reports and other pertinent information received from the bureau shall be made available to: any licensed physician and surgeon, dentist, resident, intern, chiropractor, or religious practitioner with regard to his patient or client; any director of a county welfare department, school superintendent, supervisor of child welfare and attendance, certificated pupil personnel employee, or school principal having a direct interest in the welfare of the minor; and any probation department, juvenile probation department, or agency offering child protective services.

(b) If the minor is a person specified in Section 600 of the Welfare and Institutions Code and the duty of the probation officer has been transferred to the county welfare department pursuant to Section 576.5 of the Welfare and Institutions Code, then the report required by subdivision (a) of this section shall also be made to the county welfare department.

SEC. 8. It is the intent of the Legislature, if this bill and Assembly Bill No. 2887 are both chaptered and amend Section 600 of the Welfare and Institutions Code, and this bill is chaptered after Assembly Bill No. 2887, that the amendments to Section 600 proposed by both bills be given effect and incorporated in Section 600 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 2887 are both chaptered, both amend Section 600, and Assembly Bill No. 2887 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

SEC. 9. It is the intent of the Legislature that if this bill and Senate Bill No. 1094 are chaptered and amend Section 628 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 1094 that the amendments to Section 628 proposed by both bills be given effect and incorporated in Section 628 in the form set forth in Section 2.5 of this act. Therefore, Section 2.5 of this act shall become operative only if this bill and Senate Bill No. 1094 are both chaptered, both amend Section 628, and Senate Bill No. 1094 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

---

## CHAPTER 1730

*An act to amend Section 625 of the Welfare and Institutions Code, relating to juvenile court law.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 625 of the Welfare and Institutions Code is amended to read:

625. A peace officer may, without a warrant, take into temporary custody a minor:

(a) Who is under the age of 18 years when such officer has reasonable cause for believing that such minor is a person described in Section 600 or 601, or

(b) Who is a ward or dependent child of the juvenile court or concerning whom an order has been made under Section 636 or 702, when such officer has reasonable cause for believing that person has violated an order of the juvenile court or has escaped from any commitment ordered by the juvenile court, or

(c) Who is under the age of 21 years and who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care.

In any case where a minor is taken into temporary custody on the ground that there is reasonable cause for believing that such minor is a person described in Section 601 or 602, or that he has violated an order of the juvenile court or escaped from any commitment ordered by the juvenile court, the officer shall advise such minor that anything he says can be used against him and shall advise him of his constitutional rights, including his right to remain silent, his right to have counsel present during any interrogation, and his right to have counsel appointed if he is unable to afford counsel.

SEC. 2. Section 625 of the Welfare and Institutions Code is amended to read:

625. A peace officer may, without a warrant, take into temporary custody a minor:

(a) Who is under the age of 18 years when such officer has reasonable cause for believing that such minor is a person described in Section 600 or 601, or

(b) Who is a ward or dependent child of the juvenile court or concerning whom an order has been made under Section 636 or 702, when such officer has reasonable cause for believing that person has violated an order of the juvenile court or has escaped from any commitment ordered by the juvenile court, or

(c) Who is under the age of 18 years and who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care.

In any case where a minor is taken into temporary custody on the ground that there is reasonable cause for believing that such minor is a person described in Section 601 or 602, or that he has violated an order of the juvenile court or escaped from any commitment ordered by the juvenile court, the officer shall advise such minor that anything he says can be used against him and shall advise him of his constitutional rights, including his right to remain silent, his right to have counsel present during any interrogation, and his right to have counsel appointed if he is unable to afford counsel.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 2887 are both chaptered and amend Section 625 of the Welfare and Institutions Code, and this bill is chaptered after Assembly Bill No. 2887, that the amendments to Section 625 proposed by both bills be given effect and incorporated in Section 625 in the form set forth in Section 2 of this act. Therefore, Section 625 of this act shall become operative only if this bill and Assembly Bill No. 2887 are both chaptered, both amend Section 625, and Assembly Bill No. 2887 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

SEC. 4. This act shall become operative only if Assembly Bill No. 910 of the 1971 Regular Session of the Legislature is enacted and adds Section 625.1 to the Welfare and Institutions Code, in which case this act shall become operative at the same time as A.B. 910 becomes operative.

---

## CHAPTER 1731

*An act to add Section 25897 to the Health and Safety Code, relating to toys.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 25897 is added to the Health and Safety Code, to read:

25897. (a) No person shall knowingly manufacture, sell, or offer for sale any toy which is designed to depict torture or resemble an instrument specifically designed for torture, or which specifically resembles a bomb or grenade.

(b) This section shall not apply to any model of an aircraft, ship, motor vehicle, railroad engine, car, or rocketship or other spacecraft, or to any part of such model.

(c) Violation of this section is a misdemeanor punishable by a fine of not more than three hundred dollars ($300).

SEC. 2. This act shall become operative on July 1, 1972.

---

## CHAPTER 1732

*An act to amend Sections 1213.5 and 3041 of, and to add Section 2900.5 to, the Penal Code, relating to sentences.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 1213.5 of the Penal Code is amended to read:

1213.5. (a) The abstract of judgment provided for in Section 1213 shall contain all of the following:

(1) A designation of the crime or crimes and the degree thereof, if any, of which defendant has been convicted.

(2) The sections of the Penal Code or other provisions of law of which the designated crimes constitute violations.

(3) A statement of prior convictions which affect the sentence of the defendant.

(4) A statement as to whether or not the defendant was armed with a deadly weapon or a concealed deadly weapon when that fact will affect his sentence.

(5) When the circumstances of the conviction are such as to constitute defendant an habitual criminal under subdivision (a) or (b) of Section 644 of the Penal Code, a statement as to whether or not the judge finds defendant is an habitual criminal.

(6) A statement as to how the sentence imposed on each count of which defendant was convicted shall be served with respect to the other counts, if any, of which he was convicted and with respect to any prior uncompleted sentence.

(7) A copy of the order remanding defendant to the custody of the sheriff for delivery to a state prison.

(8) A statement setting forth the number of days the defendant was held in custody as a result of the same criminal act or acts for which he has been convicted.

(b) The form of the abstract of judgment shall be substantially as follows:

Case Nos.: _____
In the Superior Court of the State of California
In and for the _____ County of _____.

Abstract of Judgment
(Commitment to State Prison)

| | |
|---|---|
| The People of the State of California<br>v. | Present:<br><br>Hon. _____<br>Judge of the Superior Court<br>_____<br>Prosecuting Attorney<br>_____<br>Counsel for Defendant |

This certifies that on _____ judgment of conviction of the above-named defendant was entered as follows:

(1) Case No. _____ Count No. _____

On his plea of _____
(guilty, not guilty, former conviction or acquittal, once in jeopardy, not guilty by reason of insanity)

he was convicted by _____ of
(the court or jury)

_____ in violation of
(designation of crime and degree if any, including fact that it constitutes a second or subsequent, if that affects the sentence)

_____
(reference to code or statute, including section and subsection thereof, if any violated)

with prior felony convictions as follows:

| Date | County and state | Crime | Disposition |
|---|---|---|---|

Defendant has been held in custody for _____ days as a result of the same criminal act or acts for which he has been convicted.

Defendant _____ armed with a deadly
(was or was not)

weapon at the time of his commission of the offense or a concealed deadly weapon at the time of his arrest within the meaning of Penal Code Section 3024.

_____

(Repeat foregoing with respect to each count of which defendant was convicted.)

(2) Defendant _____ adjudged an habitual
(was or was not)

criminal within the meaning of subdivision _____ of Sec-
(a) or (b)

tion 644 of the Penal Code and the defendant _____ an
(is or is not)

habitual criminal in accordance with the provisions of subdivision (c) of that section.

(3) It is therefore ordered, adjudged and decreed that the said defendant be punished by imprisonment in the state prison of the State of California for the term provided by law, and that he be remanded to the Sheriff of the County of _____, and by him delivered to the Director of Corrections of the State of California at _____.

It is ordered that sentences shall be served in respect to one another as follows (CC or CS):

and in respect to any prior incompleted sentence(s) as follows (CC or CS):

(4) To the Sheriff of the County of _____ and to the Director of Corrections at the _____.

Pursuant to the aforesaid judgment, this is to command you, the said sheriff, to deliver the above-named defendant into the custody of the Director of Corrections at the _____ _____ at your earliest convenience.

Witness my hand and seal of said court this _____ day of _____ 19__.

_____ Clerk

By _____ Deputy

State of California, }
County of _____ } ss.

I do hereby certify the foregoing to be a true and correct abstract of the judgment duly made and entered on the minutes of the superior court in the above entitled action as provided by Penal Code Section 1213.

Attest my hand and seal of the said superior court this _____ day of _____ 19__.

_____

County Clerk and Ex Officio Clerk of the Superior Court of the State of California, in and for the County of _____

_____ Judge of the Superior Court of the State of California in and for the County of _____.

SEC. 2. Section 2900.5 is added to the Penal Code, to read:

2900.5. (a) In all felony convictions, either by plea or by verdict, when the defendant has been in custody in any city, county, or city and county jail, all days of custody of the defendant from the date of arrest to the date on which the serving of the sentence imposed commences, including days served as a condition of probation in compliance with a court order, shall be credited upon his sentence, or credited to any fine which may be imposed, at the rate of not less than twenty dollars ($20) per day, or more, in the discretion of the court imposing the sentence. If the total number of days in custody exceeds the number of days of the sentence to be imposed, the entire sentence shall be deemed to have been served. In any case where the court has imposed both a prison sentence and a fine, any days to be credited to the defendant shall first be applied to the sentence imposed, and thereafter such remaining days, if any, shall be applied to the fine.

(b) For the purposes of this section, credit shall be given only where the custody to be credited is attributable to charges arising from the same criminal act or acts for which the defendant has been convicted.

(c) This section shall be applicable only to those persons who are delivered into the custody of the Director of Corrections on or after the effective date of this section.

SEC. 3. Section 3041 of the Penal Code is amended to read:

3041. (a) In any case the matter of parole may be determined by the Adult Authority at any time after the actual commencement of such imprisonment.

(b) Notwithstanding the provisions of subdivision (a) or any other provision of this article, in any case where the

minimum eligible parole date occurs less than 120 days after the date on which a person is delivered into the custody of the Director of Corrections, a parole meeting shall be held for such person at the first meeting of the Adult Authority, held at the institution where such person is being held, after the completion of the diagnostic study conducted in accordance with Section 5079, but in no event later than 120 days after the date on which such person is delivered into the custody of the Director of Corrections.

## CHAPTER 1733

*An act to add Section 33448 to the Health and Safety Code, relating to community redevelopment agencies.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 33448 is added to the Health and Safety Code, to read:

33448. In a county with a population of 4,000,000 persons or more, an agency may, with the consent of the legislative body, acquire, construct, and finance by the issuance of bonds or otherwise a public improvement whether within or without a project area consisting of a transportation collection and distribution system and peripheral parking structures and facilities, including sites therefor, to serve the project area and surrounding areas, upon a determination by resolution of the agency and the legislative body that such public improvement is of benefit to the project area. Such determination by the agency and the legislative body shall be final and conclusive as to the issue of benefit to the project area.

The agency shall, in order to exercise the powers granted by this section, enter into an agreement with the rapid transit district which includes the county, or a portion thereof, in which agreement the rapid transit district shall be given all of the following responsibilities:

(a) To participate with the other parties to the agreement to design, determine the location and extent of the necessary rights-of-way for, and construct the transportation, collection, and distribution systems and related peripheral parking structures and facilities.

(b) To operate and maintain such transportation, collection, and distribution systems and related peripheral parking structures and facilities in accordance with the rapid transit district's outstanding agreements and the agreement required by this paragraph.

# CHAPTER 1734

*An act to amend Section 21669.3 of, and to add Section 21669.5 to, the Public Utilities Code, relating to aviation.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 21669.3 of the Public Utilities Code is amended to read:

21669.3. (a) The department shall submit a comprehensive report of the noise regulations adopted pursuant to Sections 21669, 21669.1 and 21669.2 to the Legislature on or prior to December 31, 1970, and the regulations shall go into effect on December 1, 1972, except as provided in subdivisions (b), (c), and (d).

(b) Any regulations designed to establish a noise monitoring program at an airport shall go into effect on the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature. Any regulations applicable to airports entering service after November 30, 1971, shall go into effect on that date.

(c) Every county board of supervisors shall, as of the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature, designate airports within their respective counties having a noise problem for purposes of this subdivision. Each airport so designated shall, on or before December 1, 1971, have a noise monitoring system meeting the requirements of the department's noise regulations in operation. The department may grant an extension of time for compliance with this subdivision where an airport operator shows to the satisfaction of the department that noise monitoring equipment is not available. This subdivision shall be effective only until December 1, 1972, and after that date shall have no force or effect.

(d) At every airport in operation on the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature which has a volume of passenger traffic exceeding one million persons arriving and departing per year, and which is determined under subdivision (c) to have a noise problem, there shall not be any increase in the noise level beyond that which existed at such airport at the date of the determination. In the event any action taken under any noise regulation of the department, or in the event the implementation of any technological improvements, succeeds in lowering the level of noise at the airport, such reduced level of noise shall constitute the permissible limits of noise. This subdivision and the noise limits specified in this subdivision, to the extent permissible under federal law, shall be effective only until December 1, 1972, and after that date shall have no force or effect.

SEC. 2. Section 21669.5 is added to the Public Utilities Code, to read:

21669.5. (a) The noise regulations adopted pursuant to Sections 21669, 21669.1, and 21669.2 shall not be construed to establish a duty of care in favor of any person or entity and shall not create for use by any person or entity a presumption to establish in any eminent domain proceeding a taking or damaging of property or a presumption to establish injury, damage, or a taking in any action or proceeding to recover for injury, damaging, or taking by reason of the operation of aircraft or aircraft engines. Such regulations shall be inadmissible as evidence, and shall not be a proper basis for an opinion or a proper basis for cross-examining or impeaching a witness, or a matter of which judicial notice may be taken, in any eminent domain action or in any action or proceeding to recover for injury, damaging, or taking by reason of the operation of aircraft or aircraft engines.

(b) Subdivision (a) shall not apply in any action or proceeding brought under this part to enforce the noise regulations or to punish violations thereof.

(c) This section shall remain in effect until the 61st day after final adjournment of the 1974 Regular Session of the Legislature, and shall have no force or effect after that date.

SEC. 3. The Department of Aeronautics may from time to time make such amendments to its noise regulations as are supported by findings and conclusions made after notice and public hearing thereon.

---

## CHAPTER 1735

*An act to amend, repeal, and add Section 27149 of the Streets and Highways Code, relating to bridge and highway districts.*

[Approved by Governor December 14, 1971 Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 27149 of the Streets and Highways Code is amended to read:

27149. Each member of the board shall receive the sum of fifty dollars ($50) for attending each meeting of the board and each committee meeting on different days, but no member shall receive such compensation in excess of three thousand six hundred dollars ($3,600) in any one year, except the president who shall not receive such compensation in excess of five thousand dollars ($5,000) in any one year. Each member of the board shall receive a sum equal to the necessary traveling expenses incurred by him in the performance of his duties.

This section shall remain in effect only until the 61st day after the final adjournment of the 1974 Regular Session of the Legislature, and as of that date is repealed.

SEC. 2. Section 27149 is added to the Streets and Highways Code, to read:

27149. Each member of the board shall receive the sum of fifty dollars ($50) for attending each meeting of the board and each committee meeting on different days, but no member shall receive such compensation in excess of two thousand four hundred dollars ($2,400) in any one year. Each member of the board shall receive a sum equal to the necessary traveling expenses incurred by him in the performance of his duties.

This section shall become operative on the 61st day after the final adjournment of the 1974 Regular Session of the Legislature.

SEC. 3. It is the intent of the Legislature that the amendments to Section 27149 of the Streets and Highways Code which are made by Section 1 of this act shall remain in effect only until the 61st day after the final adjournment of the 1974 Regular Session of the Legislature, and on that date Section 2 of this act shall become operative to restore Section 27149 to the form in which it read immediately prior to the effective date of this act.

---

## CHAPTER 1736

*An act to amend Section 9607 of the Government Code, relating to statutes, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 9607 of the Government Code is amended to read:

9607. (a) Except as provided in subdivision (b), no statute or part of a statute, repealed by another statute, is revived by the repeal of the repealing statute without express words reviving such repealed statute or part of a statute.

(b) If a later enacted statute that deletes, repeals, or extends the termination date of a previously enacted law is chaptered before the termination date, the terminated law is revived when the later enacted statute becomes operative.

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 this act may take effect in time to prevent several provisions of law from terminating contrary to legislative intent, it is essential that this act take immediate effect.

# CHAPTER 1737

*An act to add Article 10 (commencing with Section 50568) to Chapter 2 of Part 1 of Division 1 of Title 5 of the Government Code, relating to excess property of public agencies.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Article 10 (commencing with Section 50568) is added to Chapter 2 of Part 1 of Division 1 of Title 5 of the Government Code, to read:

## Article 10. Surplus Real Property

50568. Unless the context otherwise requires, the following definitions govern the construction of this article:

(a) "Persons and families of low and moderate income" means persons and families financially eligible for admission to developments assisted by the Federal Department of Housing and Urban Development Section 235 and 236 programs.

(b) "Limited dividend housing corporation" means any joint venture, partnership, limited partnership, trust or corporation organized or existing under the laws of this state or authorized to do business in this state and subject to the restrictions of Division 24 of the Health and Safety Code.

(c) "Housing corporation" means a corporation organized pursuant to the community land chest law in Division 24 of the Health and Safety Code.

(d) "Nonprofit corporation" means a nonprofit corporation incorporated pursuant to the provisions of the General Nonprofit Corporation Law and whose articles of incorporation provide that the corporation has been organized exclusively to provide housing facilities for persons of low and moderate income.

50569. On or before December 31 of each year, each local agency as defined in Section 54951 shall make an inventory of all lands held, owned or controlled by it or any of its departments, agencies or authorities to determine what land, including air rights, if any, is in excess of its foreseeable needs. A description of each parcel found to be so in excess of needs shall be made a matter of public record. Any citizen, limited dividend corporation, housing corporation or nonprofit corporation, shall upon request be provided with a list of said parcels without charge.

50570. Subject to the provisions of Sections 54222 and 54223, a local agency, or any department, agency or authority thereof may lease, sell or grant or otherwise transfer any real property, including air rights owned, held or controlled by it and found to be in excess of foreseeable needs under this article, to any housing corporation, limited dividend corporation or nonprofit corporation, upon such terms and conditions

as any other provisions of law notwithstanding the local agency may deem to be best suited to the development of the parcel for housing available to persons and families of low and moderate income. Whenever the ownership of the land or the mortgagor corporation is no longer composed of a majority of the nonprofit or limited dividend sponsors, title to the land shall revert to the local agency.

50572. Property may be transferred under this article only after a public hearing, but without regard to other provisions of this code concerning leases of real property.

50573. Any citizen of low or moderate income, housing corporation, limited dividend corporation or nonprofit corporation may bring an action to enforce the provisions of this article relating to the inventory pursuant to Section 50569.

---

## CHAPTER 1738

*An act to add Section 18404 to, and to amend Section 18700 of, the Health and Safety Code, relating to mobilehome parks.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 18404 is added to the Health and Safety Code, to read:

18404. (a) If any mobilehome park is constructed, altered, converted, used, occupied or maintained in violation of any provision of this part, the regulations adopted pursuant thereto, or any order or notice issued by the enforcement agency which allows a reasonable time to correct such violation, the enforcement agency may institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation.

(b) The superior court may make any order for which application is made pursuant to this part.

SEC. 2. Section 18700 of the Health and Safety Code is amended to read:

18700. Any person who willfully violates any of the provisions of this part or any rules or regulations issued pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding two hundred dollars ($200) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

Any permitholder who willfully violates any of the provisions of this part or any rules or regulations issued pursuant to this part shall be subject to suspension or revocation of his permit to operate.

Any person who willfully violates any provision of this part, or any rules or regulations issued pursuant to this part, shall be liable for a civil penalty of five hundred dollars ($500) for each such violation or for each day of a continuing violation. The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section.

# CHAPTER 1739

*An act to add Article 8 (commencing with Section 18145) to Chapter 13 of Part 10 of, to add Section 24483.5 to, and to add Article 6 (commencing with Section 24999) to Chapter 15 of Part 11 of, to repeal Article 8 (commencing with Section 18145) of Chapter 13 of Part 10 of, and to repeal Article 6 (commencing with Section 24999) of Chapter 15 of Part 11 of, Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.*

[Approved by Governor December 14, 1971 Filed with Secretary of State December 14, 1971]

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

SECTION 1. Article 8 (commencing with Section 18145) of Chapter 13 of Part 10 of Division 2 of the Revenue and Taxation Code is repealed.

SEC. 2. Article 8 (commencing with Section 18145 is added to Chapter 13 of Part 10 of Division 2 of the Revenue and Taxation Code, to read:

## Article 8. Distributions Pursuant to Bank Holding Company Act Amendments of 1970

18145. (a) (1) If—

(A) A qualified bank holding corporation distributes prohibited property (other than stock received in an exchange to which paragraph (1) of subdivision (c) applies)—

(i) To a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) To a shareholder, in exchange for its preferred stock; or

(iii) To a security holder, in exchange for its securities; and

(B) The board has, before the distribution, certified that the distribution of such prohibited property is necessary or appropriate to effectuate Section 4 of the Bank Holding Company Act of 1956 as amended by the Bank Holding Company Act Amendments of 1970,

then no gain to the shareholder or security holder from the receipt of such property shall be recognized.

(2) If—

(A) A qualified bank holding corporation distributes—

(i) Common stock received in an exchange to which paragraph (1) of subdivision (c) applies to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) Common stock received in an exchange to which paragraph (1) of subdivision (c) applies to a shareholder, in exchange for its common stock; or

(iii) Preferred stock or common stock received in an exchange to which paragraph (1) of subdivision (c) applies to a shareholder, in exchange for its preferred stock; or

(iv) Securities or preferred or common stock received in an exchange to which paragraph (1) of subdivision (c) applies to a security holder, in exchange for its securities; and

(B) Any preferred stock received has substantially the same terms as the preferred stock exchanged, and any securities received have substantially the same terms as the securities exchanged,

then, except as provided in subdivision (f), no gain to the shareholder or security holder from the receipt of such stock or such securities or such stock and securities shall be recognized.

(3) Paragraphs (1) and (2) shall apply to a distribution whether or not the distribution is pro rata with respect to all of the shareholders of the distributing qualified bank holding corporation.

(4) This subdivision shall not apply to any distribution by a company which has made any distribution pursuant to subdivision (b).

(5) In the case of a distribution to which paragraph (1) or (2) applies, but which—

(A) Results in a gift, see Section 15201, and following, or

(B) Has the effect of the payment of compensation, see paragraph (1) of subdivision (a) of Section 17071.

(b) (1) If—

(A) A qualified bank holding corporation distributes bank property (other than stock received in an exchange to which paragraph (2) of subdivision (c) applies)—

(i) To a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) To a shareholder, in exchange for its preferred stock; or

(iii) To a security holder, in exchange for its securities; and

(B) The board has, before distribution, certified that—

(i) Such property is all or part of the property by reason of which such corporation owns or controls (within the

meaning of Section 2(a) of the Bank Holding Company Act of 1956, as amended) a bank or bank holding company, or did so own or control a bank or bank holding corporation prior to any distribution under this section; and

(ii) The distribution is necessary or appropriate to effectuate the policies of such act,

then no gain to the shareholder or security holder from the receipt of such property shall be recognized.

(2) If—

(A) A qualified bank holding corporation distributes—

(i) Common stock received in an exchange to which paragraph (2) of subdivision (c) applies to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) Common stock received in an exchange to which paragraph (2) of subdivision (c) applies to a shareholder, in exchange for its common stock; or

(iii) Preferred stock or common stock received in an exchange to which paragraph (2) of subdivision (c) applies to a shareholder, in exchange for its preferred stock; or

(iv) Securities or preferred or common stock received in an exchange to which paragraph (2) of subdivision (c) applies to a security holder, in exchange for its securities; and

(B) Any preferred stock received has substantially the same terms as the preferred stock exchanged, and any securities received have substantially the same terms as the securities exchanged,

then, except as provided in subdivision (f), no gain to the shareholder or security holder from the receipt of such stock or such securities or such stock and securities shall be recognized.

(3) Paragraphs (1) and (2) shall apply to a distribution whether or not the distribution is pro rata with respect to all of the shareholders of the distributing qualified bank holding corporation.

(4) This subdivision shall not apply to any distribution by a corporation which has made any distribution pursuant to subsection (a).

(5) In the case of a distribution to which paragraph (1) or (2) applies, but which—

(A) Results in a gift, see Section 15201, and following, or

(B) Has the effect of the payment of compensation, see paragraph (1) of subdivision (a) of Section 17071.

(c) (1) If—

(A) Any qualified bank holding corporation exchanges (i) prohibited property, which, under paragraph (1) of subdivision (a), such corporation could distribute directly

to its shareholders or security holders without the recognition of gain to such shareholders or security holders, and other property (except bank property), for (ii) all of the stock of a second corporation created and availed of solely for the purpose of receiving such property;

(B) Immediately after the exchange, the qualified bank holding corporation distributes all of such stock in a manner prescribed in paragraph (2) of subdivision (a); and

(C) Before such distribution, the board has certified (with respect to the property exchanged which consists of property which, under paragraph (1) of subdivision (a), such corporation could distribute directly to its shareholders or security holders without the recognition of gain) that the exchange and distribution are necessary or appropriate to effectuate Section 4 of the Bank Holding Company Act of 1956 as amended by the Bank Holding Company Act Amendments of 1970,

then paragraph (2) of subdivision (a) shall apply with respect to such distribution.

(2) If—

(A) Any qualified bank holding corporation exchanges (i) bank property which, under paragraph (1) of subdivision (b), such corporation could distribute directly to its shareholders or security holders without the recognition of gain to such shareholders or security holders, and other property (except prohibited property), for (ii) all of the stock of a second corporation created and availed of solely for the purpose of receiving such property;

(B) Immediately after the exchange, the qualified bank holding corporation distributes all of such stock in a manner prescribed in paragraph (2) of subdivision (b); and

(C) Before such distribution, the board has certified (with respect to the property exchanged which consists of property which, under paragraph (1) of subdivision (b), such corporation could distribute directly to its shareholders or security holders without the recognition of gain) that—

(i) Such property is all or part of the property by reason of which such corporation owns or controls (within the meaning of Section 2(a) of the Bank Holding Company Act of 1956, as amended) a bank or bank holding company, or did so own or control a bank or bank holding company prior to any distribution under this section; and

(ii) The exchange and distribution are necessary or appropriate to effectuate the policies of such act,

then paragraph (2) of subdivision (b) shall apply with respect to such distribution.

(d) (1) Subdivision (a) shall not apply to a distribution if, in connection with such distribution, the distributing

corporation retains, or transfers after July 7, 1970, to any corporation, property (other than prohibited property) as part of a plan one of the principal purposes of which is the distribution of the earnings and profits of any corporation.

(2) Subdivision (b) shall not apply to a distribution if, in connection with such distribution, the distributing corporation retains, or transfers after July 7, 1970, to any corporation, property (other than bank property) as part of a plan one of the principal purposes of which is the distribution of the earnings and profits of any corporation.

(e) Subdivision (a) or (b) shall not apply unless the distribution described in such subdivision of prohibited property or bank property is completed within three years after the first distribution of such property is made.

(f) In the case of an exchange described in clause (iv) of subparagraph (A) of paragraph (2) of subdivision (a) or clause (iv) of subparagraph (A) of paragraph (2) of subdivision (b), subdivision (a) or (b) (as the case may be) shall apply only to the extent that the principal amount of the securities received does not exceed the principal amount of the securities exchanged.

(g) If, by reason of this section, gain is not recognized with respect to the receipt of any property, then, under regulations prescribed by the Franchise Tax Board—

(1) If the property is received by a shareholder with respect to stock, without the surrender by such shareholder of stock, the basis of the property received and of the stock with respect to which it is distributed shall, in the distributee's hands, be determined by allocating between such property and such stock the adjusted basis of such stock; or

(2) If the property is received by a shareholder in exchange for stock or by a security holder in exchange for securities, the basis of the property received shall, in the distributee's hands, be the same as the adjusted basis of the stock or securities exchanged, increased by—

(A) The amount of the property received which was treated as a dividend, and

(B) The amount of gain to the taxpayer recognized on the property received (not including any portion of such gain which was treated as a dividend).

(h) (1) In the case of a distribution by a qualified bank holding corporation under paragraph (1) of subdivision (a) or paragraph (1) of subdivision (b) of stock in a controlled corporation, proper allocation with respect to the earnings and profits of the distributing corporation and the controlled corporation shall be made under regulations prescribed by the Franchise Tax Board.

(2) In the case of any exchange described in paragraph (1) or (2) of subdivision (c), proper allocation with respect to the

earnings and profits of the corporation transferring the property and the corporation receiving such property shall be made under regulations prescribed by the Franchise Tax Board.

(3) For purposes of paragraph (1), the term "controlled corporation" means a corporation with respect to which at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock is owned by the distributing qualified bank holding corporation.

(i) In any certification under this article, the board shall make such specification and itemization of property as may be necessary to carry out the provisions of this article.

18147. (a) For purposes of this article, the term "bank holding company" has the meaning assigned to such term by Section 2 of the Bank Holding Company Act of 1956, as amended by the Bank Holding Company Act Amendments of 1970.

(b) For purposes of this article, the term "qualified bank holding corporation" means any corporation (as defined in Section 23038 of the Bank and Corporation Tax Law) or bank (as defined in Section 23039 of the Bank and Corporation Tax Law) which the Federal Reserve Board certifies became, as a result of the enactment of the Bank Holding Company Act Amendments of 1970, a bank holding company on the date of such enactment.

(c) For purposes of this article, the term "bank property" means property acquired on or before July 7, 1970 by reason of which a corporation owns or controls (within the meaning of Section 2(a) of the Bank Holding Company Act of 1956, as amended) a bank or bank holding company, or did so own or control a bank or bank holding company prior to any distribution under Section 18145.

(d) For purposes of this article, the term "prohibited property" means in the case of any qualified bank holding corporation, property (other than nonexempt property and other than bank property) acquired on or before July 7, 1970—

(1) The disposition of which would be necessary or appropriate to effectuate Section 4 of the Bank Holding Company Act of 1956, as amended by the Bank Holding Company Act Amendments of 1970; or

(2) Which would otherwise be prohibited property (within the meaning of paragraph (1) of this subdivision) except for the application of Section 4(c)(11) of the Bank Holding Company Act of 1956 as amended by the Bank Holding Company Act Amendments of 1970.

The term "prohibited property" does not include ownership of (A) 5 percent or less of the outstanding voting shares of any

company to which the prohibitions of Section 4 of the Bank Holding Company Act of 1956, as amended, do not apply by reason of paragraph (6) of subdivision (c) of such section, or (B) ownership of shares of an investment company which is not a bank holding company and to which the prohibitions of Section 4 of the Bank Holding Company Act of 1956, as amended, do not apply by reason of paragraph (7) of subdivision (c) of such section.

(e) For purposes of this article, the term "nonexempt property" means—

(1) Obligations (including notes, drafts, bills of exchange, and bankers' acceptances) having a maturity at the time of issuance of not exceeding 24 months, exclusive of days of grace;

(2) Securities issued by or guaranteed as to principal or interest by a government or subdivision thereof or by any instrumentality of a government or subdivision; or

(3) Money, and the right to receive money not evidenced by a security or obligation (other than a security or obligation described in paragraph (1) or (2)).

(f) For purposes of this article, the term "board" means the Board of Governors of the Federal Reserve System.

SEC. 2.5. Section 24483.5 is added to the Revenue and Taxation Code, to read:

24483.5. (a) (1) If a corporation distributes property (other than an obligation of such corporation) to a shareholder in a redemption (to which Article 1 (commencing with Section 24451) applies) of part or all of his stock in such corporation, and

(2) The fair market value of such property exceeds its adjusted basis (in the hands of the distributing corporation), then a gain shall be recognized to the distributing corporation in an amount equal to such excess as if the property distributed had been sold at the time of the distribution. Sections 24482 and 24483 shall not apply to any distribution to which this section applies.

(b) Subdivision (a) shall not apply to—

(1) A distribution in complete redemption of all of the stock of a shareholder who, at all times within the 12-month period ending on the date of such distribution, owns at least 10 percent in value of the outstanding stock of the distributing corporation, but only if the redemption qualifies under paragraph (3) of subdivision (b) of Section 24455 (determined without the application of clause (ii) of subparagraph (A) of paragraph (2) of subdivision (c) of Section 24455);

(2) A distribution of stock or an obligation of a corporation—

(A) Which is engaged in at least one trade or business,

(B) Which has not received property constituting a substantial part of its assets from the distributing corporation, in a transaction to which Section 24521 applied or as a contribution to capital, within the five-year period ending on the date of the distribution, and

(C) At least 50 percent in value of the outstanding stock of which is owned by the distributing corporation at any time within the nine-year period ending one year before the date of the distribution;

(3) A distribution before December 1, 1974, of stock of a corporation substantially all of the assets of which the distributing corporation (or a corporation which is a member of the same affiliated group (as defined in Section 23361) as the distributing corporation) held on November 30, 1969, if such assets constitute a trade or business which has been actively conducted throughout the one-year period ending on the date of the distribution;

(4) A distribution of stock or securities pursuant to the terms of a final judgment rendered by a court with respect to the distributing corporation in a court proceeding under the Sherman Act (26 Stat. 209; 15 U.S.C. 1–7) or the Clayton Act (38 Stat. 730; 15 U.S.C. 12–27), or both, to which the United States is a party, but only if the distribution of such stock or securities in redemption of the distributing corporation's stock is in furtherance of the purposes of the judgment;

(5) A distribution to the extent that Section 17329 of the Personal Income Tax Law (relating to distributions in redemption of stock to pay death taxes) applies to such distribution;

(6) A distribution by a corporation to which Section 23701m (relating to and including regulated investment companies) applies, if such distribution is in redemption of the stock upon the demand of the shareholder.

(7) A distribution by a corporation to which Section 18145 of the Personal Income Tax Law or Section 24999 (relating to bank holding companies) applies.

(c) (1) Except as to distributions described in paragraphs (2) and (3), this section and the amendments to paragraph (2) of subdivision (a) of Section 24452, subdivision (b) of Section 24454, and subdivision (c) of Section 24486 at the 1971 Regular Session of the Legislature shall apply with respect to distributions after December 31, 1970.

(2) A distribution by a corporation of property (held on December 1, 1969, by the distributing corporation or a corporation which was a wholly owned subsidiary of the distributing corporation on such date) in redemption of stock outstanding on November 30, 1969, which is redeemed and canceled before July 31, 1971, if—

(A) Such redemption is pursuant to a resolution adopted

before November 1, 1969, by the Board of Directors authorizing the redemption of a specific amount of stock constituting more than 10 percent of the outstanding stock of the corporation at the time of the adoption of such resolution; and

(B) More than 40 percent of the stock authorized to be redeemed pursuant to such resolution was redeemed before December 30, 1969, and more than one-half of the stock so redeemed was redeemed with property other than money.

(3) A distribution of stock by a corporation organized prior to December 1, 1969, for the principal purpose of providing an equity participation plan for employees of the corporation whose stock is being distributed (hereinafter referred to as the "employer corporation") if—

(A) The stock being distributed was owned by the distributing corporation on November 30, 1969.

(B) The stock being redeemed was acquired before January 1, 1973, pursuant to such equity participation plan by the shareholder presenting such stock for redemption (or by a predecessor of such shareholder),

(C) The employment of the shareholder presenting the stock for redemption (or the predecessor of such shareholder) by the employer corporation commenced before January 1, 1971,

(D) At least 90 percent in value of the assets of the distributing corporation on November 30, 1969, consisted of common stock of the employer corporation, and

(E) At least 50 percent of the outstanding voting stock of the employer corporation is owned by the distributing corporation at any time within the nine-year period ending one year before the date of such distribution.

SEC. 3. Article 6 (commencing with Section 24999) of Chapter 15 of Part 11 of Division 2 of the Revenue and Taxation Code is repealed.

SEC. 4. Article 6 (commencing with Section 24999) is added to Chapter 15 of Part 11 of Division 2 of the Revenue and Taxation Code, to read:

Article 6. Distributions Pursuant to Bank Holding Company Act Amendments of 1970

24999. (a) (1) If—

(A) A qualified bank holding corporation distributes prohibited property (other than stock received in an exchange to which paragraph (1) of subdivision (c) applies)—

(i) To a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) To a shareholder, in exchange for its preferred stock; or

(iii) To a security holder, in exchange for its securities; and

(B) The board has, before the distribution, certified that the distribution of such prohibited property is necessary or appropriate to effectuate Section 4 of the Bank Holding Company Act of 1956 as amended by the Bank Holding Company Act Amendments of 1970,

then no gain to the shareholder or security holder from the receipt of such property shall be recognized.

(2) If—

(A) A qualified bank holding corporation distributes—

(i) Common stock received in an exchange to which paragraph (1) of subdivision (c) applies to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) Common stock received in an exchange to which paragraph (1) of subdivision (c) applies to a shareholder, in exchange for its common stock; or

(iii) Preferred stock or common stock received in an exchange to which paragraph (1) of subdivision (c) applies to a shareholder, in exchange for its preferred stock; or

(iv) Securities or preferred or common stock received in an exchange to which paragraph (1) of subdivision (c) applies to a security holder, in exchange for its securities; and

(B) Any preferred stock received has substantially the same terms as the preferred stock exchanged, and any securities received have substantially the same terms as the securities exchanged,

then, except as provided in subdivision (f), no gain to the shareholder or security holder from the receipt of such stock or such securities or such stock and securities shall be recognized.

(3) Paragraphs (1) and (2) shall apply to a distribution whether or not the distribution is pro rata with respect to all of the shareholders of the distributing qualified bank holding corporation.

(4) This subdivision shall not apply to any distribution by a company which has made any distribution pursuant to subdivision (b).

(5) In the case of a distribution to which paragraph (1) or (2) applies, but which—

(A) Results in a gift, see Section 15201, and following, or

(B) Has the effect of the payment of compensation, see paragraph (1) of subdivision (a) of Section 24271.

(b) (1) If—

(A) A qualified bank holding corporation distributes bank property (other than stock received in an exchange to which paragraph (2) of subdivision (c) applies)—

(i) To a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) To a shareholder, in exchange for its preferred stock; or

(iii) To a security holder in exchange for its securities; and

(B) The board has, before distribution, certified that—

(i) Such property is all or part of the property by reason of which such corporation owns or controls (within the meaning of Section 2(a) of the Bank Holding Company Act of 1956, as amended) a bank or bank holding company, or did so own or control a bank or bank holding company prior to any distribution under this section; and

(ii) The distribution is necessary or appropriate to effectuate the policies of such act,

then no gain to the shareholder or security holder from the receipt of such property shall be recognized.

(2) If—

(A) A qualified bank holding corporation distributes—

(i) Common stock received in an exchange to which paragraph (2) of subdivision (c) applies to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) Common stock received in an exchange to which paragraph (2) of subdivision (c) applies to a shareholder, in exchange for its common stock; or

(iii) Preferred stock or common stock received in an exchange to which paragraph (2) of subdivision (c) applies to a shareholder, in exchange for its preferred stock; or

(iv) Securities or preferred or common stock received in an exchange to which paragraph (2) of subdivision (c) applies to a security holder, in exchange for its securities; and

(B) Any preferred stock received has substantially the same terms as the preferred stock exchanged, and any securities received have substantially the same terms as the securities exchanged,

then, except as provided in subdivision (f), no gain to the shareholder or security holder from the receipt of such stock or such securities or such stock and securities shall be recognized.

(3) Paragraphs (1) and (2) shall apply to a distribution whether or not the distribution is pro rata with respect to all of the shareholders of the distributing qualified bank holding

corporation.

(4) This subdivision shall not apply to any distribution by a corporation which has made any distribution pursuant to subdivision (a).

(5) In the case of a distribution to which paragraph (1) or (2) applies, but which—

(A) Results in a gift, see Section 15201, and following, or

(B) Has the effect of the payment of compensation, see paragraph (1) of subdivision (a) of Section 24271.

(c) (1) If—

(A) Any qualified bank holding company exchanges (i) prohibited property, which, under paragraph (1) of subdivision (a), such corporation could distribute directly to its shareholders or security holders without the recognition of gain to such shareholders or security holders, and other property (except bank property), for (ii) all of the stock of a second corporation created and availed of solely for the purpose of receiving such property;

(B) Immediately after the exchange, the qualified bank holding corporation distributes all of such stock in a manner prescribed in paragraph (2) of subdivision (a); and

(C) Before such distribution, the board has certified (with respect to the property exchanged which consists of property which, under paragraph (1) of subdivision (a), such corporation could distribute directly to its shareholders or security holders without the recognition of gain) that the exchange and distribution are necessary or appropriate to effectuate Section 4 of the Bank Holding Company Act of 1956 as amended by the Bank Holding Company Act Amendments of 1970,

then paragraph (2) of subdivision (a) shall apply with respect to such distribution.

(2) If—

(A) Any qualified bank holding corporation exchanges (i) bank property which, under paragraph (1) of subdivision (b), such corporation could distribute directly to its shareholders or security holders without the recognition of gain to such shareholders or security holders, and other property (except prohibited property), for (ii) all of the stock of a second corporation created and availed of solely for the purpose of receiving such property;

(B) Immediately after the exchange, the qualified bank holding corporation distributes all of such stock in a manner prescribed in paragraph (2) of subdivision (b); and

(C) Before such distribution, the board has certified (with respect to the property exchanged which consists of property which, under paragraph (1) of subdivision (b), such corporation could distribute directly to its shareholders or security holders without the recognition of

gain) that—

(i) Such property is all or part of the property by reason of which such corporation owns or controls (within the meaning of Section 2(a) of the Bank Holding Company Act of 1956, as amended) a bank or bank holding company, or did so own or control a bank or bank holding company prior to any distribution under this section; and

(ii) The exchange and distribution are necessary or appropriate to effectuate the policies of such act,

then paragraph (2) of subdivision (b) shall apply with respect to such distribution.

(d) (1) Subdivision (a) shall not apply to a distribution if, in connection with such distribution, the distributing corporation retains, or transfers after July 7, 1970, to any corporation, property (other than prohibited property) as part of a plan one of the principal purposes of which is the distribution of the earnings and profits of any corporation.

(2) Subdivision (b) shall not apply to a distribution if, in connection with such distribution, the distributing corporation retains, or transfers after July 7, 1970, to any corporation, property (other than bank property) as part of a plan one of the principal purposes of which is the distribution of the earnings and profits of any corporation.

(e) Subdivision (a) or (b) shall not apply unless the distribution described in such subdivision of prohibited property or bank property is completed within three years after the first distribution of such property is made.

(f) In the case of an exchange described in clause (iv) of subparagraph (A) of paragraph (2) of subdivision (a) or clause (iv) of subparagraph (A) of paragraph (2) of subdivision (b), subdivision (a) or (b) (as the case may be) shall apply only to the extent that the principal amount of the securities received does not exceed the principal amount of the securities exchanged.

(g) If, by reason of this section, gain is not recognized with respect to the receipt of any property, then, under regulations prescribed by the Franchise Tax Board—

(1) If the property is received by a shareholder with respect to stock, without the surrender by such shareholder of stock, the basis of the property received and of the stock with respect to which it is distributed shall, in the distributee's hands, be determined by allocating between such property and such stock the adjusted basis of such stock; or

(2) If the property is received by a shareholder in exchange for stock or by a security holder in exchange for securities, the basis of the property received shall, in the distributee's hands, be the same as the adjusted basis of the stock or securities exchanged, increased by—

(A) The amount of the property received which was

treated as a dividend, and

(B) The amount of gain to the taxpayer recognized on the property received (not including any portion of such gain which was treated as a dividend).

(h) (1) In the case of a distribution by a qualified bank holding corporation under paragraph (1) of subdivision (a) or paragraph (1) of subdivision (b) of stock in a controlled corporation, proper allocation with respect to the earnings and profits of the distributing corporation and the controlled corporation shall be made under regulations prescribed by the Franchise Tax Board.

(2) In the case of any exchange described in paragraph (1) or (2) of subdivision (c), proper allocation with respect to the earnings and profits of the corporation transferring the property and the corporation receiving such property shall be made under regulations prescribed by the Franchise Tax Board.

(3) For purposes of paragraph (1), the term "controlled corporation" means a corporation with respect to which at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock is owned by the distributing qualified bank holding corporation.

(i) In any certification under this article, the board shall make such specification and itemization of property as may be necessary to carry out the provisions of this part.

24999.2. (a) For purposes of this article, the term "bank holding company" has the meaning assigned to such term by Section 2 of the Bank Holding Company Act of 1956, as amended by the Bank Holding Company Act Amendments of 1970.

(b) For purposes of this article, the term "qualified bank holding corporation" means any corporation (as defined in Section 23038) or bank (as defined in Section 23039) which the Federal Reserve Board certifies became, as a result of the enactment of the Bank Holding Company Act Amendments of 1970, a bank holding company on the date of such enactment.

(c) For purposes of this article, the term "bank property" means property acquired on or before July 7, 1970 by reason of which a corporation owns or controls (within the meaning of Section 2(a) of the Bank Holding Company Act of 1956 as amended) a bank or bank holding company, or did so own or control a bank or bank holding company prior to any distribution under Section 24999.

(d) For purposes of this article, the term "prohibited property" means in the case of any qualified bank holding corporation, property (other than nonexempt property and other than bank property) acquired on or before July 7,

1970—

(1) The disposition of which would be necessary or appropriate to effectuate Section 4 of the Bank Holding Company Act of 1956, as amended by the Bank Holding Company Act Amendments of 1970; or

(2) Which would otherwise be prohibited property (within the meaning of paragraph (1) of this subdivision) except for the application of Section 4(c)(11) of the Bank Holding Company Act of 1956 as amended by the Bank Holding Company Act Amendments of 1970.

The term "prohibited property" does not include ownership of (A) five percent or less of the outstanding voting shares of any company to which the prohibitions of Section 4 of the Bank Holding Company Act of 1956, as amended, do not apply by reason of paragraph (6) of subdivision (c) of such section, or (B) ownership of shares of an investment company which is not a bank holding company and to which the prohibitions of Section 4 of the Bank Holding Company Act of 1956, as amended, do not apply by reason of paragraph (7) of subdivision (c) of such section.

(e) For purposes of this article, the term "nonexempt property" means—

(1) Obligations (including notes, drafts, bills of exchange, and bankers' acceptances) having a maturity at the time of issuance of not exceeding 24 months, exclusive of days of grace;

(2) Securities issued by or guaranteed as to principal or interest by a government or subdivision thereof or by any instrumentality of a government or subdivision; or

(3) Money, and the right to receive money not evidenced by a security or obligation (other than a security or obligation described in paragraph (1) or (2)).

(f) For purposes of this article, the term "board" means the Board of Governors of the Federal Reserve System.

SEC. 5. This act shall become operative upon the operative date of corresponding provisions in the Internal Revenue Code of 1954, with respect to distributions pursuant to the Bank Holding Company Act of 1956 as amended by the Bank Holding Act Amendments of 1970, to be enacted by the Congress of the United States upon a finding of the Franchise Tax Board of such federal enactment filed with the Secretary of State, provided such legislation is enacted by the Congress of the United States on or before June 30, 1972. If such legislation is not adopted by the Congress of the United States on or before June 30, 1972, the provisions of this act shall not become operative and shall be of no force or effect.

SEC. 6. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

## CHAPTER 1740

*An act to amend and renumber Section 2351 of, to add Sections 143.5, 143.6, and 2351 to, and to add Article 2 (commencing with Section 2355) to Chapter 7 of Division 3 of, the Streets and Highways Code, relating to highways, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 143.5 is added to the Streets and Highways Code, to read:

143.5. (a) Commencing with the budget for the 1972–1973 fiscal year, the commission may include in the annual budget prepared pursuant to Section 143.1 an amount not to exceed the equivalent of the total amount of the funds available to the state by the federal government annually for TOPICS projects, as defined in Section 2306, for allocation by the department to cities and counties within urban areas; provided, that the commission shall not include more than twelve million dollars ($12,000,000) in any year. Such funds shall be expended solely for the construction of county roads and city streets that are a part of the select system. Such allocations shall be in lieu of equivalent allocations of TOPICS funds as provided in Chapter 6 (commencing with Section 2300) of Division 3, but shall not be allocated on a project-by-project basis.

(b) The commission shall also include in the budget an equivalent amount of federal TOPICS funds which may be used as the funds set aside by Section 190 for grade separation projects in urban areas to the extent that such projects qualify for TOPICS funding, with any additional amounts to be used for TOPICS projects on the state highway system.

(c) Notwithstanding the provisions of Section 2324, all exchange funds and TOPICS funds budgeted pursuant to this section shall be included in the computation of compliance with the requirements of Section 188.

SEC. 2. Section 143.6 is added to the Streets and Highways Code, to read:

143.6. On or before the first day of May of each year, commencing in 1972, the director, in cooperation with the committee established pursuant to Section 2315, shall determine, and notify the State Controller of, the apportionments to be made to each city and county of the total amount budgeted pursuant to subdivision (a) of Section 143.5. The State Controller shall, during the succeeding fiscal year, allocate monthly to each eligible city and county $\frac{1}{12}$ of the annual apportionment so established by the director. None of the apportionments or allocations made pursuant to this section shall be made on a project-by-project basis.

SEC. 3. Section 2351 of the Streets and Highways Code is amended and renumbered to read:

2358. To the maximum extent permitted by federal laws, rules, and regulations, not less than 5 percent of the funds apportioned to this state pursuant to subsection (b)(6) of Section 104 of Title 23, United States Code, for federal urban system projects may be allocated by the commission to local agencies for fringe parking projects meeting the criteria set forth in Section 137 of Title 23, United States Code.

SEC. 4. Section 2351 is added to the Streets and Highways Code, to read:

2351. The Federal-Aid Highway Act of 1970 has authorized appropriations for expenditure within the designated boundaries of urbanized areas for street and highway projects on the federal-aid urban system. The purpose of this chapter is to implement such program in this state. The boards of supervisors, city councils, the department, and the commission are authorized to do all things possible 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 of this chapter.

SEC. 5. Article 2 (commencing with Section 2355) is added to Chapter 7 of Division 3 of the Streets and Highways Code, to read:

Article 2. Administration

2355. (a) The TOPICS Advisory Committee established pursuant to Section 2315, hereafter referred to as the committee, shall participate with the department and the commission in implementing the federal-aid urban system program in this state. The department, in cooperation with the committee, shall establish general policy guidelines with respect to the urban system program.

(b) Notwithstanding the provisions of Section 2315, the committee shall continue to function so long as Congress allocates any funds for urban system projects in this state.

(c) For purposes of this chapter, the committee shall also include a representative recommended by the San Francisco Bay Area Rapid Transit District, a representative recommended by the Southern California Rapid Transit District, a representative of organizations of public highway users, and a representative recommended by the California Association of Publicly Owned Transit Systems.

2356. The department, in cooperation with the committee, shall establish operating procedures and take such other actions as are appropriate to comply with the provisions of this chapter and with all applicable laws, rules, and regulations.

2357. Fringe parking projects meeting the criteria set forth in Section 137 of Title 23, United States Code, shall be eligible for financing as urban system projects pursuant to the provisions of this chapter.

2359. (a) The department may advance the federal share of each urban system project on a county road or a city street from the money allocated by the commission in conformance with the requirements of this chapter.

(b) The department may also advance funds for such a project 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.

(c) Expenditures of federal urban system money on local streets and roads shall be exempt from the provisions of Sections 188, 188.8, 188.9.

(d) Cities and counties may use any funds available to them to match funds made available to them, if the use of funds for such matching purposes is not prohibited by federal law or regulations.

2360. For all purposes of this code, notwithstanding Sections 186.3 and 186.4, any county highway or city street which is on the urban system shall be considered as part of the select system of the county or city.

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 to expedite the acquisition of federal funds to finance the construction of various highway projects to alleviate the traffic congestion in the urban areas, it is necessary that this act take effect immediately.

---

## CHAPTER 1741

*An act to amend Sections 6276, 6359, 6359.3, 6363, 6363.5, 6363.6, 15651, 15656, 15801, 15803, 15804, 15807, 15905, 15962, 16251, and 16281 of, to repeal Sections 15684.5, 15686, 15907, and 16221 of, and to add Sections 6359.2, 16221 and 16221.5 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 6276 of the Revenue and Taxation Code is amended to read:

6276. Except when a vehicle is purchased outside this state from the manufacturer or from a vehicle dealer, whenever the purchaser of a vehicle is required to pay the use tax to the Department of Motor Vehicles, the sales price shall be presumed to be an amount equal to the market value of the

vehicle at the time of the purchase as that value is determined to measure vehicle license fees imposed under Part 5 of Division 2 of this code, multiplied by a factor of 1.2 for a noncommercial vehicle, including a passenger vehicle, as defined in Section 465 of the Vehicle Code; or by a factor of 1.8 for a commercial vehicle as defined in Section 260 of the Vehicle Code. Commercial motor vehicles under 6,001 pounds unladen weight and commercial trailers under 2,000 pounds unladen weight shall be treated as noncommercial vehicles for the purpose of this section. The presumption may be rebutted by evidence which establishes that the sales price was other than such amount.

SEC. 2. Section 6359 of the Revenue and Taxation Code is amended to read:

6359. 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 food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products, and nonmedicated chewing gum.

"Food products" include milk and milk products, milkshakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages, whether liquid or frozen, except bottled water, spirituous, malt or vinous liquors or carbonated beverages.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

None of the exemptions provided for in this section shall apply: (a) when the food products are served as meals on or off the premises of the retailer, or (b) when the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, or (c) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "take out" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (d) when the food products are sold for consumption within a place, the entrance to

which is subject to an admission charge, except for national and state parks and monuments, or (e) when the food products are sold as hot prepared food products. "Hot prepared food products," for the purposes of subdivision (e), include a combination of hot and cold food items or components where a single price has been established for the combination and the food products are sold in such combination, such as a hot meal, a hot specialty dish or serving, or a hot sandwich or a hot pizza, including any cold components or side items. Subdivision (e) shall not apply to a sale for a separate price of bakery goods or beverages (other than bouillon, consommé, or soup), or where the food product is purchased cold or frozen; "hot prepared food products" means those products, items or components which have been prepared for sale in a heated condition and which are sold at any temperature which is higher than the air temperature of the room or place where they are sold.

SEC. 3. Section 6359.2 is added to the Revenue and Taxation Code, to read:

6359.2. Except for the tax treatment of food products selling at retail for fifteen cents ($0.15) or less under Section 6359.4, 33 percent of the gross receipts of any retailer from the sale at retail of food products (other than hot prepared food products, as defined in Section 6359) shall be subject to the tax imposed by Section 6051, when such food products are actually sold through a vending machine.

The Legislature finds that 33 percent represents the statewide average of cold food products sold through vending machines which are subject to the tax imposed under this part. Therefore, the Legislature establishes this average as the measure of the tax with respect to vending machine sales to simplify tax auditing procedures and to provide for uniformity in the taxation of gross receipts derived from the sale of cold food products through vending machines.

SEC. 4. Section 6359.3 of the Revenue and Taxation Code is amended to read:

6359.3. Any nonprofit veterans' organization is a consumer of, and shall not be considered a retailer within the provisions of this part with respect to flags of the United States of America which it sells, where the profits are used solely and exclusively in furtherance of the purposes of the nonprofit organization.

SEC. 5. Section 6363 of the Revenue and Taxation Code is amended to read:

6363. There are exempted from the taxes imposed by this part the gross receipts from the sale of, and the storage, use, or other consumption in this state of, meals and food products for human consumption furnished or served to the students of a school by public or private schools, school districts, student organizations, parent-teacher associations, and any blind person (as defined in Section 19153 of the Welfare and Institutions Code) operating a restaurant or vending stand in an educa-

tional institution under Article 5 (commencing with Section 19625) of Chapter 6 of Part 2 of Division 10 of the Welfare and Institutions Code. The term "food products" as used in this section has the meaning ascribed to it in Section 6359.

The exemption provided by this section shall not apply when the meals or food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

SEC. 5.5. Section 6363 of the Revenue and Taxation Code is amended to read:

6363. There are exempted from the taxes imposed by this part the gross receipts from the sale of, and the storage, use, or other consumption in this state of, meals and food products for human consumption furnished or served to the students of a school by public or private schools, school districts, student organizations, parent-teacher associations operating either directly or by contract with others for a compensation specified in the contract, a food service facility or a vending stand or machine in an educational institution, or any blind person (as defined in Section 19153 of the Welfare and Institutions Code) operating a restaurant or vending stand in an educational institution under Article 5 (commencing with Section 19625) of Chapter 6 of Part 2 of Division 10 of the Welfare and Institutions Code. The term "food products" as used in this section has the meaning ascribed to it in Section 6359 except that the term includes foods furnished, prepared, or served for consumption at tables, chairs, or counters, or from trays, glasses, dishes, or other tableware provided by the retailer.

The exemption provided by this section shall not apply when the meals or food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

SEC. 6. Section 6363.5 of the Revenue and Taxation Code is amended to read:

6363.5. There are exempted from the taxes imposed by this part the gross receipts from the sale of, and the storage, use or other consumption in this state of, meals and food products for human consumption furnished or served by any religious organization at a social or other gathering conducted by it or under its auspices, if the purpose in furnishing or serving the meals and food products is to obtain revenue for the functions and activities of the organization and the revenue obtained from furnishing or serving the meals and food products is actually used in carrying on such functions and activities.

For the purposes of this section, "religious organization" means any organization the property of which is exempt from taxation pursuant to Section 1½ of Article XIII of the State Constitution.

SEC. 7. Section 6363.6 of the Revenue and Taxation Code is amended to read:

6363.6. There are exempted from the taxes imposed by this part the gross receipts from the sale of, and the storage, use or other consumption in this state of, meals and food products for human consumption furnished or served to and consumed by patients or inmates of any institution which is:

(1) A hospital as defined in Section 1401 of the Health and Safety Code, which either holds the license required pursuant to Section 1400, or is exempt from the license requirement pursuant to Section 1415 of that code.

(2) A place for the reception or care of children holding the license or permit required pursuant to Section 16000 of the Welfare and Institutions Code.

(3) A place for the reception and care of aged persons holding the license or permit required pursuant to Section 16200 of the Welfare and Institutions Code.

(4) An establishment for the care, custody, or treatment of incompetent persons holding the license required of private institutions pursuant to Section 6201 of the Welfare and Institutions Code, or county or state hospitals for the mentally ill established pursuant to Division 6, Parts 3 and 4, of the same code.

SEC. 8. Section 15651 of the Revenue and Taxation Code is amended to read:

15651. Every donor making any gifts, other than those exempt under Section 15401, shall file a gift return with the Controller on or before the 15th day of the second month following the close of the calendar quarter in which he makes a gift.

SEC. 9. Section 15656 of the Revenue and Taxation Code is amended to read:

15656. The gift return shall contain such information and be in such form as the Controller may prescribe and shall state the amount of tax due under the provisions of this part.

The return shall contain, or be verified by, a written declaration that it is made under the penalties of perjury.

SEC. 10. Section 15684.5 of the Revenue and Taxation Code is repealed.

SEC. 11. Section 15686 of the Revenue and Taxation Code is repealed.

SEC. 12. Section 15801 of the Revenue and Taxation Code is amended to read:

15801. In a case not involving a false or fraudulent return or failure to file a return, if the Controller determines at any time after the tax is due, but not later than four years after the return is filed, that the tax disclosed in any return required to be filed by this part is less than the tax disclosed by his examination, a deficiency shall be determined; provided, that the determination may be made within such time after the expiration of such four-year period as may be agreed upon

in writing between the Controller and the donor or other person liable for the tax.

For purposes of this section, a return filed before the last day prescribed by law for filing such return shall be considered as filed on such last day.

SEC. 13. Section 15803 of the Revenue and Taxation Code is amended to read:

15803. In any case in which a deficiency has been determined in an erroneous amount, the Controller may, within three years after the erroneous determination was made, set aside the determination or issue an amended determination in the correct amount.

SEC. 14. Section 15804 of the Revenue and Taxation Code is amended to read:

15804. The Controller shall give notice of the deficiency determined, together with any penalty for failure to file a return or to show any transfer in the return filed, by personal service or by mail to the person filing the return at the address stated in the return, or, if no return is filed, to the person liable for the tax. Copies of the notice of deficiency may in like manner be given to such other persons as the Controller deems advisable.

SEC. 15. Section 15807 of the Revenue and Taxation Code is amended to read:

15807. When the Controller makes an original, amended or supplemental determination of a deficiency for a calendar quarter which is prior to calendar quarters for which the tax has previously become final, he may concurrently therewith, notwithstanding other provisions of this part, determine the true amount of tax which would have been determined had all determinations been made in the sequence in which the gifts were made.

SEC. 16. Section 15905 of the Revenue and Taxation Code is amended to read:

15905. The tax becomes delinquent from and after the last day allowed under this part for filing a return for the gift.

SEC. 17. Section 15907 of the Revenue and Taxation Code is repealed.

SEC. 18. Section 15962 of the Revenue and Taxation Code is amended to read:

15962. In the event that the date for filing the return is postponed, the tax bears interest during the period of postponement at the rate of 7 percent per annum from the time when it would have begun to bear interest had no postponement been allowed and until it is paid.

SEC. 19. Section 16221 of the Revenue and Taxation Code is repealed.

SEC. 20. Section 16221 is added to the Revenue and Taxation Code, to read:

16221. If the Controller finds that there has been an overpayment of tax, penalty, or interest by a taxpayer for any

reason, the amount of the overpayment shall be credited as provided in Section 16281 and the balance refunded to the taxpayer.

SEC. 21. Section 16221.5 is added to the Revenue and Taxation Code, to read:

16221.5. No credit or refund shall be allowed or made after four years from the last day prescribed for filing the return or after one year from the date of the overpayment, whichever period expires the later, unless before the expiration of such period a claim therefor is filed by the taxpayer, or unless before the expiration of such period the Controller allows a credit or makes a refund. A claim for refund may be filed in such form as the Controller may prescribe, and the Controller shall allow or deny the claim, in whole or in part, and mail a notice of such determination to the claimant at the address stated on the claim.

SEC. 22. Section 16251 of the Revenue and Taxation Code is amended to read:

16251. Within four years from the last date prescribed for filing the return or within one year from the date the tax was paid, or within 90 days after a determination is issued, whichever is later, any person who has paid or is liable for the tax may bring an action against the state in the superior court having jurisdiction to have the tax modified, in whole or in part.

SEC. 23. Section 16281 of the Revenue and Taxation Code is amended to read:

16281. The amount of any refund shall be credited on any amount then due from, or which is a lien on any property owned by, the person entitled to the refund, either under this part or Part 8 (commencing with Section 13301) of this division. The balance shall be refunded to the person entitled to the refund, or to his heir, the executor of his will, or the administrator of his estate, but not his assign.

SEC. 24. The purpose of Section 2 of this act is to overcome the present inequities which exist under the California Sales and Use Tax Law with respect to hot food products. Such food products are subject to tax when served in a restaurant. Many of the same items sold as main courses at restaurants and drive-ins, such as hot fried chicken and barbecued spareribs, are also sold on a take-out basis at a variety of specialty shops and are not subject to tax. This phase of the prepared food industry has grown immensely in recent years and represents direct competition to the taxable sales of restaurants and drive-ins where hot food is taxable. Section 2 will improve the neutrality of the sales tax by providing that all hot food, regardless of the nature of the outlet selling it, will be subject to tax. Section 2 of this act shall not be construed so as to tax gross receipts from the sale, storage, use or other consumption of "hot food products" served to passengers by an air carrier engaged in interstate commerce.

Further, it is the intent of the Legislature that a combination of hot and cold food products for which a single price has been established shall be taxable if such food products were, in fact, sold as a combination for which the retailer has established a single price. Tax shall not apply, however, merely because a combination of products are purchased if they are not sold as a combination for which a single price has been established. The usual and customary practice of the general public will be considered in determining whether or not a number of food products are sold as a combination or are sold as individual items.

SEC. 24.5. It is the intent of the Legislature, if this bill and Assembly Bill No. 2083 are both chaptered and amend Section 6363 of the Revenue and Taxation Code, and this bill is chaptered after Assembly Bill No. 2083, that Section 6363 of the Revenue and Taxation Code, as amended by Section 5 of this act shall remain operative only until the operative date of Assembly Bill No. 2083, and that on the operative date of Assembly Bill No. 2083 Section 6363 of the Revenue and Taxation Code as amended by Section 5 of this act be further amended in the form set forth in Section 5.5 of this act to incorporate the changes in Section 6363 proposed by Assembly Bill No. 2083. Therefore, Section 5.5 of this act shall become operative only if Assembly Bill No. 2083 is chaptered before this bill and amends Section 6363, and in such case Section 5.5 of this act shall become operative on the operative date of Assembly Bill No. 2083.

SEC. 25. This act shall become operative on January 1, 1972.

SEC. 26. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of this act shall become operative as provided in Section 25 of this act.

---

## CHAPTER 1742

*An act relating to lands, including tide and submerged lands, and, in this connection, to amend Section 6008 of the Public Resources Code.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. As used in this act:

(a) "City" means the City of San Rafael, Marin County, California, and its predecessors or successors in interest.

(b) "San Rafael Creek" unless otherwise indicated means the waterway within the natural banks of the San Rafael Creek as it existed prior to dredging and realignment and upland reclamation.

(c) "Present waterway" means the presently existing navigable waterway sometimes referred to as San Rafael Canal or San Rafael Creek extending from San Rafael Bay to Irwin Street in the city, and includes dredged "cutoff" channels and all lands below the plane of mean high water that are subject to the ebb and flood of the tides.

(d) "Cutoff channels" are those parcels described in that certain deed from the city to the United States of America, recorded in 225 Deeds 431, and shown on that certain U.S. Army Corps of Engineers' map entitled "San Rafael Creek, California, Property Deeded to United States Government by City of San Rafael," dated March 30, 1920, U.S. Army Corps of Engineers File No. 55-1-4.

(e) "Granted lands" means those lands granted in trust to the city by virtue of Chapter 83 of the Statutes of 1923, as amended by Chapter 178 of the Statutes of 1967 and as amended by Chapter 1383 of the Statutes of 1970.

(f) "Statutes" means those statutes noted in subdivision (e) pursuant to which the granted lands were granted in trust to the city.

(g) "Canal" means Allardt's San Rafael Canal which is that certain canal from San Francisco Bay to the Townsite of San Rafael, designated by the Board of Tide Land Commissioners pursuant to the authority granted by Chapter 543 of the Statutes of 1868 and Chapter 388 of the Statutes of 1870, and which was surveyed by said board under the direction of G. F. Allardt in 1870 and depicted as "San Rafael Canal" on that certain map prepared by order of said board entitled "Map No. 2 of the Salt Marsh and Tide Lands Situate in the County of Marin," a copy of which is on file in Can "F" of the Marin County Recorder.

(h) "State" means the State of California.

(i) "Commission" means the State Lands Commission.

(j) "Tidelands" includes tidelands and submerged lands.

(k) "Claimants" means both public and private individuals and entities and their predecessors in interest claiming some right, title, or interest within or adjoining the canal.

(*l*) "Trusts" means the trusts and conditions imposed with respect to the granted lands by the statutes or existing in law by virtue of the previous or present character of the granted lands as tidelands.

(m) "Plan" means that certain plan for the development and enhancement of a navigable harbor and waterway for the city referred to in subdivision (d) of Section 2 of this act.

(n) "Filled lands" means those portions of the canal and San Rafael Creek which are referred to in subdivision (e) of Section 2 of this act.

SEC. 2. It is found and determined that:

(a) The State of California, by virtue of Chapter 83 of the Statutes of 1923, as amended by Chapter 178 of the Statutes of 1967 and as amended by Chapter 1383 of the Statutes of 1970, has granted all the right, title, and interest of the state

in and to all the salt marsh, tide, and submerged lands, whether filled or unfilled, located within the boundaries of the city and situated below the line of mean high tide of the Pacific Ocean or any harbor, estuary, bay, or inlet within its boundaries, to the city, to be held by the city and its successors in interest subject to the trusts set forth in the statutes, and for the purposes of commerce, navigation, and fisheries and all appurtenances thereto, including the canal.

(b) The filled lands are, subject to the terms and conditions set forth in this act, no longer susceptible, useful, or required for the purposes of commerce, navigation, and fisheries, and it is not necessary that they remain in public ownership.

(c) The filled lands are comparatively small in relation to the area of the present waterway.

(d) Certain improvements in the canal have been made subsequent to the establishment of the canal and pursuant to a plan for development and enhancement of a navigable harbor and waterway for the city, which plan was tacitly or expressly participated in by the city, the state, claimants, the United States, and members of the public for many years, and which plan continues to the present time. Such improvements include certain dredging and the cutting off, relocation, and realignment of certain portions of the canal. The cutoff channels exist at this time and constitute a portion of the primary navigation channels between city and San Francisco Bay. The plan, as adopted and implemented, has resulted in a statewide public benefit.

(e) Certain of the claimants have relied on the plan and certain portions of the canal and San Rafael Creek have been filled above the mean high tide line as part of the plan and the implementation thereof. As a result thereof such filled lands are no longer used for purposes of the trusts, the same being replaced by the waterway developed pursuant to the plan.

(f) Certain lands of claimants have not been surveyed nor described in the deeds, patents, or other conveyances by which title was acquired by private claimants in such manner as to establish their location in relation to the canal. As a result thereof, the relative locations of the claimants' lands, the canal, and the patented lands are not known, resulting in uncertainty of boundaries, clouds on title. and disputed land claims along the length of the canal. It is in the public interest that the canal be resurveyed in such a manner as shall show the location of the mean high tide line within or across the canal, and to enable the lands claimed by claimants to be later located with relation to the canal.

(g) Numerous persons and their predecessors in interest have for many years, continuously and openly and notoriously occupied under color of title, or otherwise, certain of the filled lands, claiming ownership thereof adversely to the city and to the state, and paying any taxes that may have been assessed thereupon. Such persons presently dispute on numerous grounds the right, title, and interest of the city and the state

to, and contend that they are the true owners of, the filled lands.

(h) The true right, title, and interest of the parties is subject to a bona fide dispute and depends upon substantial issues of law and fact, the resolution of which is uncertain, time consuming and costly to city, the state, and to claimants. Certain litigation is now pending and it is in the interest of the people of the state that the location of the canal and the respective title claims therein be resolved consistent with present conditions.

(i) It is in the statewide interests for the furtherance and preservation of commerce, navigation, and fisheries, and of the trusts, and in the interests of the city, the state, adverse claimants, and of the public generally, that such boundary and title problems be resolved, and that public and private rights be established without further delay consistent with present conditions which have resulted from the long-standing conduct of public and private parties, all in accordance with the plan for the development and use of the present waterway and for public access thereto.

(j) It is in the interest of the city, the state, and the public generally, that a sufficient interest within the presently existing waterway, including the cutoff channels, to guarantee the perpetual use thereof as a continuous navigable channel, be acquired by the city.

(k) By reason of the existing public rights within the present waterway, and over the unfilled portions of the canal, and the comparatively small area of the filled lands, the removal and abandonment of the trusts over the filled lands will not adversely impair the trusts.

SEC. 3. (a) The city is hereby directed to cause a resurvey of the canal to be made, with sufficient ties to monuments of record to enable the relative locations of the parcels and lots of land along the canal to be later established, located, and surveyed in relation to the canal.

(b) Such resurvey shall be monumented and platted and, upon approval by the commission, the same shall be filed for record in the office of the County Recorder of Marin County, California.

SEC. 4. The city, by document, quitclaim, or conveyance, and upon receipt of such considerations as are hereinafter authorized or described in this act, may convey, release, or quitclaim its interest in those portions of the canal and San Rafael Creek freed of the trust and lying above the line of mean high tide. Such document, quitclaim, or conveyance may, by its terms, operate generally and by declaration, and without specifying the name of any person, and shall operate as to any parcel of land within the described area only in favor of such persons as have, at the time of said conveyance, release, or quitclaim, a claim of ownership to said parcel based upon a record chain of title, which chain of title covers a period of 30 years or more immediately preceding the effective

date of this act, or in favor of such persons who are in actual possession and have, at the time of said conveyance, release, or quitclaim, a claim of ownership to said parcel, which claim is based upon a record chain of title of less than 30 years and upon the payment of taxes on said property by the claimant or his predecessors in interest for a period of 10 years or more, which period of payment of taxes covers the period immediately preceding the effective date of this act.

SEC. 5. The city, with the approval of the commission, is hereby authorized to settle by agreement, exchange, or quitclaim, any dispute concerning whether or not particular land within either the present waterway or the granted lands, constitutes land in private or proprietary ownership by reason of title traceable to a state or federal patent or other valid source, or rather constitutes granted tidelands, title to which is vested in the city. In settlement of such disputes the city, with the approval of the commission, may by such agreement, exchange, or quitclaim, establish boundary or compromise boundary lines between the granted salt marsh, tide, and submerged lands, and the bordering private or proprietary lands.

SEC. 6. Any consideration as is given in exchange for any conveyance, release, quitclaim, or settlement under this act shall be determined by the city with the approval of the commission. In determining the adequacy of any such consideration, the city and the commission shall give effect in their evaluation to all factors bearing upon the value, if any, of the public's interest being conveyed, released, quitclaimed, or settled, and the rights, claims, and equities of the person in whose favor the conveyance, release, quitclaim, or settlement is being made and their predecessors in interest. In those cases where the land has been filled, or reclaimed, or improved, or both, without the expenditure of public moneys held in trust under the terms of the statutes, such lands may be valued by excluding the value of the fill, or improvements, or both. Consideration under this act may consist of lands, property, interest in property, easements, moneys, or other things of value given by the grantee or any other person.

SEC. 7. Any conveyance, release, quitclaim, or settlement made by the city pursuant to the provisions of this act shall be made by an appropriate document executed by the city and approved by the commission.

SEC. 8. Any portion of the lands granted to the city which pass by reason of any conveyance, release, quitclaim, or settlement made under the terms of this act is deemed to be freed of the trusts. No right, title, or interest in land lying below the line of mean high tide of the present waterway may be conveyed, released, or quitclaimed by the city under the terms of this act, nor shall any such land be freed by the terms of this act of the trusts. Any approval by the commission of a conveyance, release, quitclaim, or settlement made by city shall conclusively establish the character of the lands

described in said appropriate documents as being above the line of mean high tide.

SEC. 8.5. There is hereby excepted and reserved in the state all deposits of minerals, including oil and gas, in any lands granted to the city which pass by reason of any conveyance, release, quitclaim, or settlement made under the terms of this act, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from such lands. This section is not intended to prevent the settlement of title or boundary disputes pursuant to this act. It is also the intent of this section that the commission protect the claim of the state to commercially valuable mineral deposits. Upon a finding that the provisions of this section would prevent the settlement of boundary or title disputes in the public interest pursuant to this act, or that no commercially valuable mineral deposits exist, the provisions of this section shall not be binding. In the event that the provisions of this section are not binding, the reasons shall be set forth in any boundary or title settlement document.

SEC. 9. All lands, interests in lands, and appurtenances thereto, which lie below the line of mean high tide and are received by the city as a result of sales or exchanges authorized by this act shall be deemed tidelands under the provisions of Chapter 83 of the Statutes of 1923, as amended by Chapter 178 of the Statutes of 1967 and as amended by Chapter 1383 of the Statutes of 1970.

SEC. 10. All moneys and other things of value, excluding interests in lands, which are received by the city as a result of sales or exchanges authorized by this act shall be used only for those trust purposes defined in Chapter 83 of the Statutes of 1923, as amended by Chapter 178 of the Statutes of 1967 and as amended by Chapter 1383 of the Statutes of 1970, including, but not limited to, use as consideration for the conveyances, releases, quitclaims, and settlements entered into by the city pursuant to this act.

SEC. 11. The provisions of this act shall not be deemed exclusive with respect to the settlement or litigation of titles and boundaries of lands within either the present waterway or granted lands and this act shall not impair or alter the existing procedural or substantive rights or disabilities of any person or entity claiming title to, or an interest in, any lands in the present waterway and the granted lands in the defense or prosecution of any proceeding now or hereafter instituted under the laws of this state, nor affect the applicability to said lands of any other provisions of law.

SEC. 12. Section 6008 of the Public Resources Code is amended to read:

6008. In order to protect the public's access to, and use of, all state-owned lands in Humboldt Bay, no right to the use of any state lands, including but not limited to tide and submerged lands, in and adjacent to Humboldt Bay south of the

entrance to the bay shall be sold, leased, rented or otherwise conveyed or granted.

This section does not apply to any leases, permits, rentals, easements or other existing rights in such lands existing on October 1, 1961, or extensions or renewals of such rights, if such extensions or renewals are presently provided for in such agreements and such extensions or renewals do not expand or extend the areas presently covered.

This section shall not be applicable to settlements of title or boundary problems by the commission or to exchanges or leases or permits in connection therewith.

SEC. 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

---

## CHAPTER 1743

*An act to add Division 24 (commencing with Section 36000) to the Education Code, relating to the Supplementary Education Act of 1971, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Division 24 (commencing with Section 36000) is added to the Education Code, to read:

## DIVISION 24. SUPPLEMENTARY EDUCATION ACT OF 1971

### CHAPTER 1. GENERAL PROVISIONS

36000. The Legislature finds that inequities and problems exist in providing special education services under the present categorical system and in meeting the specific educational needs of children of minority groups and other children now classified as mentally retarded, educationally handicapped, and physically handicapped.

Specifically, the following are considered to be areas of immediate concern for minimally handicapped children:

(a) Children are placed in special education programs on the basis of medically oriented labels and diagnostic categories. These labels and categories do not directly relate to the educational process and often cause damage to the child's self-concept, peer relationships, and position in society.

(b) Special education programs rely heavily on the use of special classes which tend to segregate children, and the effectiveness of such classes is questionable.

(c) Current special education regulations do not require that a specific curriculum be built around stated methods and goals either for a program or for specific children, making it difficult to evaluate these programs and establish cost and program effectiveness.

(d) Many children are not adequately served because they do not fit neatly into one of the existing categories.

It is the intent of the Legislature by provisions of this division to establish pilot supplementary education programs to afford means whereby school districts may attempt to rectify the above problems and provide the Legislature with needed information to guide their efforts in resolving the special education problem in California.

36000.1. In order that the supplementary education programs can be evaluated against existing programs, all pupils who will be enrolled in the supplementary education programs prescribed in this division, except students new to the district, shall have been enrolled in the previous fiscal year or be currently enrolled in an existing special education program. This limitation shall not be applicable to pupils enrolled pursuant to Section 36301.

36001. A three-year period is established to implement and evaluate supplementary education models of programs pursuant to this division.

The State Department of Education shall submit a report to the Legislature by January 1 of the first year and each year thereafter that the provisions of this division are operative. The report shall include an evaluation of the effectiveness and organization of the supplementary education program and recommendation for further program planning and development of legislation.

36002. No more than 25 supplementary education programs may be conducted pursuant to this division. The average daily attendance in all of such programs shall not exceed 5 percent of the total statewide average daily attendance in special education classes.

## CHAPTER 2. ESTABLISHMENT OF SUPPLEMENTARY EDUCATION PROGRAMS

36100. School districts or county superintendents of schools wishing to establish supplementary education programs to replace all or any part of their existing special education programs shall make application through prescribed procedures established by the State Department of Education, under rules and regulations to be adopted by the State Board of Education. These programs shall be representative of rural, suburban, and urban school districts, with adequate geographic distribution. Such supplementary education programs shall

consist of supervision, appraisal, instruction, consultation, counseling, and guidance, which have as their primary purpose providing necessary special services and instruction for handicapped children enrolled full or part time in regular school programs.

These provisions may not be used to absolve school districts and county superintendents of schools from their responsibilities to provide special education services to severely handicapped minors requiring special education classes.

36101. The supplementary education programs may include, but not be limited to:

(a) A resource room or learning center located in the pupil's school of attendance.

(b) Small group or individual instruction given by a special teacher for pupils who remain in their regular classes.

(c) Psychoeducational consultation and inservice training to both supplementary and regular teachers for the development of diagnostic prescriptive instruction.

(d) Special day classes may be a part of a supplementary education program but shall be used only for the more extremely disordered child, who has been reviewed by the evaluation and placement committee and found to need the segregated environment offered by a special day class. Pupils in such classes may participate in regular or other supplementary program activities whenever of benefit to the pupil.

36102. Such special day classes shall be referred to only as special day classes and shall not be referred to by categorical labels now used.

36103. A school district or county superintendent of schools establishing a supplementary education program prescribed in this division may waive restrictions or limiting provisions of this code which relate to special education programs affecting class size, schoolday, eligibility requirements, placement procedures, program organization, curriculum requirements, and teacher–administrator ratio, upon approval of the Superintendent of Public Instruction.

## CHAPTER 3. EVALUATION, PLANNING, AND CONSULTATION SERVICES

36200. Pupils may be placed in a supplementary education program at the pupil's school of attendance by the decision of the local evaluation and planning committee, consisting of, but not limited to, the supplementary education teacher, a school psychologist, school nurse, the pupil's regular teacher, and the building administrator. Pupils placed by the local committee shall be maintained in the regular classroom for at least one-half of the regular schoolday.

36201. Whenever a supplementary education program is established at a local school, the special teacher in that program shall be provided with no less than four hours per week

of consultation from a school psychologist, a qualified educational specialist, or special education consultant, who is employed in the supplementary education program of the district or employed by several cooperating school districts or a county superintendent of schools. Such consultation shall be for the behavioral management, instruction, and guidance of pupils in the supplementary education program.

36202. Any pupil may, and all pupils whose handicaps require further evaluation or who fail to meet expected levels of progress or who are referred by the supplementary education teacher, school psychologist, or local committee and all pupils who have been enrolled in a local supplementary education program for longer than 60 schooldays shall, be evaluated by a districtwide evaluation and planning committee.

36203. The districtwide evaluation and planning committee shall consist of an experienced special education teacher, a school psychologist, an educational specialist or consultant, the administrator of special education, and either a school nurse, social worker, or speech therapist. The attendance of committee members shall be on an as time is permitting basis. The committee may request as it deems necessary, the presence of a licensed physician, the director of curriculum, or any other professional that could provide necessary information concerning the pupil's learning problems.

Before any child is placed in a supplementary education program, written permission for such placement shall be obtained from the parent or guardian.

36204. All children shall be viewed as having multiple strengths as well as multiple areas of need and both these areas shall be included in the educational plan.

36205. An educational plan shall be constructed by the local committee for each pupil enrolled in the supplementary education program. This plan shall include assessment, prescription, and implementation and shall be for a specified time, but in no case for longer than one year. At the end of such time, the educational plan shall be evaluated and a revised plan developed.

36206. In formulating the educational plan the local evaluation and planning committee shall have available to it written reports concerning the pupils functioning in the following areas:

(a) Educational
(b) Psychological
(c) Health and development
(d) Sociocultural
(e) Language

36207. The educational plan developed shall include specific recommendations in the following areas:

(a) Educational
(b) Psychological
(c) Social

36208. Services made available to the individual child as part of his educational plan shall include, as needed, but not be limited to, teaching, physical remediation, and psychological consultation. Such services may be provided in or out of the regular classroom. The teacher-consultant and psychologist shall offer consultation and training to the regular classroom teacher as part of the individual child's educational plan.

36209. Parents shall be involved in all steps related to the development of the educational plan (including identification of special needs, results of assessment, nature of prescriptive recommendations, implementation, and followup). The parent shall at all times have a veto as to placement of his child in a supplementary education program. Assurance shall be given the parent that the ethnic or cultural background of this child will be included in the education plan.

36210. In addition to being responsible for the placement and evaluation of a pupil's progress, the evaluation and planning committee shall be responsible for the districtwide evaluation and development of the supplementary education program.

### CHAPTER 4. ENROLLMENT

36300. Enrollment shall be limited to pupils who have learning handicaps or behavioral disorders associated with learning handicaps which have been identified and for whom specific educational objectives have been formulated.

Such pupils shall have been enrolled or be eligible for enrollment in existing special education provisions of this code, except that pupils eligible for Miller-Unruh basic reading programs and compensatory education programs may be included whenever such pupils and funds are combined in an overall supplementary education plan.

36301. Enrollment may include mild or moderately handicapped pupils not presently eligible for special education, pupils eligible for Miller-Unruh basic reading programs not presently eligible for special education, and pupils eligible for compensatory education programs not presently eligible for special education, but such enrollment shall be limited to no more than 15 percent of the total enrollment in all supplementary education programs.

### CHAPTER 5. PROGRAM APPLICATION AND REPORTS

36400. Any school district or county superintendent of schools wishing to establish a supplementary education program prescribed in this division shall file with the Superintendent of Public Instruction an application to establish a pilot supplementary education program. The application shall be on forms provided by the Department of Education and shall include, but not be limited to, the district's proposed

organization for supplementary education, number of staff, pupils to be served, and specific method of evaluation for the total program and individual pupil's progress.

36401. This application shall be filed 60 days before the beginning date of the proposed program. Approval shall be based upon adequacy of design which includes a statement of goals, methods, adequacy of staff, evaluation procedures, and capability of serving as a program.

36402. Each school district or county superintendent of schools shall annually report to the Superintendent of Public Instruction by August 31 on the operation of the supplementary education program. The report shall include an evaluation of the program's effectiveness in terms of individual pupil's progress in obtaining the behavioral goals set forth in the education plan by the evaluation and planning committee, as well as an analysis of the individual pupil's progress before the pupil was enrolled in the supplementary education program.

### CHAPTER 6. FUNDING

36500. The school district or county superintendent of schools conducting a pilot supplementary education program shall be entitled to an apportionment equal to the amount which would have been credited to them had these minors, other than the minors enrolled under Section 36301, been enrolled in programs authorized in Sections 6751, 6802.1, 6902, and 6903. The statutory limitations outlined in Sections 6752 and 6752.1 shall apply to supplementary education programs. Upon the approval of the Superintendent of Public Instruction, a school district may coordinate and incorporate funds from federal projects, Miller-Unruh basic reading programs, and compensatory education programs, as long as such pupils are included in supplementary education programs. Pupils enrolled in supplementary education programs under Section 36301 shall not be included for purposes of the apportionment of state special education allowances pursuant to this section.

Each school district participating in supplementary education programs shall annually submit financial reports to the Department of Education setting forth the amount and nature of expenditures for supplementary education.

Program budgeting procedures shall be followed.

### CHAPTER 7. TEACHER QUALIFICATIONS

36600. All teachers who serve full or part time in the pilot supplementary education program shall hold a teaching credential for the instruction of exceptional children or shall have been a full-time teacher of the educationally handicapped for two years or more, except that persons serving as speech and

hearing therapists or teachers of the severely handicapped shall hold credentials appropriate for such work. For the purpose of teaching pupils in a supplementary education program, the teacher shall not be restricted by his general or standard credential to the elementary or secondary level.

CHAPTER 8. SUPERVISION AND CONSULTATION SERVICES

36700. The Superintendent of Public Instruction shall establish supervisory and consultant services for supplementary education programs and shall provide such personnel as necessary under provisions of this division.

CHAPTER 9. DURATION

36800. Provisions of this division shall be operative from September 1, 1971, or as soon as possible thereafter, to August 31, 1974, 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:

In order that the supplementary education programs authorized by this act can be implemented at the earliest possible time during the 1971–1972 school year, and, thus, provide special education services to meet the specific educational needs of children of minority groups and other children now classified as mentally retarded, educationally handicapped, and physically handicapped, it is necessary that this act take immediate effect.

---

## CHAPTER 1744

*An act to amend Section 543 of, and to add Sections 544, 545, 546, 547, and 604 to, the Health and Safety Code, relating to health.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 543 of the Health and Safety Code is amended to read:

543. A nonreturnable application fee of five dollars ($5) shall be paid by a person each time he applies for registration as a sanitarian under the provisions of this article.

A nonreturnable examination fee of twenty-five dollars ($25) shall be paid by a person each time he applies to take the examination authorized by subdivision (b) of Section 542.

SEC. 2. Section 544 is added to the Health and Safety Code, to read:

544. A nonreturnable biennial renewal fee, as determined by the department, not to exceed ten dollars ($10) shall be paid by each registered sanitarian on or before the first day of January of every second year, or on such other date as determined by the department. The renewal fee for each sanitarian registered before the effective date of this section, shall first be due on the first day of the first calendar month which commences after the effective date of this section. Each sanitarian registered on or after the effective date of this section, shall first pay the biennial fee at the time of initial registration to cover the calendar year in which registration is acquired and the following calendar year.

SEC. 3. Section 545 is added to the Health and Safety Code, to read:

545. Failure to pay any fee required under the provisions of this article shall be grounds for suspension of the registration. Continued delinquency for five years shall be grounds for revocation of registration.

SEC. 4. Section 546 is added to the Health and Safety Code, to read:

546. An additional penalty fee of ten dollars ($10) for each year of delinquency or portion thereof shall be paid by each person who fails to pay the fee required by Section 544 within 30 days of the established due date.

SEC. 5. Section 547 is added to the Health and Safety Code, to read:

547. All fees payable under the provisions of Sections 543, 544 and 546 shall be collected by and paid to the department, and shall be deposited by the department in the General Fund. It is the intention of the Legislature that the costs of carrying out the purposes of this chapter shall be covered by the revenues collected pursuant to this section.

SEC. 6. Section 604 is added to the Health and Safety Code, to read:

604. A nonreturnable fee, as determined by the department, not to exceed ten dollars ($10) shall be paid by a person at the time of application for certification as a public health nurse. All fees payable under the provisions of this section shall be collected by and paid to the department, and shall be deposited by the department in the General Fund. It is the intention of the Legislature that the costs of carrying out the purposes of this chapter shall be covered by the revenues collected pursuant to this section.

# CHAPTER 1745

*An act to add Article 3.5 (commencing with Section 310) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to medical tests.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Article 3.5 (commencing with Section 310) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

## Article 3.5. Sickle Cell Anemia

310. It is the policy of the State of California to make every effort to detect, as early as possible, sickle cell anemia, a heritable disorder which leads to physical defects.

The State Department of Public Health shall have the responsibility of designating tests and regulations to be used in executing this policy. Such tests shall be in accordance with accepted medical practices.

Testing for sickle cell anemia may be conducted at the following times:

(a) Upon first enrollment of a child at an elementary school in this state, such child may be tested.

(b) For any child not tested pursuant to subdivision (a), upon first enrollment at a junior high school or senior high school in this state, as the case may be, such child may be tested.

(c) Upon application of any person for a license to marry, the parties seeking to be married may be tested.

The provisions of this section shall not apply if a parent or guardian of a minor child sought to be tested or any adult sought to be tested objects to the test on the ground that the test conflicts with his religious beliefs or practices.

311. The State Department of Public Health may require that a test be given for sickle cell anemia pursuant to Section 310 to any identifiable segment of the population which the department determines is susceptible to sickle cell anemia at a disproportionately higher ratio than is the balance of the population.

## CHAPTER 1746

*An act making an appropriation to the Placerville Union Elementary School District, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 14, 1971 Filed with Secretary of State December 14, 1971]

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

SECTION 1. Recently, a judgment of nearly seventy thousand dollars ($70,000) was rendered against the Placerville Union Elementary School District. The district does not have any revenues to meet this unexpected expenditure and has unencumbered reserves of only approximately one thousand five hundred dollars ($1,500).

The Legislature finds that the unique circumstances in the Placerville Union Elementary 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 Placerville Union Elementary 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, since 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 seventy thousand dollars ($70,000), or so much thereof as may be necessary, to the Placerville Union Elementary School District to enable the district to satisfy the judgment described in Section 1 of this act.

SEC. 3. The Superintendent of Public Instruction shall, during the 1972–1973, 1973–1974, and 1974–1975 fiscal years, 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-third 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 based on the most current investment rate of the Pooled Money Investment Account as of the date of disbursement of funds to the district pursuant to Section 2 of this act. 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 1974–1975 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 Placerville Union Elementary 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 1747

*An act to amend Sections 985 and 2655 of the Unemployment Insurance Code, relating to disability compensation.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 985 of the Unemployment Insurance Code is amended to read:

985. Section 984 shall not apply to that part of the remuneration which, after remuneration with respect to employment equal to eight thousand dollars ($8,000) for calendar year 1972 and eight thousand five hundred dollars ($8,500) for calendar year 1973 and each subsequent calendar year has been paid to an individual by an employer, is paid to such individual by such employer.

SEC. 2. Section 2655 of the Unemployment Insurance Code is amended to read:

2655. An individual's "weekly benefit amount" shall be the amount appearing in column B in the table set forth in this subdivision on the line of which in column A of such table there appears the wage bracket containing the amount of wages paid to such individual for employment by employers during the quarter of his disability base period in which such wages were the highest.

| A<br>Amount of wages in highest quarter | B<br>Weekly benefit amount |
|---|---|
| $75– $524.99 | $25 |
| 525– 549.99 | 26 |
| 550– 574.99 | 27 |

| | |
|---|---|
| 575– 599.99 | 28 |
| 600– 624.99 | 29 |
| 625– 649.99 | 30 |
| 650– 674.99 | 31 |
| 675– 699.99 | 32 |
| 700– 724.99 | 33 |
| 725– 749.99 | 34 |
| 750– 774.99 | 35 |
| 775– 799.99 | 36 |
| 800– 824.99 | 37 |
| 825– 849.99 | 38 |
| 850– 874.99 | 39 |
| 875– 899.99 | 40 |
| 900– 924.99 | 41 |
| 925– 949.99 | 42 |
| 950– 974.99 | 43 |
| 975– 999.99 | 44 |
| 1,000–1,024.99 | 45 |
| 1,025–1,049.99 | 46 |
| 1,050–1,074.99 | 47 |
| 1,075–1,099.99 | 48 |
| 1,100–1,124.99 | 49 |
| 1,125–1,149.99 | 50 |
| 1,150–1,174.99 | 51 |
| 1,175–1,199.99 | 52 |
| 1,200–1,224.99 | 53 |
| 1,225–1,249.99 | 54 |
| 1,250–1,274.99 | 55 |
| 1,275–1,299.99 | 56 |
| 1,300–1,324.99 | 57 |
| 1,325–1,349.99 | 58 |
| 1,350–1,374.99 | 59 |
| 1,375–1,399.99 | 60 |
| 1,400–1,424.99 | 61 |
| 1,425–1,449.99 | 62 |
| 1,450–1,474.99 | 63 |
| 1,475–1,499.99 | 64 |
| 1,500–1,524.99 | 65 |
| 1,525–1,549.99 | 66 |
| 1,550–1,574.99 | 67 |
| 1,575–1,599.99 | 68 |
| 1,600–1,624.99 | 69 |
| 1,625–1,649.99 | 70 |
| 1,650–1,674.99 | 71 |
| 1,675–1,699.99 | 72 |
| 1,700–1,724.99 | 73 |
| 1,725–1,749.99 | 74 |

| | |
|---|---|
| 1,750–1,774.99 | 75 |
| 1,775–1,799.99 | 76 |
| 1,800–1,824.99 | 77 |
| 1,825–1,849.99 | 78 |
| 1,850–1,874.99 | 79 |
| 1,875–1,899.99 | 80 |
| 1,900–1,924.99 | 81 |
| 1,925–1,949.99 | 82 |
| 1,950–1,974.99 | 83 |
| 1,975–1,999.99 | 84 |
| 2,000–2,024.99 | 85 |
| 2,025–2,049.99 | 86 |
| 2,050–2,074.99 | 87 |
| 2,075–2,099.99 | 88 |
| 2,100–2,124.99 | 89 |
| 2,125–2,149.99 | 90 |
| 2,150–2,174.99 | 91 |
| 2,175–2,199.99 | 92 |
| 2,200–2,224.99 | 93 |
| 2,225–2,249.99 | 94 |
| 2,250–2,274.99 | 95 |
| 2,275–2,299.99 | 96 |
| 2,300–2,324.99 | 97 |
| 2,325–2,349.99 | 98 |
| 2,350–2,374.99 | 99 |
| 2,375–2,399.99 | 100 |
| 2,400–2,424.99 | 101 |
| 2,425–2,449.99 | 102 |
| 2,450–2,474.99 | 103 |
| 2,475–2,499.99 | 104 |
| 2,500 and over | 105 |

SEC. 3. The provisions of Section 985 of the Unemployment Insurance Code as amended by this act shall be operative with respect to wages paid on and after April 1, 1972. The provisions of Section 985 of such code as in effect prior to the amendments made by this act shall continue to be applicable to wages paid prior to April 1, 1972.

SEC. 4. The provisions of Section 2655 of the Unemployment Insurance Code as amended by this act shall be operative with respect to periods of disability commencing on and after April 1, 1972. The provisions of Section 2655 of such code as in effect prior to the amendments made by this act shall continue to be applicable with respect to periods of disability commencing prior to April 1, 1972.

# CHAPTER 1748

*An act to amend Sections 20664 and 20694 of the Agricultural Code, Sections 1628, 2635, 2914, 3044, 3057, 4085, 5082, 5087, 5650, 5685, 6060, 6062, 6886, 7346, 7526, 7619, 7643, 8020, and 8561 of the Business and Professions Code, Sections 25, 33, 35, 241, 4101, 4201, and 4205 of the Civil Code, Sections 198 and 1276 of the Code of Civil Procedure, Section 1112 of the Education Code, Section 12331 of the Financial Code, Section 854 of the Fish and Game Code, Sections 1031, 15005, and 38084 of the Government Code, Sections 77.2 and 1101 of the Harbors and Navigation Code, Sections 11502, 11502.1, 11532, 11715.6, 11913, and 12082 of the Health and Safety Code, Sections 11353, 11354, 11361, 11370, and 11380 of the Health and Safety Code, as proposed by Senate Bill No. 542, Sections 1833 and 10112 of the Insurance Code, Sections 1172, 5408, and 7600 of the Labor Code, Section 12230 of the Penal Code, Sections 1816, 2256, 11102, 11104, 12502, 12503, 12504, 12518, 12800.5, 13005.5, 14607, and 17700 of the Vehicle Code, Section 41002 of the Water Code, and Sections 600, 601, 602, 604, 607, and 625 of the Welfare and Institutions Code, and to repeal Section 152 of the Insurance Code, relating to the age of majority*

[Approved by Governor December 14, 1971 Filed with Secretary of State December 14, 1971]

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

SECTION 1. Except for the provisions relating to the minimum voting age, the provisions relating to minimum age for the sale, purchase or consumption of alcoholic beverages, the provisions relating to the sentencing and commitment of persons to the Department of the Youth Authority, or the provisions relating to veterans' benefits, whenever, in any provision of law, the term "21 years of age" or any similar phrase regarding such age appears, it shall be deemed to mean "18 years of age."

SEC. 2. Section 20664 of the Agricultural Code is amended to read:

20664. The application shall contain all of the following:

(a) A facsimile of the brand which is sought to be recorded.

(b) A statement of the location on the animal where the brand is to be applied.

(c) The name and address of the applicant.

(d) The signature of a parent or guardian if the applicant is under 18 years of age.

SEC. 3. Section 20694 of the Agricultural Code is amended to read:

20694. A brand shall not be recorded for any person under 18 years of age unless the application is countersigned by his parent or guardian.

SEC. 4. Section 1628 of the Business and Professions Code is amended to read:

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

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

(b) Furnishing satisfactory testimonials of good moral character;

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

SEC. 5. Section 2635 of the Business and Professions Code is amended to read:

2635. Every applicant for a license under this chapter shall, at the time of application, be a person over 18 years of age, of good moral character, not addicted to the intemperate use of alcohol or any narcotic drug, and have successfully completed courses of training equivalent to the minimum standard established in this chapter for approval by the board.

SEC. 6. Section 2914 of the Business and Professions Code is amended to read:

2914. Each applicant shall comply with all of the following requirements:

(a) Be at least 18 years of age.

(b) Be of good moral character.

(c) Be a citizen of the United States or have declared his intention to become a citizen. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application shall be sufficient proof of compliance with this subdivision.

(d) Possess an earned doctorate degree in psychology or in educational psychology or a doctorate degree deemed equivalent by the committee in regulations duly adopted under this chapter. Such degree or training shall be obtained from the University of California, Stanford University, the University of Southern California, or from an accredited or approved college or university or any other educational institution approved by the committee as offering a

comparable program in regulations duly adopted under this chapter.

No educational institution shall be denied recognition as an accredited or approved academic institution solely because its program is not accredited by any professional organization of psychologists, and nothing in this act or in the administration of this act shall require the registration with the committee by educational institutions of their departments of psychology or their doctoral programs in psychology.

(e) Have engaged for at least two years in supervised professional experience under the direction of a licensed psychologist or such suitable alternative supervision as determined by the committee in regulations duly adopted under this chapter, at least one year of which shall be after being awarded the doctorate in psychology.

(f) Have not, within the preceding six months, failed an examination given by the committee.

SEC. 7. Section 3044 of the Business and Professions Code is amended to read:

3044. Any person over the age of 18 years desiring to engage in the practice of optometry in this state may file an application for examination before the board.

The application shall be accompanied by evidence satisfactory to the board that the applicant is of good moral character and by the fee required by this chapter and shall be filed with the board at least 30 days prior to the day of any meeting at which an examination is to be held.

A cause which would be grounds for the suspension or revocation of the certificate of registration of the holder of a certificate of registration may be grounds for the denial of an application for examination before the board. The proceedings under this section shall be in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 8. Section 3057 of the Business and Professions Code is amended to read:

3057. Notwithstanding any other provision of this chapter, the board shall permit a 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 18 years.

(b) Is of good moral character.

(c) Is a citizen of the United States.

(d) Has a degree as a doctor of optometry issued by a school located in another state that was not accredited by the board at the time of the issuance of the degree and that was subsequently merged into a school that is so accredited at the time of application.

(e) Has been licensed to practice optometry in the state in

which the school from which he graduated is located.

(f) Pays the fee specified in subdivision (b) of Section 3152.

(g) Has been a resident of California for five years at the time of the application.

The provisions of this section shall be operative until December 31, 1972, and thereafter shall have no force or effect.

SEC. 9. Section 4085 of the Business and Professions Code is amended to read:

4085. The board shall register as registered pharmacists, and issue a certificate to all applicants who meet the following requirements:

(a) That the applicant is 18 years of age. (b) That the applicant has been graduated from a college of pharmacy or department of pharmacy of a university recognized by the board, which school or college of pharmacy or department of pharmacy of a university requires a resident attendance of not less than eight calendar months of each year of its course. The course in pharmacy shall consist of not less than 3,200 hours distributed over a period of not less than four years. Any student, however, may complete the required course of 3,200 hours in a lesser period of time. (c) That the applicant has had one year of practical experience in a pharmacy recognized by the board. (d) That the applicant has passed a written and practical examination given by the board.

SEC. 10. Section 5082 of the Business and Professions Code is amended to read:

5082. An applicant for a certificate of certified public accountant shall be over the age of 18 years and shall have successfully passed written examinations in theory of accounts, in accounting practice, in auditing, in commercial law as affecting accountancy, and other related subjects as the certified public accountant members of the board may deem advisable.

SEC. 11. 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 determine 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 18, 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. 12. Section 5650 of the Business and Professions Code is amended to read:

5650. Subject to the rules and regulations governing examinations, any person, over the age of 18 years, who has had six years of training and educational experience in actual practice of landscape architectural work shall be entitled to an examination for a certificate to practice landscape architecture. A degree from a school of landscape architecture approved by the board shall be deemed equivalent to four years of training and educational experience in the actual practice of landscape architecture. Before taking the examination he shall file his application therefor with the secretary and pay the application fee fixed by this chapter.

SEC. 13. Section 5685 of the Business and Professions Code is amended to read:

5685. Notwithstanding any other provisions of this chapter, any person over the age of 18 years and of good moral character, who submits evidence to the board that, for not less than one year prior to the passage of this act, he has been regularly engaged in the practice of landscape architecture as defined in this chapter, shall be entitled to receive, without an examination, a certificate to practice landscape architecture, if he files an application therefor accompanied by the fee for an original certificate on or before June 30, 1954.

SEC. 14. Section 6060 of the Business and Professions Code is amended to read:

6060. To be certified to the Supreme Court for admission and a license to practice law, a person who does not comply with Section 6062 shall:

(a) Be a citizen of the United States.

(b) Be of the age of at least 18 years.

(c) Be of good moral character.

(d) Before beginning the study of law, have either:

(1) Completed at least two years of college work, which college work shall be not less than one-half of the collegiate work acceptable for a bachelor's degree granted upon the basis of a four-year period of study by a college or university approved by the examining committee; or

(2) Reached the age of 23 years and have attained in apparent intellectual ability the equivalent of at least two years of the college work hereinabove defined. Such equivalent with respect to a person applying for admission to a law school accredited by the examining committee shall be determined by the dean or faculty thereof and with respect

to all other persons shall be determined by the examining committee. The determination by the examining committee may be made after a personal interview with the person or the examining committee may require him to pass a written examination. Such examination may be given by the examining committee, or, if the examining committee so elects, the examination may be given under its supervision by such members of the faculty of a college as the examining committee may select or by the Department of Education of this state; provided, however, that any person who receives an adverse determination by the committee without an examination or fails an examination given directly by the committee shall, upon demand made within 30 days after receiving notice thereof, have the right to be reexamined either by such faculty members or department as the committee may decide. In the event that the examination is given by the Department of Education, a fee for such examination shall be charged by the department, which fee shall not exceed fifteen dollars ($15).

The requirements of paragraph (2) of this subdivision shall not apply to a person who had reached the age of 25 years prior to commencing the study of law and who commenced such study and registered with the examining committee as provided in subdivision (e) of this section prior to January 1, 1955.

(e) Have registered with the examining committee as a law student within three months after beginning the study of law. The examining committee, upon good cause being shown, may permit a later registration.

(f) Have either:

(1) Graduated from a law school accredited by the examining committee requiring substantially the full time of its students for three years.

(2) Graduated from a law school accredited by the examining committee requiring a part only of its students' time for four years.

(3) Studied law diligently and in good faith for at least four years, which study shall be:

(i) In a law school that is authorized to confer professional degrees and requires classroom attendance of its students for a minimum of 270 hours a year; or

(ii) In a law office in this state and under the personal supervision of a member of the State Bar of California who is, and for at least five years last past continuously has been, engaged in the active practice of law; or

(iii) In the chambers and under the personal supervision of a judge of a court of record of this state; or

(iv) By instruction in law from a correspondence law school requiring 864 hours of preparation and study per year

for four years.

(v) By any combination of the methods referred to in paragraph (3) of this subdivision.

It shall be the duty of the attorney or judge referred to under (ii) and (iii) of paragraph (3) of this subdivision to render such periodic reports to the examining committee as the committee may require.

(4) Commence the study of law and registered as a law student as provided in subdivision (e) of this section prior to January 1, 1954, and completed four years of law study, diligently and in good faith.

(g) Have passed a final bar examination given by the examining committee.

(h) After completion of his first year of law study, have passed a first-year law student's examination given by the examining committee. This requirement shall not apply to a student who satisfactorily completes the first-year course of instruction in a law school accredited by the examining committee and who either (1) commenced the study of law and registered with the examining committee as provided in subdivision (e) of this section prior to January 1, 1954, or (2) had completed at least two years of college work as defined in this section prior to matriculating in such accredited law school, nor shall this requirement apply to an applicant who has passed the bar examination of a sister state or of a country wherein the common law of England constitutes the basis of jurisprudence. An applicant who is required to take such first-year examination shall not receive credit for his first year of law study until he has passed such examination; nor shall he receive credit for any law study subsequent to the first year, and before he shall have passed such examination, unless for good cause in a particular case the committee decides that credit should be given for such subsequent study or for some part thereof.

SEC. 15. Section 6062 of the Business and Professions Code is amended to read:

6062. To be certified to the Supreme Court for admission, and a license to practice law, a person, who has been admitted to practice law outside of this state, shall:

(a) Be a citizen of the United States.

(b) Be of the age of at least 18 years.

(c) Be of good moral character.

(d) Have been admitted to practice before the highest court of a sister state or of any jurisdiction where the common law of England constitutes the basis of jurisprudence and (1) have been actively and substantially engaged in the practice of law in any such jurisdiction or jurisdictions for at least four years out of the six years immediately preceding the filing of his application for admission to practice in this state or (2)

demonstrated to the satisfaction of the examining committee that his experience and qualifications qualify him to take an examination. Teaching in a law school accredited by the committee and services as a judge of a court of law shall be considered practice within the meaning of this section. In determining what constitutes practice for at least four years out of the next six years immediately preceding the filing of the application, time spent, subsequent to September 16, 1940, and prior to two years after termination of hostilities between the United States and the nations with which the United States is now at war as determined by act of Congress or proclamation of the President, in active duty as a member of the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, or any of their respective components, or on active sea duty as an officer or member of the crew on or in connection with vessels documented under the laws of the United States, or vessels owned by, chartered to, or operated by or for the account or use of, the War Shipping Administrator, when the applicant is not engaged in the practice of law within the meaning of this requirement shall be excluded.

(e) Have passed such examination as in the discretion of the examining committee may be required.

SEC. 16. Section 6886 of the Business and Professions Code is amended to read:

6886. Except as in this chapter otherwise provided, an applicant for a qualification certificate shall:

(a) Be a citizen of the United States.

(b) Be at least 18 years of age.

(c) Be of good moral character.

(d) Have been a registered employee under this chapter for at least one year during the five years next preceding the date on which his application is filed.

(e) Pass the examination required.

(f) Pay the required application and examination fees to the chief, except that the examination fee shall be waived if the applicant is the holder of a provisional qualification certificate.

SEC. 17. Section 7346 of the Business and Professions Code is amended to read:

7346. The board shall admit to examination for certificate of registration and license as an electrology instructor any person who has made application to the board in proper form, paid the fee required by this chapter and who is qualified as follows:

(a) Who is not less than 18 years of age.

(b) Who is of good moral character and temperate habits.

(c) Who holds a valid California license as an electrologist.

(d) Who has had three years of practical experience as an



2887135 31

electrologist in the State of California within the past five years.

SEC. 18. Section 7526 of the Business and Professions Code is amended to read:

7526. Before an application for a license is granted, the applicant or his manager, shall meet all of the following:

(a) Be at least 18 years of age.

(b) Be a citizen of the United States.

(c) Be of good moral character and temperate habits.

(d) Comply with such other qualifications as the director may fix by rule.

SEC. 19. Section 7619 of the Business and Professions Code is amended to read:

7619. The applicant, or in case the applicant is an association, partnership or corporation, the officer or partner appearing therefor, shall be at least 18 years of age and of good character.

SEC. 20. 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 18 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. 21. 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 18 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.

SEC. 22. Section 8561 of the Business and Professions Code is amended to read:

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

(a) If the applicant is an individual, he shall possess the qualifications and be examined as hereinafter prescribed. If such individual qualifies for an operator's license, as herein prescribed, the board shall issue to him an operator's license.

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

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

SEC. 23. Section 25 of the Civil Code is amended to read:

25. Minors are all persons under 18 years of age.

SEC. 24. Section 33 of the Civil Code is amended to read:

33. A minor cannot give a delegation of power, make a contract relating to real property, or any interest therein, or relating to any personal property not in his immediate possession or control.

SEC. 25. Section 35 of the Civil Code is amended to read:

35. In all cases other than those specified in Sections 36

and 37, the contract of a minor may be disaffirmed by the minor himself, either before his majority or within a reasonable time afterwards; or, in case of his death within that period, by his heirs or personal representatives.

SEC. 25.5. Section 241 of the Civil Code is amended to read:

241. As used in this title:

(a) "State" includes any state, territory or possession the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(b) "Obligor" means any person owing a duty of support.

(c) "Obligee" means any person to whom a duty of support is owed.

(d) "Child" means a son or daughter under the age of 18 years and a son or daughter of whatever age who is incapacitated from earning a living and without sufficient means.

(e) "Parent" includes either a natural parent or an adoptive parent.

SEC. 26. Section 4101 of the Civil Code is amended to read:

4101. (a) Any unmarried person of the age of 18 years or upwards, and not otherwise disqualified, is capable of consenting to and consummating marriage.

(b) Any person under the age of 18 years is capable of consenting to and consummating marriage if each of the following documents is filed with the clerk issuing the marriage license as provided in Section 4201:

(1) The consent in writing of the parents of each person who is underage, or of one of such parents, or of his or her guardian.

(2) After such showing as the superior court may require, an order of such court granting permission to such underage person to marry.

(c) As part of the order under subdivision (b), the court shall require the parties to such prospective marriage of a person under the age of 18 years to participate in premarital counseling concerning social, economic, and personal responsibilities incident to marriage, if it deems such counseling necessary. Such parties shall not be required, without their consent, to confer with counselors provided by religious organizations of any denomination. In determining whether to order the parties to participate in such premarital counseling, the court shall consider, among other factors, the ability of the parties to pay for such counseling.

SEC. 27. Section 4201 of the Civil Code is amended to read:

4201. All persons about to be joined in marriage must first obtain a license therefor, from a county clerk, which license

must show all of the following:

(1) The identity of the parties.

(2) Their real and full names, and places of residence.

(3) Their ages.

No license shall be granted when either of the parties, applicants therefor, is an imbecile, or insane, or is at the time of making the application for the license, under the influence of any intoxicating liquor, or narcotic drug. If the person is under the age of 18 years, no license may be issued by the county clerk unless both parties are capable of consenting to and consummating marriage as provided for in Section 4101 and such consent or consents or court orders, provided for in Section 4102, must be filed by the clerk. Each applicant may be required to present authentic identification as to name. For the purpose of ascertaining all the facts mentioned or required in this section, the clerk, at the time the license is applied for may, if he deems it necessary in order to satisfy himself as to matters enumerated in this section, examine the applicants for a license on oath, which examination shall be reduced to writing by the clerk, and subscribed by them; or, if necessary, the clerk may request additional documentary proof as to the accuracy of the facts stated. Applicants for a license pursuant to this section shall not be required to state, for any purpose, their race or color.

The forms for the application for license to marry and the marriage license shall be prescribed by the State Department of Public Health, and shall be adapted to set forth the facts required in this section.

SEC. 28. Section 4205 of the Civil Code is amended to read:

4205. Marriage may be solemnized by any judge or retired judge, commissioner, or assistant commissioner of a court of record or justice court in this state or by any priest, minister, or rabbi of any religious denomination, of the age of 18 years or over.

SEC. 29. Section 198 of the Code of Civil Procedure is amended to read:

198. A person is competent to act as juror if he be:

1. A citizen of the United States of the age of 18 years who shall have been a resident of the state and of the county or city and county for one year immediately before being selected and returned;

2. In possession of his natural faculties and of ordinary intelligence and not decrepit;

3. Possessed of sufficient knowledge of the English language.

SEC. 30. Section 1276 of the Code of Civil Procedure is amended to read:

1276. All applications for change of names must be made

to the superior court of the county where the person whose name is proposed to be changed resides, by petition, signed by such person; or if such person is under 18 years of age, by one of the parents, if living, or if both be dead, then by the guardian; and if there be no guardian, then by some near relative or friend.

The petition must specify the place of birth and residence of such person, his or her present name, the name proposed, and the reason for such change of name, and must, if the father of such person be not living, name, as far as known to the petitioner, the near relatives of such person, and their place of residence.

If such person is under 18 years of age and the petition is signed by only one parent, the petition must specify the address, if known, of the other parent if living.

If such person is 12 years of age or over, has been relinquished to an adoption agency by his or her parent or parents, and has not been legally adopted, the petition shall be signed by such person and the adoption agency to which such person was relinquished. The near relatives of such a relinquished person and their place of residence shall not be included in the petition unless they are known to the person whose name is proposed to be changed.

SEC. 31. Section 1112 of the Education Code is amended to read:

1112. Any person, regardless of sex, who is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter, and who is not disqualified by the Constitution or laws of the state from holding a civil office, is eligible to be elected or appointed a member of a governing board of a school district.

SEC. 32. Section 12331 of the Financial Code is amended to read:

12331. No license shall be granted to a prorater or continued in effect as such unless the principal managing officer thereof is at least 18 years of age, a citizen of the United States, a bona fide resident of this state for at least two years immediately preceding his application for a license, and shall have had at least two years' experience in consumer credit extension or credit collection activity. The commissioner shall have power and authority to refuse the granting of a license for good cause shown.

SEC. 33. Section 854 of the Fish and Game Code is amended to read:

854. Notwithstanding Section 18932 of the Government Code, the minimum age limit for appointment to the positon of fish and game warden of the California Department of Fish and Game shall be 18 years, and the maximum age limit for examination shall be 40 years.

SEC. 34. Section 1031 of the Government Code is amended to read:

1031. In any instance in which, after the effective date of this section, members of a class of public officers or employees are first declared by law to be peace officers or to have the powers of peace officers, each member of such class must meet at least the following minimum standards:

(a) Be a citizen of the United States;

(b) Be at least 18 years of age;

(c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose any criminal record;

(d) Be of good moral character, as determined by a thorough background investigation;

(e) Be a high school graduate or pass the general education development test indicating high school graduation level;

(f) Be found, after examination by a licensed physician and surgeon, to be free from any physical, emotional, or mental condition which might adversely affect his exercise of the powers of a peace officer.

This section shall not be construed to preclude the adoption of additional or higher standards, including age.

SEC. 35. Section 1031 of the Government Code is amended to read:

1031. Each class of public officers or employees declared by law to be peace officers shall meet at least the following minimum standards:

(a) Be a citizen of the United States;

(b) Be at least 18 years of age;

(c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose any criminal record;

(d) Be of good moral character, as determined by a thorough background investigation;

(e) Be a high school graduate or pass the general education development test indicating high school graduation level;

(f) Be found, after examination by a licensed physician and surgeon, to be free from any physical, emotional, or mental condition which might adversely affect his exercise of the powers of a peace officer.

This section shall not be construed to preclude the adoption of additional or higher standards, including age.

SEC. 36. Section 15005 of the Government Code is amended to read:

15005. Notwithstanding Section 18932, the minimum age limit for appointment to the position of special or narcotic agent shall be 18 years, and the maximum age limit for examination shall be 40 years. The age limits set forth herein shall not affect the right of a special or narcotic agent to participate in promotional examinations.

SEC. 37. Section 38084 of the Government Code is

amended to read:

38084. The referees shall be over the age of 18 years and residents of the city making the improvement. They shall file with the court an oath to discharge their duties faithfully and impartially. If a referee fails to qualify, resigns, is removed by court order, or becomes unable to act, the court shall fill the vacancy.

SEC. 38. Section 77.2 of the Harbors and Navigation Code is amended to read:

77.2. (a) All applications for licenses shall be made in writing, and every application shall be accompanied by the recommendations of two yacht and ship or real estate brokers of the county in which the applicant resides or has his place of business, certifying that the applicant is honest, truthful, and of good reputation, and recommending that the applicant be granted a license.

If the applicant has not resided or engaged in business in the county for at least one year, the yacht and ship or real estate brokers of any county in which he formerly resided or had his place of business may make such recommendations.

Each individual applicant shall be at least 18 years of age.

(b) The department may deny a license upon applicant's failure to:

(1) Pass the written examination.

(2) Furnish satisfactory certification of honesty, truthfulness, and good reputation, and recommendations that a license be issued.

(3) Certify that he has never been convicted of a felony.

(4) Post the required bond as provided in subdivision (a) of Section 77.3. The department may also deny a license in the event an applicant has been convicted of a felony.

SEC. 39. Section 1101 of the Harbors and Navigation Code is amended to read:

1101. A person may not be appointed or licensed as a pilot unless he:

(a) Is an American citizen.

(b) Is over the age of 18 years, and not over the age of 70 years. No other limitation of age shall be imposed.

(c) Has a practical knowledge of the management of motorships, steam vessels and of the tides, soundings, bearings, and distances of the several shoals, bars, rocks, points of land, lighthouses, and fog signals of the ports and harbors for which he is appointed.

(d) Is of good moral character, temperate, and possesses the skill and ability necessary to discharge the duties of pilot.

SEC. 41. Section 11353 of the Health and Safety Code, as proposed by Senate Bill No. 542, is amended to read:

11353. Every person 18 years of age or over who in any voluntary manner solicits, induces, encourages, or intimidates

any minor with the intent that the minor shall knowingly violate any provision of this chapter or Section 11550 with respect to a controlled substance classified in Schedule I or II other than marijuana, who hires, employs, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale, or peddle any controlled substance classified in Schedule I or II other than marijuana, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any controlled substance classified in Schedule I or II other than marijuana to a minor shall be punished by imprisonment in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until be has been imprisoned for a period of not less than five years in the state prison.

If such person has been previously convicted once of any felony offense described in this division or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 10 years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 15 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 15 years in the state prison.

SEC. 41.2. Section 11354 of the Health and Safety Code, as proposed by Senate Bill No. 542, is amended to read:

11354. Every person under the age of 18 years who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that the minor shall knowingly violate any provision of this chapter or Section 11550, who hires, employs, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale, or peddle

any controlled substance classified in Schedule I or II other than marijuana, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any controlled substance classified in Schedule I or II other than marijuana to a minor shall be punished by imprisonment in the state prison for a period of not less than five years.

If such person has been previously convicted of any felony offense described in this division or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of not less than 10 years.

This section is not intended to affect the jurisdiction of the juvenile court.

SEC. 41.4 Section 11361 of the Health and Safety Code, as proposed by Senate Bill No. 542, is amended to read:

11361. Every person 18 years of age or over who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale, or peddling any marijuana, who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give any marijuana to a minor, or who induces a minor to use marijuana in violation of law shall be punished by imprisonment in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than five years in the state prison.

If such person has been previously convicted once of any felony offense described in this division or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 10 years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division, the previous

convictions shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 15 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 15 years in the state prison.

SEC. 41.6. Section 11370 of the Health and Safety Code, as proposed by Senate Bill No. 542, is amended to read:

11370. Any person convicted of violating Section 11350, 11351, 11352, 11353, 11355, 11357, 11359, 11360, 11361, 11363, 11366 or 11368, or of committing any offense referred to in those sections, shall not, in any case, be granted probation by the trial court or have the execution of the sentence imposed upon him suspended by the court, if he has been previously convicted of any felony offense described in this division or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division, except Section 11550.

Any person who was 18 years of age or over at the time of the commission of the offense and is convicted for the first time of selling, furnishing, administering, or giving a controlled substance classified in Schedule I or II other than marijuana to a minor or inducing a minor to use such a narcotic in violation of law shall not, in any case, be granted probation by the trial court or have the execution of the sentence imposed upon him suspended by the court.

SEC. 41.7. Section 11380 of the Health and Safety Code, as proposed by Senate Bill No. 542, is amended to read:

11380. Every person 18 years of age or over who violates any provision of this chapter involving controlled substances classified in Schedule III, IV, or V by the use of a minor as agent, who solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this chapter involving controlled substances classified in Schedule III, IV, or V, or who unlawfully furnishes, offers to furnish, or attempts to furnish controlled substances classified in Schedule III, IV, or V to a minor shall be punished by imprisonment in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than five years in the state prison.

If such person has been previously convicted once of any felony offense described in this division, of a conspiracy to commit any offense described in this division, or of any offense under the laws of any other state or the United States

which, if committed in this state, would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 10 years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division, of a conspiracy to commit any offense described in this division, or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 15 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 15 years in the state prison.

Nothing contained in this section shall apply to a registered pharmacist furnishing controlled substances classified in Schedule III, IV, or V pursuant to a prescription.

SEC. 41.8. Section 11502 of the Health and Safety Code is amended to read:

11502. Every person 18 years of age or over who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that the minor shall knowingly violate any provision of this chapter or Section 11721 with respect to a narcotic other than marijuana, who hires, employs, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale, or peddle any narcotic other than marijuana, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic other than marijuana to a minor shall be punished by imprisonment in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than five years in the state prison.

If such person has been previously convicted once of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in

this division or Section 11911, 11912, or 11913, 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 by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 10 years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, 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 by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 15 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 15 years in the state prison.

SEC. 42. Section 11502.1 of the Health and Safety Code is amended to read:

11502.1. Every person under the age of 18 years who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that the minor shall knowingly violate any provision of this chapter or Section 11721, who hires, employs, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale, or peddle any narcotic other than marijuana, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic other than marijuana to a minor shall be punished by imprisonment in the state prison for a period of not less than five years.

If such person has been previously convicted of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, 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 by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of not less than 10 years.

This section is not intended to affect the jurisdiction of the juvenile court.

SEC. 43. Section 11532 of the Health and Safety Code is amended to read:

11532. Every person 18 years of age or over who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale, or peddling any marijuana, who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give any marijuana to a minor, or who induces a minor to use marijuana in violation of law shall be punished by imprisonment in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than five years in the state prison.

If such person has been previously convicted once of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, 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 by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 10 years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, 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 by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 15 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 15 years in the state prison.

SEC. 43.5. Section 11715.6 of the Health and Safety Code is amended to read:

11715.6. Any person convicted of violating Section 11500, 11500.5, 11501, 11502, 11503, 11530, 11530.5, 11531, 11532, 11540, 11557, or 11715, or of committing any offense referred to in those sections, shall not, in any case, be granted probation by the trial court or have the execution of the sentence imposed upon him suspended by the court, if he has been previously

convicted of any felony offense described in this division or of any offense under the laws of any other state or the United States which, if committed in this state would have been punishable as a felony offense described in this division, except Section 11721.

Any person who was 18 years of age or over at the time of the commission of the offense and is convicted for the first time of selling, furnishing, administering, or giving a narcotic other than marijuana to a minor or inducing a minor to use such a narcotic in violation of law shall not, in any case, be granted probation by the trial court or have the execution of the sentence imposed upon him suspended by the court.

SEC. 43.6. Section 11913 of the Health and Safety Code is amended to read:

11913. Every person 18 years of age or over who violates any provision of this chapter involving restricted dangerous drugs by the use of a minor as agent, who solicits, induces, encourages, or intimidates any minor with the intent that the 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 for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than five years in the state prison.

If such person has been previously convicted once of any felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, of a conspiracy to commit any offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1 11530.5, 11531, 11532, 11540, or 11557, or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, 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 by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 10 years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, of a conspiracy to commit any offense described in this division or Section 11500.5, 11501, 11502,

11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, 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 by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 15 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 15 years in the state prison.

Nothing contained in this section shall apply to a registered pharmacist furnishing such drugs pursuant to a prescription.

SEC. 44. Section 12082 of the Health and Safety Code is amended to read:

12082. No explosives shall be sold, given, or delivered to any person under 18 years of age, whether such person is acting for himself or for another person, nor shall any such person be eligible to obtain any permit to receive explosives governed by the provisions of this part.

SEC. 45. Section 152 of the Insurance Code is repealed.

SEC. 46. Section 1833 of the Insurance Code is amended to read:

1833. A license to act as life insurance analyst shall not be issued to any person not residing in this state, nor to any person who is under 18 years of age at the time of application.

SEC. 47. Section 10112 of the Insurance Code is amended to read:

10112. In respect to life or disability insurance, or annuity contracts, heretofore or hereafter issued to or upon the life of any person not of the full age of 18 years for the benefit of such minor or for the benefit of the father, mother, husband, wife, child, brother, or sister, of such minor, or issued to such minor, subject to written consent of a parent or guardian, upon the life of any person in whom such minor has an insurable interest for the benefit of himself or such minor's father, mother, husband, wife, child, brother or sister, such minor shall not, by reason only of such minority, be deemed incompetent to contract for such insurance or annuity, or for the surrender thereof, or to exercise all contractual rights thereunder, or, subject to approval of a parent or guardian, to give a valid discharge for any benefit accruing or for any money payable thereunder; provided, that all such contracts made by a minor under the age of 16 years, as determined by the nearest birthday, shall have the written consent of a parent or guardian, and that the exercise of all contractual rights under such contracts, or the surrender thereof, or the

giving of a valid discharge for any benefit accruing or money payable thereunder, in the case of a minor under the age of 16 years, as determined by the nearest birthday, shall have the written consent of a parent or guardian.

All such contracts made by a minor not of the full age of 18 years which may result in any personal liability for assessment shall have the written assumption of any such liability by a parent or guardian in consideration of the issuance of the contract. Such assumption shall be in a form approved by the commissioner, reasonably designed to inform the parent or guardian of the liability thus assumed.

Such assumption of liability may be made a part of and included with any written consent of such parent or guardian required under other provisions of this section and it may be provided therein that such assumption shall cover only up to the anniversary date of the policy nearest to the member's birthday at which he attains age 18.

SEC. 48. Section 1172 of the Labor Code is amended to read:

1172. As used in this chapter "minor" means any person under 18 years of age.

SEC. 48.5. Section 1172 of the Labor Code is amended to read:

1172. As used in this chapter "minor" means any person under 18 years of age.

SEC. 49. Section 5408 of the Labor Code is amended to read:

5408. If an injured employee or, in the case of his death, any of his dependents, is under 18 years of age or incompetent at any time when any right or privilege accrues to such employee or dependent under this division, a general guardian, appointed by the court, or a guardian ad litem or trustee appointed by the appeals board may, on behalf of the employee or dependent, claim and exercise any right or privilege with the same force and effect as if no disability existed.

No limitation of time provided by this division shall run against any person under 18 years of age or any incompetent unless and until a guardian or trustee is appointed. The appeals board may determine the fact of the minority or incompetency of any injured employee and may appoint a trustee to receive and disburse compensation payments for the benefit of such minor or incompetent and his family.

SEC. 50. Section 7600 of the Labor Code is amended to read:

7600. Every person who is engaged in the business of loading or unloading ships or vessels, or who is authorized or contracts to load or unload a ship or vessel, or who is in charge of a ship or vessel while it is being loaded or unloaded, and

such ship or vessel has a carrying capacity of 50 tons or greater, shall employ and supply upon every ship or vessel while being loaded or unloaded, a person over the age of 18 years to act as signalman or hatch-tender whose sole duty it shall be to observe the operations of loading or unloading of each working hatch on such ship or vessel, and to warn all persons engaged in the operation of loading or unloading of any possibility of injury to any of the articles of which the cargo is composed, or of danger to any person in or about the ship or vessel while it is being loaded or unloaded.

SEC. 51. Section 12230 of the Penal Code is amended to read:

12230. The Chief of the Bureau of Criminal Identification and Investigation may issue permits for the possession and transportation or possession or transportation of such machine guns, upon a showing satisfactory to him that good cause exists for the issuance thereof to the applicant for such permit but no permit shall be issued to a person who is under 18 years of age.

SEC. 51.5. Section 1816 of the Vehicle Code is amended to read:

1816. Every judge, referee, probation officer, or other person responsible for the disposition of cases involving traffic offenses committed by persons under 18 years of age shall keep a full record of every case in which such a person is charged with a violation of this code, and. except as provided in Sections 1803 and 13355, shall report the offense to the department at its office in Sacramento not more than 30 days after the date on which it was committed. No report shall be made in the case of parking violations or if it is found that the alleged offense was not committed.

The report required by this section shall be made upon a form furnished by the department and shall contain all necessary information as to the identity of the offender, the arresting agency, and the date and nature of the offense.

SEC. 52. Section 2256 of the Vehicle Code is amended to read:

2256. Notwithstanding Section 18932 of the Government Code, the minimum age limit for appointment to the position of state traffic officer of the California Highway Patrol shall be 18 years, and the maximum age limit for examination shall be 31 years.

SEC. 53. 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 application fee of one hundred dollars ($100) which shall entitle the applicant to three examinations within a period of one year.

(6) Be 18 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 and, on and after July 1, 1973, have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department, except that this paragraph does not apply to any person who is certified by the Department of Education as fully qualified to teach driver education and driver training in the public school system.

(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.

SEC. 54. Section 11104 of the Vehicle code is amended to read:

1104. Every person in order to qualify as an instructor for a driving school or as an independent instructor as provided for in Section 11105.5 of this code shall meet the following requirements:

(a) Be of good moral character.

(b) On and after July 1, 1973, have a high school education or its equivalent and have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department.

(c) Within three attempts, pass such examination as the department shall require on traffic laws, safe driving practices, operation of motor vehicles, and teaching methods and techniques.

(d) Be physically able to safely operate a motor vehicle and to train others in the operation of motor vehicles.

(e) Hold a valid California driver's license, and not be on probation to the department as a negligent operator.

(f) Pay to the department an application fee of ten dollars ($10).

(g) Be 18 years of age or older.

(h) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license or a new application, examination, and fee shall be required.

SEC. 54.5. Section 12502 of the Vehicle Code is amended to read:

12502. A nonresident over the age of 18 years having in his immediate possession a valid driver's license issued to him by a foreign jurisdiction of which he is a resident may operate a motor vehicle in this state without obtaining a license under this code except as provided in Section 12505.

SEC. 55. Section 12503 of the Vehicle Code is amended to read:

12503. A nonresident over the age of 18 years whose home state or country does not require the licensing of drivers may operate a foreign vehicle owned by him for not to exceed 30 days without obtaining a license under this code.

SEC. 56. Section 12504 of the Vehicle Code is amended to read:

12504. (a) The provisions of Sections 12502 and 12503 shall apply to any nonresident over the age of 16 years but under the age of 18 years, but the maximum period during which such nonresident may operate a motor vehicle in this state without obtaining a driver's license shall be limited to a period of 10 days immediately following the entry of the nonresident into this state except as provided in subdivision

(b) of this section.

(b) Any nonresident over the age of 16 years but under the age of 18 years who is a resident of a foreign jurisdiction which requires the licensing of drivers may continue to operate a motor vehicle in this state after 10 days from his date of entry into this state provided:

(1) He has a valid driver's license issued by such foreign jurisdiction in his immediate possession, and

(2) He has been issued and has in his immediate possession a nonresident minor's certificate, which is a certificate issued by the department upon filing "proof of ability to respond in damages," as defined in Section 16430, to a nonresident minor who holds a valid driver's license issued to him by his home state or country.

(c) Whenever any of the conditions for the issuance of a nonresident minor's certificate cease to exist, the department shall cancel and require the surrender to it of the nonresident minor's certificate.

SEC. 57. Section 12518 of the Vehicle Code is amended to read:

12518. The provisions of Section 12504 shall apply to any nonresident who is under the age of 18 years and who is a member of the armed forces of the United States on active duty within this state, except that the maximum period during which such nonresident may operate a motor vehicle in this state without obtaining a driver's license or a nonresident minor's certificate shall be limited to a period of 60 days immediately following the entry of such nonresident into this state.

SEC. 58. Section 12800.5 of the Vehicle Code is amended to read:

12800.5. A license issued after the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature to any person under the age of 18 years shall bear a photograph of the licensee in profile. A license issued to any person 18 years of age or over shall bear a fullface photograph of the licensee. If a person is issued a license while under 18 years of age, and such person reaches the age of 18 years before the license expires, the department shall issue to him, upon application therefor, a license bearing a fullface photograph, upon payment of the duplicate license fee specified in Section 14901.

The department may demand proof of age prior to the issuance of a license.

SEC. 58.5. Section 13005.5 of the Vehicle code is amended to read:

13005.5. An identification card issued to any person shall bear a fullface photograph of the person.

SEC. 59. Section 14607 of the Vehicle Code is amended to

read:

14607. No person shall cause or knowingly permit his child, ward, or employee under the age of 18 years to drive a motor vehicle upon the highways unless such child, ward, or employee is then licensed under this code.

SEC. 60. Section 17700 of the Vehicle Code is amended to read:

17700. For the purposes of this chapter, all persons under 18 years of age are minors.

SEC. 63. Section 41002 of the Water Code is amended to read:

41002. Each male or female voter over the age of 18 years may vote in person or by proxy.

SEC. 64. Section 600 of the Welfare and Institutions Code is amended to read:

600. Any person under the age of 18 years who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge such person to be a dependent child of the court:

(a) Who is in need of proper and effective parental care or control and has no parent or guardian, or has no parent or guardian willing to exercise or capable of exercising such care or control, or has no parent or guardian actually exercising such care or control.

(b) Who is destitute, or who is not provided with the necessities of life, or who is not provided with a home or suitable place of abode, or whose home is an unfit place for him by reason of neglect, cruelty, or depravity of either of his parents, or of his guardian or other person in whose custody or care he is.

(c) Who is physically dangerous to the public because of a mental or physical deficiency, disorder or abnormality.

SEC. 64.5. Section 600 of the Welfare and Institutions Code is amended to read:

600. Any person under the age of 18 years who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge such person to be a dependent child of the court.

(a) Who is in need of proper and effective parental care or control and has no parent or guardian, or has no parent or guardian willing to exercise or capable of exercising such care or control, or has no parent or guardian actually exercising such care or control.

(b) Who is destitute, or who is not provided with the necessities of life, or who is not provided with a home or suitable place of abode.

(c) Who is physically dangerous to the public because of a mental or physical deficiency, disorder or abnormality.

(d) Whose home is an unfit place for him by reason of

neglect, cruelty, depravity, or physical abuse of either of his parents, or of his guardian or other person in whose custody or care he is.

SEC. 65. Section 601 of the Welfare and Institutions Code is amended to read:

601. Any person under the age of 18 years who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian, custodian or school authorities, or who is beyond the control of such person, or any person who is a habitual truant from school within the meaning of any law of this state, or who from any cause is in danger of leading an idle, dissolute, lewd, or immoral life, is within the jurisdiction of the juvenile court which may adjudge such person to be a ward of the court.

SEC. 66. Section 602 of the Welfare and Institutions Code is amended to read:

602. Any person under the age of 18 years who violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime or who, after having been found by the juvenile court to be a person described by Section 601, fails to obey any lawful order of the juvenile court, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.

SEC. 67. Section 604 of the Welfare and Institutions Code is amended to read:

604. (a) Whenever a case is before any court upon an accusatory pleading and it is suggested or appears to the judge before whom such person is brought that the person charged was, at the date the offense is alleged to have been committed, under the age of 18 years, such judge shall immediately suspend all proceedings against such person on such charge; he shall examine into the age of such person, and if, from such examination, it appears to his satisfaction that such person was at the date the offense is alleged to have been committed under the age of 18 years, he shall forthwith certify to the juvenile court of his county:

(1) That such person (naming him) is charged with such crime (briefly stating its nature);

(2) That such person appears to have been under the age of 18 years at the date the offense is alleged to have been committed, giving date of birth when known;

(3) That proceedings have been suspended against such person on such charge by reason of his age, with the date of such suspension.

To such certification, the judge shall attach a copy of the accusatory pleading.

(b) When a court certifies a case to the juvenile court pursuant to subdivision (a), it shall be deemed that jeopardy has not attached by reason of the proceedings prior to

certification, but the court may not resume proceedings in the case, nor may a new proceeding under the general law be commenced in any court with respect to the same matter unless the juvenile court has found that the minor is not a fit subject for consideration under the Juvenile Court Law and has ordered that proceedings under the general law resume or be commenced.

(c) The certification and accusatory pleading shall be promptly transmitted to the clerk of the juvenile court. Upon receipt thereof, the clerk of the juvenile court shall immediately notify the probation officer who shall file a petition in accordance with the requirements of Section 656, except that such petition need not be verified.

SEC. 68. Section 607 of the Welfare and Institutions Code is amended to read:

607. The court may retain jurisdiction over any person who is found to be a ward or dependent child of the juvenile court until such ward or dependent child attains the age of 21 years.

SEC. 69. Section 625 of the Welfare and Institutions Code is amended to read:

625. A peace officer may, without a warrant, take into temporary custody a minor:

(a) Who is under the age of 18 years when such officer has reasonable cause for believing that such minor is a person described in Sections 600, 601, or 602, or

(b) Who is a ward or dependent child of the juvenile court or concerning whom an order has been made under Section 636 or 702, when such officer has reasonable cause for believing that person has violated an order of the juvenile court or has escaped from any commitment ordered by the juvenile court, or

(c) Who is under the age of 18 years and who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care.

In any case where a minor is taken into temporary custody on the ground that there is reasonable cause for believing that such minor is a person described in Section 601 or 602, or that he has violated an order of the juvenile court or escaped from any commitment ordered by the juvenile court, the officer shall advise such minor that anything he says can be used against him and shall advise him of his constitutional rights, including his right to remain silent, his right to have counsel present during any interrogation, and his right to have counsel appointed if he is unable to afford counsel.

SEC. 70. It is the intent of the Legislature, if this bill and Assembly Bill No. 2886 are both chaptered and amend Section 1031 of the Government Code, and this bill is chaptered after

Assembly Bill No. 2886, that the amendments to Section 1031 proposed by both bills be given effect and incorporated in Section 1031 in the form set forth in Section 35 of this act. Therefore, Section 35 of this act shall become operative only if this bill and Assembly Bill No. 2886 are both chaptered, both amend Section 1031, and Assembly Bill No. 2886 is chaptered before this bill, in which case Section 34 of this act shall not become operative.

SEC. 71.5. If this bill and Senate Bill No. 542 are both chaptered and this bill is chaptered after Senate Bill No. 542, Sections 11502, 11502.1, 11532, 11715.6, and 11913 of the Health and Safety Code, as amended by Sections 41.8, 42, 43, 43.5, and 43.6 of this act, shall remain operative only until the operative date of Senate Bill No. 542, and on the operative date of Senate Bill No. 542 Sections 11502, 11502.1, 11532, 11715.6, and 11913 of the Health and Safety Code, as amended by Sections 41.8, 42, 43, 43.5, and 43.6 of this act, are repealed and Sections 11353, 11354, 11361, 11370, and 11380 of the Health and Safety Code, as proposed by Senate Bill No. 542, are amended in the form set forth in Sections 41, 41.2, 41.4, 41.6, and 41.7 of this act to incorporate the changes in the law proposed by this act. Therefore, Sections 41, 41.2, 41.4, 41.6, and 41.7 of this act shall become operative only if Senate Bill No. 542 is chaptered before this bill and adds Sections 11353, 11354, 11361, 11370, and 11380, and in such case Sections 41, 41.2, 41.4, 41.6, and 41.7 of this act shall become operative on the operative date of Senate Bill No. 542.

SEC. 72. It is the intent of the Legislature, if this bill and Assembly Bill No. 30 are both chaptered and amend Section 1172 of the Labor Code, and this bill is chaptered after Assembly Bill No. 30, that the amendments to Section 1172 proposed by both bills be given effect and incorporated in Section 1172 in the form set forth in Section 48.5 of this act. Therefore, Section 48.5 of this act shall become operative only if this bill and Assembly Bill No. 30 are both chaptered, both amend Section 1172, and Assembly Bill No. 30 is chaptered before this bill, in which case Section 48 of this act shall not become operative.

SEC. 72.5. It is the intent of the Legislature, if this bill and Assembly Bill No. 850 are both chaptered and amend Section 600 of the Welfare and Institutions Code, and this bill is chaptered after Assembly Bill No. 850, that the amendments to Section 600 proposed by both bills be given effect and incorporated in Section 600 in the form set forth in Section 64.5 of this act. Therefore, Section 64.5 of this act shall become operative only if this bill and Assembly Bill No. 850 are both chaptered, both amend Section 600, and Assembly Bill No. 850 is chaptered before this bill, in which case Section 64 of this act shall not become operative.

SEC. 73. In any order or direction of a court entered before the operative date of this act, except orders or directions of a court affecting child support, and in the absence of any indication of an intention to the contrary, a reference to the age of majority or the age of 19 years of age, 20 years of age, or 21 years of age shall be deemed to be a reference to 18 years of age.

The use of the words the age of majority, 19 years of age, 20 years of age, or 21 years of age in such an order or direction shall not, in itself, be deemed to indicate a contrary intention without some further indication of a contrary intention.

In any order or direction of a court affecting child support entered prior to the effective date of this act, a reference to minority shall be deemed a reference to the age of 21 years.

Nothing in this section or this act shall prevent the entering of an adoption order under Chapter 2 (commencing with Section 221) of Title 1 of Part 1 of the Civil Code in respect to a person who has attained the age of 18 years, if the application for such order was made before the operative date of this act, and in such case, that chapter shall prevail over this act.

SEC. 74. Nothing contained in this act shall prejudice a cause of action, or a defense to a cause of action, based upon the age of a party, that was in existence at the time the cause of action arose. The law applicable to such cause of action or defense shall be that in effect at the time such cause of action or defense arose.

SEC. 75. Nothing in this act shall invalidate any direction for accumulation expressed in a settlement or other disposition made by deed, will, trust, or other instrument which was executed prior to the operative date of this act that would, except for this act, be a permissible period of accumulation.

SEC. 76. This act shall not invalidate any provision relating to an age of majority other than that established by this act, which is specified in any deed, will, trust, settlement, or other instrument executed prior to the operative date of this act.

SEC. 77. Where, on the operative date of this act, a person has (a) attained the age of 18 years but not 21 years, and (b) a right of action in respect to which the period of limitation applicable to the bringing of such action would have commenced running on his attainment of 21 years of age had this act not been enacted, the period of limitation in respect to such action shall commence running on the operative date of this act.

SEC. 78. This act shall not affect the construction of a statutory provision which has been incorporated in, and has effect as part of, a deed, will, trust, or other instrument executed prior to the operative date of this act.

## CHAPTER 1749

*An act to amend Section 15 of Chapter 1451 of the Statutes of 1969, to amend Sections 437.7 and 438.4 of the Health and Safety Code, and to amend Section 14105.5 of the Welfare and Institutions Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 14, 1971. Filed with Secretary of State December 14, 1971.]

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

SECTION 1. Section 15 of Chapter 1451 of the Statutes of 1969 is amended to read:

Sec. 15. Within 90 days of the effective date of this act, the Health Planning Council shall adopt guidelines pursuant to Section 437.7 of the Health and Safety Code. By July 1, 1970, all voluntary area health planning agencies shall adopt guidelines pursuant to Section 437.7 of such code. This act shall not apply to applicants who have filed applications for licenses, prior to January 1, 1970, which meet all requirements and regulations of the appropriate state agency existing at the time of application, including at least preliminary submission of plans, but only if such applicants commence construction of their facilities prior to July 1, 1971, and have on file with the State Department of Public Health a notarized affidavit from the building department having jurisdiction indicating that 50 percent completion of the approved project was attained by January 1, 1973, and have on file with the county recorder and State Department of Public Health a valid notice of construction completion indicating January 1, 1974, as the completion date. The exception provided for in the preceding sentence shall not apply to transferees of the applications of such applicants.

Voluntary area health planning agencies may extend, until July 1, 1972, the date upon which applicants, qualifying under the exception in this section, shall commence construction, if the voluntary area health planning agencies declare that good cause has been shown why such extension should be granted, provided that an applicant applying for such extension had, prior to January 1, 1970, received approval of a health planning association in the county wherein the applicant is located. Applicants receiving extensions of the construction commencement date shall have on file with the State Department of Public Health a notarized affidavit from the building department having jurisdiction indicating that 50 percent completion of the approved project was attained by January 1, 1974, and on file with the county recorder and State Department of Public Health a valid notice of construction completion indicating January 1, 1975, as the completion date.

For the purposes of this section, the term "50 percent completion" is defined as completion of the foundations and foot-

ings; the structural frame; the mechanical, electrical and plumbing rough-in; the rough flooring; the exterior walls and windows; and the finished roof.

SEC. 2. Section 437.7 of the Health and Safety Code is amended to read:

437.7. In order to assure availability of objective and impartial review by planning groups (referred to as voluntary area health planning agencies) of hospitals and related facilities, including facilities licensed by the Department of Mental Hygiene, or proposed projects for new, additional or revised hospital and related health facility projects, including facilities licensed by the Department of Mental Hygiene, the Health Planning Council, from time to time, shall approve no more than one voluntary area health planning agency for any designated area of the state, provided such group shall meet the following criteria:

(a) Shall be incorporated as a nonprofit corporation and be controlled by a board of directors consisting of a majority representing the public and local government as consumers of health services with the balance being broadly representative of the providers of health services and the health professions.

(b) Shall review information on utilization of hospitals and related health facilities.

(c) Shall develop principles for the determination of community need and desirability to guide hospitals and related health facilities in acting in the public interest. Such principles shall be consistent with the general guidelines developed by the Health Planning Council in accordance with Section 437.8.

(d) Shall conduct public meetings in which members of the health professions and consumers will be encouraged to participate.

(e) Shall review individual proposals for the construction of new or additional hospital and related health facilities, the conversion of one type of facility to a different category of licensure or the creation or expansion of new areas of service, and make decisions as to the need and desirability for the particular proposal in accordance with the principles developed pursuant to subdivision (c).

(f) Individual proposal reviews shall be in accordance with administrative procedures established by the Health Planning Council, which shall include, but need not be limited to:

(1) A public hearing.

(2) Reasonable notice.

(3) Right to representation by counsel.

(4) Right to present oral and written evidence and confront and cross-examine opposing witnesses.

(5) Availability of transcript at applicant's expense.

(6) Written findings of fact and recommendations to be delivered to applicant and filed with the State Department of Public Health as a public record.

(g) Shall have a plan to finance the procedure which shall include, but not necessarily be limited to, filing fees and charges for processing and appeal.

Notwithstanding the foregoing, the following shall constitute the designated areas of this state for area health planning agencies: Area 1, consisting of Del Norte, Humboldt, Mendocino, and Lake Counties; Area 2, consisting of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Colusa, Sutter, and Yuba Counties; Area 3, consisting of Sierra, Nevada, Placer, El Dorado, Sacramento, and Yolo Counties; Area 4, consisting of Sonoma, Napa, Solano, Marin, Contra Costa, San Francisco, Alameda, San Mateo, and Santa Clara Counties; Area 5, consisting of Amador, Alpine, Calaveras, San Joaquin, Stanislaus, Tuolumne, and Merced Counties; Area 6, consisting of Mariposa, Madera, Fresno, Kings, Tulare, and Kern Counties; Area 7, consisting of Santa Cruz, San Benito, and Monterey Counties; Area 8, consisting of San Luis Obispo, Santa Barbara and Ventura Counties; Area 9, consisting of Los Angeles County; Area 10, consisting of Orange County; Area 11, consisting of Riverside, San Diego, and Imperial Counties; and Area 12, consisting of Mono, Inyo, and San Bernardino Counties.

Voluntary area health planning agencies may divide their areas into local areas for purposes of more efficient health facility planning, with the approval of the Health Planning Council. Such local areas shall be of a geographic size and contain adequate population to insure a broad base for planning decisions. Each local area shall contain a voluntary local health planning agency which shall meet the criteria in subdivisions (a) through (g) of this section.

An organization which meets the criteria in subdivisions (a) through (g) of this section may make application to its voluntary area health planning agency for designation as a voluntary local health planning agency for a designated area. After a complete application has been received, the area agency shall reach a decision concerning the application. The decision, or lack of decision, of the area agency may be appealed to the Health Planning Council. Any appeal shall be made within 30 days of the decision or lack of decision.

Approval of voluntary area and local area health planning agencies, adoption of statewide general principles for planning and the adoption of administrative procedures for voluntary area and local area health planning agencies shall be made by the Health Planning Council only after notice and public hearing.

SEC. 3. Section 438.4 of the Health and Safety Code is amended to read:

438.4. The voluntary area health planning agency, acting upon an application originally or reviewing a recommendation of a voluntary local health planning agency or the consumer members of a voluntary area health planning agency acting as

an appeals body, and the Health Planning Council shall make one of the following decisions:

(a) Approve the application in its entirety;

(b) Deny the application in its entirety;

(c) Approve the application subject to modification by the applicant, as recommended by the body involved.

A decision shall become final when all rights to appeal have been exhausted. Approval shall terminate 12 months after the date of such approval unless the applicant has commenced construction or conversion to a different license category and is diligently pursuing the same to completion as determined by the voluntary area health planning agency; or unless the approval is extended by the voluntary area health planning agency for an additional period of up to 12 months upon the showing of good cause for the extension. If the Health Planning Council finds that the voluntary area health planning agency has dissolved, it may grant such extension upon a showing by the applicant of good cause for the extension.

SEC. 4. Section 14105.5 of the Welfare and Institutions Code is amended to read:

14105.5. The director or prepaid health plans shall make no payment for services to any hospital facility which secures a license under the provisions of Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code or Chapter 1 (commencing with Section 7000) of Division 7 of this code after July 1, 1970, covering a new facility or additional bed capacity or the conversion of existing bed capacity to a different license category, unless such licensee received a favorable final decision by the voluntary area health planning agency in the area, the consumer members of a voluntary area health planning agency acting as an appeals body or the Health Planning Council pursuant to Sections 437.7 to 438.5, inclusive, of the Health and Safety Code; or unless the licensee had filed an application for a license prior to January 1, 1970, and the application met all then-existing requirements and regulations of the appropriate state agency at the time of application including, at least, preliminary submission of plans, and if such licensee commences construction of facilities prior to July 1, 1971, and if such licensee has on file with the State Department of Public Health a notarized affidavit from the building department having jurisdiction indicating that 50 percent completion of the approved project was attained by January 1, 1973, and such licensee has on file with the county recorder and State Department of Public Health a valid notice of construction completion indicating January 1, 1974, as the completion date. The exception provided for in the preceding sentence with respect to applications filed prior to January 1, 1970, shall not apply to tranferees of the applications of the original applicants.

Voluntary area health planning agencies may extend, until July 1, 1972, the date upon which applicants, qualifying un-

der the exception in this section, shall commence construction, if the voluntary area health planning agencies declare that good cause has been shown why such extension should be granted, provided that an applicant applying for such extension had, prior to January 1, 1970, received approval of a health planning association in the county wherein the applicant is located. Applicants receiving extension of the construction commencement date shall have on file with the State Department of Public Health a notarized affidavit from the building department having jurisdiction indicating that 50 percent completion of the approved project was attained by January 1, 1974, and have on file with the county recorder and State Department of Public Health a valid notice of construction completion indicating January 1, 1975, as the completion date.

For the purposes of this section, the term "50 percent completion" is defined as completion of the foundations and footings; the structural frame; the mechanical, electrical and plumbing rough-in; the rough flooring; the exterior walls and windows; and the finished roof.

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 1451, Statutes of 1969, established provisions for specific exceptions from the requirement of voluntary area health planning agency approval of new health facility construction.

In order to avoid abuse of the flexibility created by these exceptions, and to insure that appropriate health planning review and actual construction of facilities occur on a timely basis, it is necessary that this act go into effect immediately.

---

## CHAPTER 1750

*An act to amend Sections 4453, 4455, 4460, 4650, 4658, and 4702 of, to add Section 4659 to, and to repeal Section 4659 of, the Labor Code, relating to workmen's compensation.*

[Approved by Governor December 15, 1971. Filed with Secretary of State December 15, 1971.]

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

SECTION 1. Section 4453 of the Labor Code is amended to read:

4453. In computing average annual earnings for the purposes of temporary disability indemnity only, the average weekly earnings shall be taken at not less than thirty-eight

dollars and forty-six cents ($38.46) nor more than one hundred sixty-one dollars and fifty-four cents ($161.54). In computing average annual earnings for purposes of permanent disability indemnity, the average weekly earnings shall be taken at not less than thirty dollars and seventy-seven cents ($30.77) nor more than one hundred seven dollars and sixty-nine cents ($107.69). Between these limits the average weekly earnings, except as provided in Sections 4456 to 4459, shall be arrived at as follows:

(a) Where the employment is for 30 or more hours a week and for five or more working days a week, the average weekly earnings shall be 95 percent of the number of working days a week times the daily earnings at the time of the injury.

(b) Where the employee is working for two or more employers at or about the time of the injury, the average weekly earnings shall be taken as 95 percent of the aggregate of such earnings from all employments computed in terms of one week; but the earnings from employments other than the employment in which the injury occurred shall not be taken at a higher rate than the hourly rate paid at the time of the injury.

(c) If the earnings are at an irregular rate, such as piecework, or on a commission basis, or are specified to be by the week, month or other period, then the average weekly earnings mentioned in subdivision (a) above shall be taken as 95 percent of the actual weekly earnings averaged for such period of time, not exceeding one year, as may conveniently be taken to determine an average weekly rate of pay.

(d) Where the employment is for less than 30 hours per week, or where for any reason the foregoing methods of arriving at the average weekly earnings cannot reasonably and fairly be applied, the average weekly earnings shall be taken at 95 percent of the sum which reasonably represents the average weekly earning capacity of the injured employee at the time of his injury, due consideration being given to his actual earnings from all sources and employments.

SEC. 2. Section 4455 of the Labor Code is amended to read:

4455. If the injured employee is under 21 years of age, and his incapacity is permanent, his average weekly earnings shall be deemed, within the limits fixed in Section 4453, to be the weekly sum which under ordinary circumstances he would probably be able to earn at the age of 21 years, in the occupation in which he was employed at the time of the injury or in any occupation to which he would reasonably have been promoted if he had not been injured. If such probable earnings at the age of 21 years cannot reasonably be determined, his average weekly earnings shall be taken at one hundred seven dollars and sixty-nine cents ($107.69).

SEC. 3. Section 4460 of the Labor Code is amended to read:

4460. For the purpose of computing the temporary disability indemnity payable to any employee who sustains an original injury causing temporary disability, the maximum average weekly earnings shall be taken at one hundred sixty-one dollars and fifty-four cents ($161.54). For the purpose of computing the permanent disability indemnity payable to any employee who sustains an original injury causing permanent disability, the maximum average weekly earnings shall be taken at one hundred seven dollars and sixty-nine cents ($107.69).

Every computation made pursuant to this section as last amended shall be made only with reference to temporary disability or such permanent disability resulting from an original injury sustained after the act last amending this section becomes effective; provided, however, that all rights presently existing under this section shall be continued in force.

SEC. 4. Section 4650 of the Labor Code is amended to read:

4650. If an injury causes temporary disability, a disability payment shall be made for one week in advance as wages on the eighth day after the injured employee leaves work as a result of the injury; provided, that in case the injury causes disability of more than 28 days or necessitates hospitalization the disability payment shall be made from the first day the injured employee leaves work or is hospitalized as result of the injury. If the injury causes permanent disability, a disability payment shall be made for one week in advance as wages on the eighth day after the injury becomes permanent or the date of last payment for temporary disability, whichever date first occurs.

SEC. 5. Section 4658 of the Labor Code is amended to read:

4658. If the injury causes permanent disability, the percentage of disability to total disability shall be determined, and the disability payment computed and allowed, according to subdivision (a). However, in no event shall the disability payment allowed be less than the disability payment computed according to subdivision (b).

(a)

| Column 1—Range of percentage of permanent disability incurred: | Column 2—Number of weeks for which 65 percent of average weekly earnings allowed for each 1 percent of permanent disability within percentage range: |
|---|---|
| Under 10 | 3 |
| 10–19.75 | 4 |
| 20–29.75 | 5 |
| 30–49.75 | 6 |
| 50–69.75 | 7 |
| 70 and over | 8 |

The number of weeks for which payments shall be allowed set forth in column 2 above based upon the percentage of permanent disability set forth in column 1 above shall be

cumulative, and the number of benefit weeks shall increase with the severity of the disability. The following schedule is illustrative of the computation of the number of benefit weeks:

| Column 1—Percentage of permanent disability incurred: | Column 2—Cumulative number of benefit weeks: |
|---|---|
| 5 | 15.00 |
| 10 | 30.25 |
| 15 | 50.25 |
| 20 | 70.50 |
| 25 | 95.50 |
| 30 | 120.75 |
| 35 | 150.75 |
| 40 | 180.75 |
| 45 | 210.75 |
| 50 | 241.00 |
| 55 | 276.00 |
| 60 | 311.00 |
| 65 | 346.00 |
| 70 | 381.25 |
| 75 | 421.25 |
| 80 | 461.25 |
| 85 | 501.25 |
| 90 | 541.25 |
| 95 | 581.25 |
| 100 | 621.25 |

(b) Sixty-five percent of the average weekly earnings for four weeks for each 1 percent of disability, where, for the purposes of this subdivision, the average weekly earnings shall be taken at not more than eighty dollars and seventy-seven cents ($80.77).

SEC. 5.5. Section 4659 of the Labor Code is repealed.

SEC. 5.7. Section 4659 is added to the Labor Code, to read:

4659. If the permanent disability is 70 percent or over, 1.5 percent of the average weekly earnings for each 1 percent of disability in excess of 60 percent is to be paid during the remainder of life, after payment for the maximum number of weeks specified in Section 4658 has been made.

SEC. 6. 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-five thousand dollars ($25,000) except in the case of a surviving widow and one or more dependent minor children, in which case the death benefit shall be twenty-eight thousand dollars ($28,000) 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 1971 Regular Session of the Legislature becomes effective; provided, however, that all rights presently existing under this section shall be continued in force.

SEC. 7. Section 4453 of the Labor Code is amended to read:

4453. In computing average annual earnings for the purposes of temporary disability indemnity only, the average weekly earnings shall be taken at not less than fifty-three dollars and eighty-four cents ($53.84) nor more than one hundred sixty-one dollars and fifty-four cents ($161.54). In computing average annual earnings for purposes of permanent disability indemnity, the average weekly earnings shall be taken at not less than thirty dollars and seventy-seven cents ($30.77) nor more than one hundred seven dollars and sixty-nine cents ($107.69). Between these limits the average weekly earnings, except as provided in Sections 4456 to 4459, shall be arrived at as follows:

(a) Where the employment is for 30 or more hours a week and for five or more working days a week, the average weekly earnings shall be 95 percent of the number of working days a week times the daily earnings at the time of the injury.

(b) Where the employee is working for two or more employers at or about the time of the injury, the average weekly earnings shall be taken as 95 percent of the aggregate of such earnings from all employments computed in terms of one week; but the earnings from employments other than the employment in which the injury occurred shall not be taken at a higher rate than the hourly rate paid at the time of the injury.

(c) If the earnings are at an irregular rate, such as piecework, or on a commission basis, or are specified to be by the week, month or other period, then the average weekly earnings mentioned in subdivision (a) above shall be taken as 95 percent of the actual weekly earnings averaged for such period of time, not exceeding one year, as may conveniently be taken to determine an average weekly rate of pay.

(d) Where the employment is for less than 30 hours per week, or where for any reason the foregoing methods of arriving at the average weekly earnings cannot reasonably and fairly be applied, the average weekly earnings shall be taken

at 95 percent of the sum which reasonably represents the average weekly earning capacity of the injured employee at the time of his injury, due consideration being given to his actual earnings from all sources and employments.

SEC. 8. Every computation of the death benefit in cases of total dependency pursuant to the amendment to Section 4702 of the Labor Code by Section 6 of this act shall be made only with reference to death resulting from an original injury sustained after the effective date of such amendment. However, all rights presently existing under Section 4702 of the Labor Code shall be continued in force.

SEC. 9. If the benefits which are increased by this act necessitate an increase in premium rates for workmen's compensation insurance carried by employers, or if such increased benefits necessitate an increase in costs to an employer holding a certificate of self-insurance granted pursuant to Chapter 4 (commencing with Section 3700) of Part 1 of Division 4 of the Labor Code which he may pass on to consumers, such increased benefits shall not take effect if the premium increase, or the increase in costs which is passed on to consumers, necessitated by such increased benefits would violate any order of the President of the United States, issued pursuant to Section 202 of the Federal Economic Stabilization Act of 1970 (P.L. 91-379) in effect at the time this act becomes effective, and the benefit rate in effect at such time shall continue in effect. However, the benefits increased by this act shall immediately take effect at any time that the premium increase, or the increase in costs which is passed on to consumers, necessitated by such increase does not violate such order of the President, or upon the expiration of such order, whichever is sooner.

SEC. 10. It is the intent of the Legislature, if this bill and Assembly Bill No. 1346 are both chaptered and amend Section 4453 of the Labor Code, and this bill is chaptered after Assembly Bill No. 1346, that the amendments to Section 4453 proposed by both bills be given effect and incorporated in Section 4453 in the form set forth in Section 7 of this act. Therefore, Section 7 of this act shall become operative only if this bill and Assembly Bill No. 1346 are both chaptered, both amend Section 4453, and Assembly Bill No. 1346 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

SEC. 11. This act shall become operative April 1, 1972.

---

## CHAPTER 1751

*An act to amend Sections 3601 and 6304 of, and to add Section 6304.5 to, the Labor Code, relating to workmen's compensation.*

[Approved by Governor December 15, 1971 Filed with Secretary of State December 15, 1971 ]

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

SECTION 1. Section 3601 of the Labor Code is amended to read:

3601. (a) Where the conditions of compensation exist, the right to recover such compensation, pursuant to the provisions of this division is, except as provided in Section 3706, the exclusive remedy for injury or death of an employee against the employer or against any other employee of the employer acting within the scope of his employment, except that an employee, or his dependents in the event of his death, shall, in addition to the right to compensation against the employer, have a right to bring an action at law for damages against such other employee, as if this division did not apply, in either of the following cases:

(1) When the injury or death is proximately caused by the willful and unprovoked physical act of aggression of such other employee.

(2) When the injury or death is proximately caused by the intoxication of such other employee.

(b) An act which will not sustain an independent action for damages against such other employee under paragraph (1) or (2) of subdivision (a) of this section may nevertheless be the basis of a finding of serious and willful misconduct under Section 4553 or 4553.1, if (1) such other employee is established to be one through whom the employer may be charged under Section 4553; (2) such act of such other employee shall be established to have been the proximate cause of the injury or death; and (3) such act is established to have been of a nature, kind, and degree sufficient to support a finding of serious and willful misconduct under Section 4553 or 4553.1.

(c) In no event, either by legal action or by agreement whether entered into by such other employee or on his behalf, shall the employer be held liable, directly or indirectly, for damages awarded against, or for a liability incurred by such other employee under paragraph (1) or (2) of subdivision (a) of this section.

(d) No employee shall be held liable, directly or indirectly, to his employer, for injury or death of a coemployee except where the injured employee or his dependents obtain a recovery under subdivision (a) of this section.

SEC. 2. Section 6304 of the Labor Code is amended to read:

6304. "Employer" shall have the same meaning as in Section 3300.

SEC. 3. Section 6304.5 is added to the Labor Code, to read:

6304.5. It is the intent of the Legislature that the provisions of this division shall only be applicable to proceedings against employers brought pursuant to the provisions of Chapter 3 (commencing with Section 6500) and 4 (commencing with Section 6600) of Part 1 of this division for the exclusive purpose of maintaining and enforcing employee safety.

Neither this division nor any part of this division shall have any application to, nor be considered in, nor be admissible into, evidence in any personal injury or wrongful death action arising after the operative date of this section, except as between an employee and his own employer.

SEC. 4. This act shall in no way impair the rights, liabilities, or defenses arising under Sections 4551, 4553, 4553.1, 5407, and 5407.5 of the Labor Code, as between an employee and his own employer.

SEC. 5. This act shall become operative April 1, 1972.

---

## CHAPTER 1752

*An act to amend Section 218 of the Revenue and Taxation Code, relating to tax exemption.*

[Approved by Governor December 16, 1971 Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 218 of the Revenue and Taxation Code is amended to read:

218. The homeowner's property tax exemption is the amount of the assessed value of the dwelling as specified in Section 1d of Article XIII of the Constitution. The exemption does not extend to property which is rented, vacant, under construction on the lien date, or which is a vacation or secondary home of the owner or owners, nor does it apply to property on which an owner receives the veteran's exemption, or to property for which an owner received an allowance for taxes, either in whole or in part, either directly or indirectly, for the property tax year from the state or any political subdivision thereof, except assistance received under the Senior Citizens Property Tax Assistance Law provided for in Part 10.5 (commencing with Section 19501) of Division 2 of this code. "Owner" includes a person purchasing the dwelling under a contract of sale or who holds shares or membership in a cooperative housing corporation, which holding is a requisite to the exclusive right of occupancy of a dwelling. As used in this section, "dwelling" shall include:

(a) A single-family dwelling occupied by an owner thereof as his principal place of residence on the lien date.

(b) A multiple-dwelling unit occupied by an owner thereof on the lien date as his principal place of residence. As used in this subdivision, "multiple-dwelling unit" does not include any unit containing more than two separate dwelling units.

(c) A condominium occupied by an owner thereof as his principal place of residence on the lien date.

(d) Premises occupied by the owner of shares or a membership interest in a cooperative housing corporation, as defined in Section 17265, as his principal place of residence on the lien date. Each exemption allowed pursuant to this subdivision

shall be deducted from the total assessed valuation of the cooperative housing corporation. The exemption shall be taken into account in apportioning property taxes among owners of share or membership interests in the cooperative housing corporations so as to benefit those owners who qualify for the exemption.

"Dwelling" means a building, structure or other shelter constituting a place of abode, whether real property or personal property, and any land on which it may be situated. For purposes of this section a two-dwelling unit shall be considered as two separate single-family dwellings.

The exemption provided for in Section 1d of Article XIII of the Constitution shall first be applied to the building, structure or other shelter and the excess, if any, shall be applied to any land on which it may be located.

SEC. 2. The provisions of this act shall be operative for property taxes for the 1972–1973 fiscal year and fiscal years thereafter.

---

## CHAPTER 1753

*An act to amend Section 6913.1 of the Education Code, relating to school districts.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 6913.1 of the Education Code is amended to read:

6913.1. The maximum rate of school district tax for any school year is hereby increased by such amount as the governing board of any school district which maintains or has entered into an agreement with another district or with the county superintendent of schools for educational services or facilities, including the rental of property or purchase of equipment, for mentally retarded minors who come within the provisions of Sections 6902 and 6903 may include in its budget and the board of supervisors shall levy a school district tax necessary to raise such amount.

Such budget expenditures may include the cost of equipment and facilities, the lease or lease-purchase of buildings, lease of land, alteration or additions to existing buildings, or other necessary capital outlay expenditures in connection with such educational services.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in the tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the expenditures of the school district during that fiscal year required or authorized for the education of mentally retarded minors who come within the provisions of Sections 6902 and 6903.

# CHAPTER 1754

*An act making an appropriation for land acquisition at Montara State Beach.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 2.2B is added to the Budget Bill for the 1971–72 fiscal year enacted as the Budget Act of 1971 (Chapter 266, Statutes of 1971), to read:

## CAPITAL OUTLAY SECTION

SEC. 2.2B. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1971–72, 1972–73, and 1973–74 fiscal years.

## PARKS AND RECREATION ACQUISITION AND DEVELOPMENT PROGRAM

| Item | Amount |
|---|---|
| 307B—For capital outlay, Department of Parks and Recreation, payable from the State Park Contingent Fund | |
| Schedule: | |
| (a) Montara State Beach in San Mateo County, land acquisition | 630,000 |
| (b) Deposit into the State Park Contingent Fund by the County of San Mateo | —315,000 |
| (c) Reimbursements from the Federal Land and Water Conservation Fund | —315,000 |
| provided, that the Department of Parks and Recreation shall provide the Joint Legislative Budget Committee with a report based upon the regular procedures for the development of these capital outlay projects by no later than 90 days after the effective date of this section, said report to detail the way which each of the projects contained within this item conforms to the overall acquisition scheme of the state; and provided, further, that expenditures of reimbursements under subdivision (c) of Item 307A, as added by Chapter 1249 of the Statutes of 1971, shall be given priority over expenditures of reimbursements under subdivision (c) of this item; and provided, further, that no moneys appropriated by this item shall be expended prior to April 1, 1972, in order to provide a period of time for negotiated land acquisition. | |

# CHAPTER 1755

*An act to amend Section 4601 of the Labor Code, and to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith" approved by electors November 7, 1922 by amending Sections 1, 2, 3, 6, 9, 14, and 17 thereof, by amending and renumbering Section 8.1 thereof, and by repealing Sections 8 and 11 thereof, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to subdivision (c) of Section 24 of Article IV of the State Constitution, relating to healing arts.*

[Approved by Governor December 16, 1971 Filed with Secretary of State December 16, 1971]

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

SECTION 1. Section 4601 of the Labor Code is amended to read:

4601. If the employee so requests, the employer shall tender him one change of physicians. Upon request of the employee for a change of physicians, 12 days shall be the maximum amount of time permitted by law for the employer or insurance carrier to nominate at least five additional practicing physicians or if requested by the employee, four physicians and one chiropractor competent to treat the particular case from among whom the employee may choose. In the event the employee is not so notified, the employee may select a physician or chiropractor of his choice and the employer or insurance carrier shall be liable to pay the reasonable cost of treatment. The five physicians or four physicians and one chiropractor so nominated by the employer or insurance carrier upon the employee's request for a change of physicians must be theretofore approved by the administrative director and the medical director. The medical director shall in approving physicians or chiropractors consult with and obtain the advice of the medical advisory committee and shall not discriminate between physicians or chiropractors competent to provide the form of therapy, treatment, or healing practice selected by the employee. The employee is also entitled, in any serious case, upon request, to the services of a consulting physician or

chiropractor of his choice at the expense of the employer. All of such treatment shall be at the expense of the employer.

SEC. 2. Section 1 of the act cited in the title is amended to read:

Section 1. A board is hereby created to be known as the "State Board of Chiropractic Examiners," hereinafter referred to as the board, which shall consist of five members, citizens of the United States, with at least five years residence in California, appointed by the Governor. Each member shall be of good moral character and shall have had at least five years of licensure in this state prior to appointment. Each member must have pursued a resident course in an approved chiropractic school or college, and must be a graduate thereof and hold a diploma therefrom.

Not more than two persons shall serve simultaneously as members of said board, whose first diplomas were issued by the same school or college of chiropractic, nor shall more than two members be residents of any one county of the state. And no person who is or within one year of the proposed appointment has been an administrator, policy board member, or paid employee of any chiropractic school or college shall be eligible for appointment to the board. Each member of the board shall receive a per diem in the amount provided in Section 103 of the Business and Professions Code for each day during which he is actually engaged in the discharge of his duties, together with his actual and necessary travel expenses incurred in connection with the performance of the duties of his office, such per diem, travel expenses and other incidental expenses of the board or of its members to be paid out of the funds of the board hereinafter defined and not from the state's taxes.

SEC. 3. Section 2 of the act cited in the title is amended to read:

Sec. 2. The Governor shall appoint the members of the board. Each appointment shall be for the term of four years, except that an appointment to fill a vacancy shall be for the unexpired term only. Each member shall serve until his successor has been appointed and qualified or until one year has elapsed since the expiration of his term whichever first occurs. No person shall serve more than two consecutive terms on the board nor be eligible for appointment thereafter until the expiration of four years from the expiration of such second consecutive term, effective January 2, 1974. The Governor may remove a member from the board after receiving sufficient proof of the inability or misconduct of said member.

SEC. 4. Section 3 of the act cited in the title is amended to read:

Sec. 3. The board shall elect a chairman and a vice

chairman and a secretary to be chosen from the members of the board. The board shall employ an executive officer and fix his salary with the approval of the Director of Finance. Elections of the officers shall occur annually at the January meeting of the board. A majority of the board shall constitute a quorum.

It shall require the affirmative vote of three members of said board to carry any motion or resolution, to adopt any rule, or to authorize the issuance of any license provided for in this act. The executive officer shall receive a salary to be fixed by the board, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, and shall give bond to the state in such sum with such sureties as the board may deem proper. He shall keep a record of the proceedings of the board, which shall at times during business hours be open to the public for inspection. He shall keep a true and accurate account of all funds received and of all expenditures incurred or authorized by the board, and on the first day of December of each year he shall file with the Governor or his designee, a report of all receipts and disbursements and of the proceedings of the board for the preceding fiscal year.

SEC. 5. Section 6 of the act cited in the title is amended to read:

Sec. 6. (a) The office of the board shall be in the City of Sacramento. Suboffices may be established in Los Angeles and San Francisco, and such records as may be necessary may be transferred temporarily to such suboffices. Legal proceedings against the board may be instituted in any one of the three cities.

(b) The board shall meet as a board of examiners at least twice each calendar year, at such times and places as may be found necessary for the performance of its duties.

(c) Examinations shall be written, oral, and practical, covering chiropractic as taught in chiropractic schools or colleges, designed to ascertain the fitness of the applicant to practice chiropractic. Said examination shall include at least each of the subjects as set forth in Section 5 hereof. Identity of the applicants shall not be disclosed to the examiners until after examinations have been given final grades. A license shall be granted to any applicant who shall make a general average of 75 percent, and not fall below 60 percent in more than two subjects or branches of the examination. Any applicant failing to make the required grade shall be given credit for the branches passed, and may, without further cost, take the examination at the next regular examination on the subjects in which he failed. For each year of actual practice since graduation the applicant shall be given a credit of 1 percent on the general average.

SEC. 6. Section 8 of the act cited in the title is repealed.

SEC. 7. Section 8.1 of the act cited in the title is amended and renumbered to read:

Sec. 8. No blind person shall be denied admission into any college or school of chiropractic or denied the right to take any examination given by such school or college or denied a diploma or certificate of graduation or a degree or denied admission into any examination for a state license or denied a regular license to practice chiropractic on the ground that he is blind.

SEC. 8. Section 9 of the act cited in the title is amended to read:

Sec. 9. Notwithstanding any provision contained in any other section of this act, the board, upon receipt of the fee specified in Section 5, shall issue a license to any person licensed to practice chiropractic under the laws of another state, provided said state then had the same general requirements as required in this state at the time said license was issued, and provided that such other state in like manner grants reciprocal registration to chiropractic practitioners of this state.

The applicant shall also provide a certificate from the other state stating that he was licensed by that state, that he has not been convicted of unprofessional conduct, and that there is no charge of unprofessional conduct pending against him.

SEC 9. Section 11 of the act cited in the title is repealed.

SEC. 10. Section 14 of the act cited in the title is amended to read.

Sec. 14. The executive officer shall at the end of each month report to the State Controller the total amount of money received by the board from all sources, and shall deposit with the State Treasurer the entire amount of such receipts, and the State Treasurer shall place the money so received in a special fund, to be known as the "State Board of Chiropractic Examiners' Fund". Such fund shall be expended in accordance with law for all necessary and proper expenses in carrying out the provisions of this act, upon proper claims approved by said board or a finance committee thereof.

SEC. 11 Section 17 of the act cited in the title is amended to read.

Sec. 17. It shall be the duty of the board to aid attorneys and law enforcement agencies in the enforcement of this act.

SEC. 12. Sections 2 through 11 of this act shall become effective only when submitted to and approved by the electors, pursuant to subdivision (c) of Section 24 of Article IV of the Constitution of the state

SEC. 13 Sections 2 through 11 of this act shall be submitted to the electors for their approval or rejection at the

next succeeding general election occurring at any time subsequent to 130 days after this section takes effect, or at any statewide special election which may be called by the Governor, in his discretion, prior to such general election, in the same manner that a constitutional amendment proposed by the Legislature would be submitted, and all of the provisions of law relative to submission of such constitutional amendments to the electors and to matters incidental thereto shall apply to the submission of Sections 2 through 11 of this act, except as otherwise provided in this section or as such provisions may be clearly inapplicable for the submission of an amendment to an initiative measure pursuant to subdivision (c) of Section 24 of Article IV of the State Constitution.

---

## CHAPTER 1756

*An act to amend Sections 19700 and 19700.3 of the Education Code, relating to regional occupational centers.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 19700 of the Education Code is amended to read:

19700. Not to exceed two million dollars ($2,000,000) of the amount of the proceeds of bonds issued under the State School Building Aid Bond Law of 1966 shall be expended pursuant to this article. The funds shall be expended under the administrative direction of the State Allocation Board in cooperation with the Board of Education of the Stockton Unified School District for the construction of a permanent campus for a newly created regional occupational center school to be located in San Joaquin County. Not to exceed two hundred fifty thousand dollars ($250,000) of such sum shall be allocated and expended for architectural and engineering services in connection with the construction.

Sections 19551 to 19555, inclusive, and Sections 19559, 19562, and 19565 of Article 1 (commencing with Section 19551) of this chapter shall be applicable to the administration of this article, unless the context of this article, as determined by the board, requires otherwise. Except to the extent and for the purposes expressly provided herein, the provisions of other articles in this chapter shall not be applicable hereto.

SEC. 2. Section 19700.3 of the Education Code is amended to read:

19700.3. (a) On the basis of the benefits to be realized by the citizens of City of Stockton and its environs, and particularly the Stockton Unified School District, as specified in Section 19700.2, the amount allocated and expended pursuant to this article shall be fully repaid with interest by the district to the state in such annual amounts and over such period as may be determined by the board, not to exceed 20 years from the date of the expenditure. Interest shall be paid at a rate determined by the board. The repayment to the state by the district shall be made from proceeds of a district tax levied in the manner prescribed in Section 7456, but at a rate on each one hundred dollars ($100) of assessed valuation in the district sufficient to make the payments required by the board, notwithstanding the limitations contained in Section 7456.

(b) The tax revenue referred to in subdivision (a) above shall be transferred by the County Auditor of San Joaquin County to the State Treasury for the credit of the State School Building Aid Fund in accordance with established regulations and procedures.

---

## CHAPTER 1757

*An act to amend Sections 33002, 33126, and 33385 of, to add Article 5 (commencing with Section 33070) to Chapter 1 of Part 1 of Division 24 of, and to add Sections 33348.5, 33417.5, 33418, 33422.1, 33422.2, and 33422.3 to, the Health and Safety Code, relating to community redevelopment.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 33002 of the Health and Safety Code is amended to read:

33002. "Community" means a city, county, city and county, or Indian tribe, band, or group which is incorporated or which otherwise exercises some local governmental powers.

SEC. 2. Article 5 (commencing with Section 33070) is added to Chapter 1, Part 1, Division 24 of the Health and Safety Code, to read:

Article 5. Further Declaration of State Policy

33070. The Legislature finds and declares that decent housing and genuine employment opportunities for all the people of this state are vital to the state's future peace and prosperity, for all of the following reasons:

(a) Hazardous, congested, and insanitary housing debilitates occupants' health to the point of impairing motivation and achievement.

(b) Lack of employment opportunity creates despair and frustration which may precipitate violence.

(c) Unfit housing and lack of employment opportunity depend on each other to perpetuate a system of dependency and hopelessness which drains the state of its valuable financial and human resources.

33071. The Legislature further finds and declares that a fundamental purpose of redevelopment is to expand the supply of low- and moderate-income housing, to expand employment opportunities for jobless, underemployed, and low-income persons, and to provide an environment for the social, economic, and psychological growth and well-being of all citizens.

SEC. 3. Section 33126 of the Health and Safety Code is amended to read:

33126. (a) An agency may select, appoint, and employ such permanent and temporary officers, agents, counsel, and employees as it requires, and determine their qualifications, duties, benefits, and compensation, subject only to the conditions and restrictions imposed by the legislative body on the expenditure or encumbrance of the budgetary funds appropriated to the community redevelopment agency administrative fund. To the greatest extent feasible, the opportunities for training and employment arising from a redevelopment project planning and execution shall be given to lower income residents of the project area.

(b) An agency may contract with the Department of Housing and Community Development, or any other agency, for the furnishing by the department, or agency, of any necessary staff services associated with or required by redevelopment and which could be performed by the staff of an agency.

SEC. 4. Section 33348.5 is added to the Health and Safety Code, to read:

33348.5. The agency shall, biennially, conduct a public hearing for the purpose of reviewing the redevelopment plan for each redevelopment project within its jurisdiction and evaluating its progress, and shall hear the testimony of all

interested parties. Notice of the hearing shall be published pursuant to Section 6063 of the Government Code and posted in at least four permanent places within the project area for a period of three weeks. Publication and posting shall be completed not less than 10 days prior to the date set for hearing.

This section does not apply to an agency of a city, county, or city and county if such city, county, or city and county has a population not exceeding 75,000 persons.

SEC. 5. Section 33385 of the Health and Safety Code is amended to read:

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. The project area committee shall include, when applicable, residential owner occupants, residential tenants, businessmen, and members of existing organizations within the project area. The members of the committee shall serve without compensation.

In the event such committee is formed, the legislative body shall approve such a representative project area committee in each such project area within 60 days after the project area is selected. For project areas selected prior to the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature, such approval shall be given by January 1, 1972.

Nothing contained in this section shall prevent an agency, or the legislative body of any city or county, from creating any other committee for a project area.

SEC. 6. Section 33417.5 is added to the Health and Safety Code, to read:

33417.5. There is in each city, county, or city and county having an agency a relocation appeals board composed of five members appointed by the mayor of the city or by the chairman of the board of supervisors of the county, subject to the approval of the legislative body. Each board shall promptly hear all complaints brought by residents of the various project areas relating to relocation and shall determine if the redevelopment agency has complied with the provisions of this chapter and, where applicable, federal regulations. The board shall, after a public hearing, transmit its findings and recommendations to the agency. The members of the relocation appeals board shall serve without compensation, but each of the members shall be reimbursed for his necessary expenses incurred

in performance of his duties, as determined by the legislative body.

SEC. 7. Section 33418 is added to the Health and Safety Code, to read:

33418. Except as otherwise provided in this section, all applications and records concerning any person, including individuals, families, business concerns, and others, made or kept by any agency in connection with the administration of any provision of this article relating to relocation advisory assistance or relocation payments shall be confidential. Any agency having custody of such records may, however, make the records available to the legislative body of the community, the Department of Housing and Community Development of this state, and the United States Department of Housing and Urban Development for confidential use by such public entities.

Nothing contained in this section shall prohibit an agency from giving information or statistics relating to relocation advisory assistance or relocation payments to any public or private person or entity, if such information or statistics will not result in the disclosure of the identity of persons receiving relocation advisory services or relocation payments.

Notwithstanding other provisions of this section, factual information relating to relocation advisory assistance or relocation payments made or kept by any agency shall be open for inspection by the person to which the information relates and by any other person authorized in writing by such person.

SEC. 8. Section 33422.1 is added to the Health and Safety Code, to read:

33422.1. To the greatest extent feasible, contracts for work to be performed in connection with any redevelopment project shall be awarded to business concerns which are located in, or owned in the substantial part by persons residing in, the project area.

SEC. 9. Section 33422.2 is added to the Health and Safety Code, to read:

33422.2. To the greatest extent feasible, opportunities for training and employment arising from any contract for work to be performed in connection with any redevelopment project shall be given to the lower-income residents of the project area.

SEC. 10. Section 33422.3 is added to the Health and Safety Code, to read:

33422.3. To insure training and employment opportunities for lower-income project area residents, the agency may specify in the call for bids for any contract over one hundred thousand

dollars ($100,000) for work to be performed in connection with any redevelopment project that project area residents, if available, shall be employed for a specified percentage of each craft or type of workmen needed to execute the contract or work.

---

## CHAPTER 1758

*An act to amend Section 3701 of, and to add Sections 3702.5 and 3702.6 to, the Labor Code, relating to workmen's compensation self-insurers.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 3701 of the Labor Code is amended to read:

3701. The Director of Industrial Relations may require a self-insuring employer to deposit either a surety bond or securities, approved by the Director of Industrial Relations, and in an amount determined by the director, but not in excess of 100 percent of the self-insurer's liability for the payment of compensation, to secure incurred liabilities for the payment of compensation as compensation is defined in Section 3207.

(a) Surety bonds shall be deposited with the Director of Industrial Relations.

(b) Securities shall be deposited with the State Treasurer. Securities shall be accepted by the State Treasurer for deposit and shall be withdrawn only upon written order of the Director of Industrial Relations.

SEC. 2. Section 3702.5 is added to the Labor Code, to read:

3702.5. The total cost of administration of the self-insured program by the Director of Industrial Relations shall be borne by the self-insurers through payment of license fees which shall be established by the director in broad ranges based on the comparative numbers of employees insured by the self-insurers.

SEC. 3. Section 3702.6 is added to the Labor Code, to read:

3702.6. The Director of Industrial Relations shall establish an audit program which will insure that all self-insured employers shall be audited within a three-year cycle.

# CHAPTER 1759

*An act to amend Sections 19491.6, 19531, 19532, 19546, 19611, 19612, and 19614 of, and to add Section 19530.5 to, the Business and Professions Code, and to add Part 12 (commencing with Section 5701) to Division 1 of the Revenue and Taxation Code, relating to horseracing, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 16, 1971 Filed with Secretary of State December 16, 1971]

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

SECTION 1. Section 19491.6 of the Business and Professions Code is amended to read:

19491.6. The exempt amount retained by the association shall be regularly deposited in a separate account with a depository approved by the board. The funds deposited shall be distributed pursuant to a program mutually agreed upon by the association and the organization representing the horsemen at the association horseracing meeting. If mutual agreement on a program of distribution is not reached the association or such organization, or both, may file during the current horseracing meeting of the qualifying association or within 60 days thereafter, a petition for the use of such funds with the board. The board shall act upon the petition and render its decision as to the use of such funds in consideration of the intent and purpose of this section which is to improve purse distribution.

Within one year following the close of any racing meeting, each qualifying association shall account to the board on the distribution of such funds. All such funds which have not been distributed or set aside for expenditures approved by the board shall be paid into the General Fund of the state.

SEC. 2. Section 19530.5 is added to the Business and Professions Code, to read:

19530.5. For the purposes of this article there shall be three geographical zones which shall be designated (a) the "southern zone," which shall consist of the Counties of Imperial, Orange, Riverside, and San Diego; (b) the "central zone," which shall consist of the Counties of Kern, Los Angeles, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura; and (c) the "northern zone," which shall consist of the remaining counties in the state.

SEC. 3. Section 19531 of the Business and Professions Code is amended to read:

19531. The maximum number of racing weeks which may be allocated for horseracing other than at the California State Fair and Exposition or the California State Exposition and Fair, county or district agricultural association fairs shall be as follows:

(a) For thoroughbred racing: 33 weeks per year in the northern zone; and 41 weeks per year in the central and southern zones, to be allocated between the two zones.

(b) For harness racing: 11 weeks per year in the northern zone; 13 weeks per year in the central zone in 1971, 1972, and 1973, and 15 weeks per year in 1974 and thereafter; and 9 weeks per year in the southern zone.

(c) For quarter horse racing: 11 weeks per year in the northern zone; and 22 weeks per year in the southern zone.

(d) In its written application for a license, an applicant shall state the time of day (subject to Section 19571) during which it will conduct its racing meeting, and particularly the first race starting time for the various racing days. After receiving a license, a licensee shall not change such first race starting time without securing prior approval of the board.

SEC. 4. Section 19532 of the Business and Professions Code is amended to read:

19532. (a) Any association licensed to conduct thoroughbred racing in the northern zone may receive no more than 11 weeks of such racing.

(b) Any association licensed to conduct thoroughbred racing in the southern or central zone may receive no more than 15 weeks of such racing.

(c) Any association licensed to conduct quarter horse racing in the southern zone may receive no more than 13 weeks of such racing.

(d) Subject to the maximum number of racing weeks which may be allocated in the northern, central, and southern zones to harness racing under subdivision (b) of Section 19531, the board shall not allocate more than 15 weeks of racing to any association racing in California.

(e) With the consent of the applicant association, the board may grant a license for a horseracing meeting which provides for a split meeting, but the parts of any split meeting shall be added together and be deemed to constitute one meeting, except as provided in Section 19414.5.

(f) This section and Section 19531 shall not operate to deprive any association of any weeks of racing granted during the previous calendar year.

(g) This section and Sections 19531 and 19534 shall not operate to deprive the California State Fair and Exposition of any weeks of racing granted during the previous calendar year, and the board may continue to allocate such weeks of racing to the California State Exposition and Fair Executive

Committee, the nonprofit corporation conducting and operating the new State Exposition and Fair under contract with the executive committee, or any lessee of the racing facilities of the new site at such time as racing is no longer conducted by the California State Fair and Exposition and is conducted at the new site.

Nothing in this subdivision or in Section 19534 shall be construed as a limitation on the board allocating racing weeks to any private racing association as a lessee of the California State Exposition and Fair new racetrack facility pursuant to Sections 19531 and 19532.

SEC. 4.5. Section 19546 of the Business and Professions Code is amended to read:

19546. The exempt amount retained by the California State Fair and Exposition or the California State Exposition and Fair or a county or district agricultural association fair shall be regularly deposited in a separate account with a depository approved by the board. The funds deposited shall be distributed pursuant to a program mutually agreed upon by the California State Fair and Exposition or the California State Exposition and Fair or a county or district agricultural association fair and the organization representing the horsemen at the association horseracing meeting If mutual agreement on a program of distribution is not reached the California State Fair and Exposition or the California State Exposition and Fair or a county or district agricultural association fair or such organization, or both, may file during the current horseracing meeting of the qualifying association or within 60 days thereafter, a petition for the use of such funds with the board. The board shall act upon the petition and render its decision as to the use of such funds in consideration of the intent and purpose of this section which is to improve purse distribution.

Within one year following the close of any racing meeting, each qualifying association shall account to the board on the distribution of such funds. All such funds which have not been distributed or set aside for expenditures approved by the board shall be paid into the General Fund of the state.

SEC. 5. Section 19611 of the Business and Professions Code is amended to read:

19611. (a) With respect to thoroughbred racing, every association which conducts a meeting shall distribute on all money not in excess of twenty million dollars ($20,000,000) handled in its parimutuel pools for such racing the base percentage amounts as follows: 6.10 percent license fee; 4.16 percent purses; and 5.29 percent commission.

(b) With respect to thoroughbred racing, every association shall distribute on the amount handled in excess of twenty million dollars ($20,000,000) in addition to the base rate, the

following amounts:

(1) As to those associations handling more than twenty million dollars ($20,000,000) but not more than forty million dollars ($40,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 5.70 percent license fee; 4.33 percent purses; and 5.52 percent commission.

(2) As to those associations handling more than forty million dollars ($40,000,000) but not more than seventy-five million dollars ($75,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 6.55 percent license fee; 3.96 percent purses; and 5.04 percent commission.

(3) As to those associations handling more than seventy-five million dollars ($75,000,000) but not more than one hundred twenty million dollars ($120,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 6.85 percent license fee; 3.83 percent purses; and 4.87 percent commission.

(4) As to those associations handling more than one hundred twenty million dollars ($120,000,000) but not more than one hundred eighty million dollars ($180,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 7.15 percent license fee; 3.70 percent purses; and 4.70 percent commission.

(5) As to those associations handling more than one hundred eighty million dollars ($180,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 7.45 percent license fee; 3.56 percent purses; and 4.54 percent commission.

SEC. 6. Section 19612 of the Business and Professions Code is amended to read:

19612. (a) With respect to racing other than thoroughbred, every association which conducts a meeting shall distribute on all money not in excess of twenty million dollars ($20,000,000) handled in its parimutuel pools for such racing the base percentage amounts as follows: 6.10 percent license fee; 3.91 percent purses; and 5.74 percent commission.

(b) With respect to racing other than thoroughbred racing, every association shall distribute on the amount handled in excess of twenty million dollars ($20,000,000) in addition to the base rate, the following amounts:

(1) As to those associations handling more than twenty million dollars ($20,000,000) but not more than forty million dollars ($40,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 5.70 percent license fee; 4.07 percent purses; and 5.98 percent commission.

(2) As to those associations handling more than forty million dollars ($40,000,000) but not more than seventy-five million dollars ($75,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 6.55 percent license fee;

3.72 percent purses; and 5.48 percent commission.

(3) As to those associations handling more than seventy-five million dollars ($75,000,000) but not more than one hundred twenty million dollars ($120,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 6.85 percent license fee; 3.60 percent purses; and 5.30 percent commission.

(4) As to those associations handling more than one hundred twenty million dollars ($120,000,000) but not more than one hundred eighty million dollars ($180,000,000) on such amount as exceeds twenty million dollars ($20,000,000): 7.15 percent license fee; 3.48 percent purses and 5.12 percent commission.

(5) As to those associations handling more than one hundred eighty million dollars ($180,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 7.45 percent license fee; 3.36 percent purses; and 4.94 percent commission.

SEC. 7. Section 19614 of the Business and Professions Code is amended to read:

19614. Notwithstanding any provision to the contrary in this chapter, any association which handles twenty million dollars ($20,000,000) or less in the parimutuel pools operated by it during the course of a racing meeting shall be exempt from the requirements of Sections 19611 and 19612 which prescribe the amount which shall be paid for purses, and the provisions of subdivision (c) of Section 19615. Any such association shall deduct from the total amount handled in parimutuel pools relating to its meeting 15.75 percent thereof to be distributed as license fees, commissions, and purses, and shall pay a license fee of 5½ percent on the amount handled by it in lieu of any other base rate, or rates, otherwise provided for. The remaining 10.25 percent so deducted shall be distributed as commissions and purses. No such association, or its successor in interest, shall pay the reduced license fee provided for herein for more than five years after July 1, 1970.

SEC. 8. Part 12 (commencing with Section 5701) is added to Division 1 of the Revenue and Taxation Code, to read:

## PART 12. TAXATION OF RACEHORSES

### CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

5701. The Legislature finds that subjecting racehorses to the general property tax has resulted in a serious lack of uniformity as between one county and another respecting the method used in arriving at an assessed value; that this has resulted in serious inequities between the owners of racehorses depending in part on the county wherein they are

assessed; that a continuation of current assessment practices will result in a substantial decrease in the breeding, boarding and training of racehorses for racing competition in California and that current assessment practices have caused racehorse owners to remove their horses from California to other major breeding states with the result that over a period of time if such assessment practices are continued, both the breeding and racing of racehorses in California will suffer in that the quality and quantity of racehorses will be reduced and impaired; that a severe loss of employment and taxes to breeding and racing will result, attendance at race meetings will decrease and betting will be reduced with consequent substantial loss of revenue to California. It is the intent of the Legislature in enacting this part to establish a more equitable method of taxing racehorses and thereby providing incentives to owners of such horses to maintain their horses within the state by providing for a uniform system of in-lieu taxation for the racehorses subject to the provisions of this part.

5702. Except where the context otherwise requires, the definitions given in this chapter govern the construction of this part.

5703. "Racehorse" means each live horse, including a stallion, mare, gelding, ridgeling, colt or filly, that is eligible to participate in or produce foals which are eligible to participate in a horseracing contest in California wherein parimutuel racing is permitted under rules and regulations prescribed by the California Horse Racing Board.

5704. "Owner" means the owner of a racehorse or his agent. Any other person claiming, possessing or controlling a racehorse shall provide the name and address of the owner thereof or his agent upon the request of the assessor.

5705. "Annual fee" means a fee that shall be paid by the owner for any racehorse domiciled in the State of California.

5706. "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.

5707. "Previous tax year" means the tax year immediately preceding the tax year for which the annual fee is imposed.

5708. "Tax quarter" means each consecutive period of three calendar months following the beginning of the tax year.

5709. "Acquired" means a transfer of legal or equitable title. "Acquired" shall not include a transfer of an interest as security for a loan.

5710. "Stallion" means any racehorse which has at any time serviced three or more different broodmares for the purpose of producing a racehorse.

5711. "Producing broodmare" means a racehorse mare

which, during the previous tax year, has produced a live foal.

5712. "Nonproducing broodmare" means a racehorse mare which has not produced a live foal during the previous tax year.

5713. "Stakes-winning broodmare" is one which has won a race with a purse to which owners of participating horses have contributed nomination or entry fees.

5714. "Stakes-producing broodmare" is one which has won a race with a purse to which owners of participating horses have contributed nomination or entry fees.

5715. "Stakes yearling" means a racehorse which was foaled prior to January 1 of previous tax year by a stakes winning or stakes producing broodmare.

5716. "Yearling" means a racehorse which was foaled prior to January 1 of the previous tax year.

5717. "Active racehorse" means a racehorse which has participated in a horseracing contest on which parimutuel wagering was permitted during the previous tax year.

5718. "Nonactive racehorse" means any racehorse which has not participated in any horseracing contest on which parimutuel wagering was permitted during the previous tax year.

5719. "Live foal" means a foal which has lived for a period of three days or more.

5720. "Stud fee" is the sum of money charged by a stallion owner for the mating of his stallion to a broodmare.

5720.5. "Stud fee classification" will be determined by the highest stud fee charged for the mating of a mare to a stallion during the prior tax year.

## CHAPTER 2. IMPOSITION OF TAX

5721. For the 1972–73 tax year and each tax year thereafter, on the privilege of breeding, training, caring for or racing a racehorse in this state, there is hereby imposed an annual fee on such horses to be paid by racehorse owners for such racehorses domiciled in this state, which shall be in lieu of any property tax on racehorses subject to taxation pursuant to this part.

5722. The annual fee is imposed on and shall be paid by the owner on the following basis:

| Stallions and up<br>Stud fee classification | Up to age 12 | Age 13 |
|---|---|---|
| $10,000 and up | $1,000 | $650 |
| 7,500 and up | 750 | 500 |
| 5,000 and up | 500 | 330 |
| 3,000 and up | 300 | 200 |

| | | |
|---|---|---|
| 1,500 and up | 150 | 100 |
| 1,000 and up | 100 | 65 |
| Less than 1,000 | 75 | 50 |
| Broodmares | | |
| Stakes-winning producing broodmares | 75 | 50 |
| Stakes-producer producing broodmares | 75 | 50 |
| Producing broodmares | 40 | 28 |
| Stakes-winning nonproducing broodmares | 35 | 25 |
| Nonproducing broodmares | 20 | 12 |
| Stakes yearlings | 35 | |
| Yearlings | 20 | |
| Active racehorses which earned more than | | |
| $100,000 in prior tax year | 150 | |
| Between 50,000 and 99,999 | 100 | |
| Between 25,000 and 49,999 | 60 | |
| Less than 25,000 | 40 | |
| Nonactive racehorses | 20 | |

5723. With respect to racehorses within this state, the taxable situs of a racehorse shall be the place where the racehorse is quartered or domiciled when not racing or in training at a racetrack.

## CHAPTER 3. EXEMPTIONS

5741. Foals born to a racehorse mare during any tax quarter shall be exempt from the taxes imposed by this part or by any other part of this code for such tax quarter.

5742. A racehorse that does not participate in a horserace contest on which parimutuel wagering is permitted within two consecutive previous tax years and is not used for breeding purposes in order to produce racehorses shall not be considered a racehorse under the provisions of this part.

5743. The exemptions provided for foals or racehorses pursuant to this chapter shall in no way be construed as subjecting foals or racehorses otherwise subject to this part to the property tax.

## CHAPTER 4. COLLECTION

5761. The taxes imposed pursuant to this part shall become due and shall be payable to the tax collector of the county in which the racehorse had its taxable situs as defined

in Section 5723 at 12:01 a.m. January 1 of the tax year for which they are imposed.

5762. The tax imposed by this part shall become delinquent on the 15th day of February of the tax year for which it is imposed.

5763. 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.

5764. 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.

5765. Racehorses 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 5763. The assessor shall perform such audits of the books and records of the owners of racehorses subject to the tax imposed by this part in the county to determine if the correct information has been reported and the proper amount of tax has been paid.

5766. The tax described in Section 5765 may be imposed at any time within five years after the tax would have otherwise become due and the penalty shall date from the time described in Section 5763.

5767. If any person required by Section 5782 to file a report fails to do so or fails to file it by the time specified, the assessor shall impose the lawful amount of taxes due under this part, a penalty equal to 10 percent of the tax, and the penalties provided by Section 5763. If any person required to file the report required by Section 5782 files any false or fraudulent report with an 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 5763.

5768. Upon request of the assessor, an owner of livestock

of a type subject to the tax imposed by this part shall make available at his principal place of business, principal location or principal address in California or at any place mutually agreeable to the assessor and the owner, a true copy of business records relevant to the number of livestock located in any county of the state during any taxable period and the number of days spent in each county during that period. Records referred to in this section shall be retained by the owner for a period of five years from the date any tax to which they relate becomes due.

## CHAPTER 5. ADMINISTRATION

5781. 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.

5782. On forms provided through the office of the assessor, the owner of a racehorse 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 the county in which the racehorse had its taxable situs as defined in Section 5723. The reports shall be filed on or before 5:00 p.m. on the day the tax due becomes delinquent.

5783. 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 5801) of this part.

## CHAPTER 6. DISPOSITION OF PROCEEDS

5801. All proceeds derived from the tax imposed by this part shall be allocated by the auditor as promptly as is feasible in the following manner:

(a) If the taxable situs of the racehorse as defined in Section 5723 was located within a city and any school district, the proceeds from such racehorse shall be distributed one-third to the city, one-third to the school district, and one-third to the county.

(b) If the taxable situs of the racehorse defined as in Section 5723 was located outside of any city but was located within one or more school districts, the proceeds from such racehorse shall be distributed one-half to the school district or districts and one-half to the county.

(c) If the taxable situs of the racehorse as defined as in Section 5723 was located in both an elementary school district and a high school district, the proceeds allocable to school districts shall be divided equally between the elementary and

high school districts to the exclusion of all other school districts.

The details of the method of allocation shall be supplied by the county auditor, shall be approved by the board of supervisors and shall fairly carry out the purposes of this section.

SEC. 9. Money allocated pursuant to Section 5801 of the Revenue and Taxation Code 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. 10. Sections 8 and 9 of this act shall become operative on July 1, 1972. A "racehorse" as defined in Section 5703 of the Revenue and Taxation Code, whether or not such racehorse is exempt under Chapter 3 (commencing with Section 5741) of Part 12 of Division 1 of the Revenue and Taxation Code, shall be exempt from property taxation on and after the lien date for the tax year 1972–1973.

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 state is facing a serious and immediate financial crises. This act, by providing additional revenue, will provide much needed funds to continue proper governmental operation. To prevent any interruption in governmental programs it is necessary that this act take immediate effect.

---

## CHAPTER 1760

*An act to amend Sections 321 and 14240 of the Elections Code, relating to voter registration, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 16, 1971 Filed with Secretary of State December 16, 1971.]

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

SECTION 1. 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, 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 occupation is _____.

5. My height is _____ feet _____ inches.

6. I was born in _____.
(State or country)

7. 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.)

8. 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.)

9. I intend to affiliate at the ensuing primary election with the _____ Party. (If affiliation is not given, write or stamp "Declines to state.")

10. I have not been convicted of a felony which disqualifies me from voting. (Not all felony convictions will disqualify you from voting.)

11. My social security number is _____ (may be omitted).

_____
(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. _____

SEC. 1.5. 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 am at least 17 years of age and I will be at least 18 years of age at the time of the next succeeding election, a citizen of the United States, 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 occupation is _____.

5. My height is _____ feet _____ inches.

6. I was born in _____.
(State or country)

7. 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.)

8. 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.)

9. I intend to affiliate at the ensuing primary election with the -------- Party. (If affiliation is not given, write or stamp "Declines to state.")

10. I have not been convicted of a felony which disqualifies me from voting. (Not all felony convictions will disqualify you from voting.)

11. My social security number is -------- (may be omitted).

----------
(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. --

SEC. 2. Section 14240 of the Elections Code is amended to read:

14240. A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all of the following grounds:

(a) That he is not the person whose name appears on the register.

(b) That he has not been a resident of the state one year next preceding the election.

(c) That he is not a citizen of the United States.

(d) That he has not been a resident of the county for 90 days preceding the election.

(e) That he has not been a resident of the precinct for 54 days next preceding the election.

(f) That he has voted that day.

(g) That he has been convicted of a felony.

(h) That he has been convicted of the embezzlement or misappropriation of public money.

On the day of the election no person, other than a member of a precinct board or other official responsible for the conduct of the election, shall challenge any voter or question him concerning his qualifications to vote.

If any member of a precinct board receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request, or demand that such person or persons be challenged, he shall first determine whether the document or list contains or is accompanied by evidence constituting probable cause to justify or substantiate a challenge. In any case, before making any use whatever of such a list or document, the member of the precinct board shall immediately contact the clerk, charged with the duty of conducting the election, and describe to him the contents of such document or list and such evidence, if any, received bearing on voting qualifications. The clerk shall advise the members of the precinct board as to the sufficiency of probable cause for instituting and substantiating the challenge and as to the law as herein provided, relating to hearings and procedures for challenges by members of the precinct board and determination thereof by a precinct board. The clerk may, if necessary, designate a deputy to receive and answer inquiries from precinct board members as herein provided.

No person shall post or cause to have posted any poster, bill, or placard containing any information concerning eligibility to vote to be displayed on the day of the election within 500 feet of the entrance to a polling place.

SEC. 2.5. It is the intent of the Legislature, if this bill and Assembly Bill No. 2722 are both chaptered and amend Section 321 of the Elections Code, and this bill is chaptered after Assembly Bill No. 2722, that Section 321 of the Elections Code, as amended by Section 2 of Assembly Bill No. 2722 be further amended on the operative date of this act in the form set forth in Section 1.5 of this act to incorporate the changes in Section 321 proposed by this bill. Therefore, Section 1.5 of this act shall become operative only if Assembly Bill No. 2722 is chaptered before this bill and amends Section 321, and in such case Section 1.5 of this act shall become operative on the operative date specified in Section 3 of this act and Section 1 of this act shall not become operative.

SEC. 3. Sections 1, 1.5, 2 and 2.5 of this act shall become operative only if Assembly Constitutional Amendment No. 21 is enacted at the 1971 Regular Session of the Legislature and adopted by the people, and, shall become effective

at the same time as Assembly Constitutional Amendment No. 21.

SEC. 4. (a) There shall be submitted to the people at the direct primary election, to be held on the sixth day of June, 1972, the constitutional amendment proposed by Assembly Constitutional Amendment No. 21 of the 1971 Regular Session of the Legislature. Except as otherwise provided in this section, all of the provisions of law applicable to the submission of constitutional amendments proposed by the Legislature and to arguments for and against such measures shall apply to the measure submitted pursuant to this section.

(b) Within five days after the effective date of this section or within five days after the adoption by the Legislature of Assembly Constitutional Amendment No. 21, whichever occurs later, the author and first coauthor of the constitutional 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 the constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within two days after the date of appointment.

(c) Upon the effective date of this section or upon the date of the adoption by the Legislature of Assembly Constitutional Amendment No. 21, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for the measure submitted pursuant to this section and shall also request the Legislative Counsel to prepare an analysis of said measure in accordance with Section 3566 of the Elections Code. Said title and said analysis shall be filed with the Secretary of State within two days after the effective date of this section or within two days after the adoption by the Legislature of Assembly Constitutional Amendment No. 21, whichever occurs later. The measure submitted pursuant to this section shall be designated on the ballots at the election by its ballot title.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to place Assembly Constitutional Amendment No. 21 on the ballot at the 1972 June primary, it is necessary that this act go into immediate effect.

## CHAPTER 1761

*An act to add Section 25663.5 to the Business and Professions Code, relating to alcoholic beverages.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 25663.5 is added to the Business and Professions Code, to read:

25663.5. Notwithstanding Section 25663 or any other provision of law, persons 18 to 21 years of age may be employed as musicians, for entertainment purposes only, during business hours on premises which are primarily designed and used for the sale and service of alcoholic beverages for consumption on the premises, if live acts, demonstrations, or exhibitions which involve the exposure of the private parts or buttocks of any participant or the breasts of any female participant are not allowed on such premises. However, the area of such employment shall be limited to a portion of the premises that is restricted to the use exclusively of musicians or entertainers in the performance of their functions, and no alcoholic beverages shall be sold, served, consumed, or taken into that area.

---

## CHAPTER 1762

*An act relating to exemptions from taxation.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. The Department of Finance is directed to prepare a report which contains an outline of the California tax structure describing the state and local revenue bases and their relationship to present deductions, credits, exclusions, exemptions and preferential rates designed to achieve various social and economic objectives but which constitute tax expenditures from the state and local revenue base.

The department's prepared report should contain a general statement as to the approximate amount, if precise figures or estimates are not available, of reduction in the tax base to either local government or to state general and special funds occurring by the operation of such deductions, credits, exclusions, exemptions and preferential rates. The department is authorized to request from the various agencies of the state whatever information is necessary to facilitate the completion of this portion of the report.

SEC. 2. The department shall include in its report recommendations of alternative means to enlarge upon the initial, exploratory report in future years and the estimated cost of each alternative. The department should also include recommendations of how this information may be utilized to improve the format of the budget. Information concerning tax expenditures should be related to the various levels of California government.

SEC. 3. The intent of this act is to explore an extension of the budget to include state and local tax expenditure made through the structure of the tax system. The present tax structure contains a number of special deductions, credits, exclusions, exemptions, and preferential rates. These provisions serve ends similar in nature to those served by direct state and local expenditures. A tax expenditure has an effect on the private economy and an impact on the budget surplus or deficiency as a direct increase in expenditures. But since tax expenditures are not disclosed in the budget, they are not exposed to the public and are not subject to needed annual scrutiny in the budgetary process. The Legislature intends that this report be a step toward the eventual inclusion in the annual state budget of tax expenditures through the tax structure.

SEC. 4. The report required by this act shall be submitted to the Legislature on or before March 30, 1972. After 1972, an updated report shall be submitted every two years on or before March 30.

---

## CHAPTER 1763

*An act to add Sections 293 and 6304.1 to the Harbors and Navigation Code, relating to harbors and navigation.*

[Approved by Governor December 16, 1971 Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 293 is added to the Harbors and Navigation Code, to read:

293. Where damage arises out of, or is caused directly and proximately by, the acts of an owner or operator, without the interposition of any external or independent agency which was not or could not be foreseen, any owner or operator of any vessel engaged in the commercial transportation of petroleum or fuel oil shall be absolutely liable without regard to fault for any property damage incurred by the state or by any county, city or district, or by any person, within the state, and for any damage or injury to the natural resources of the state, including, but not limited to, marine and wildlife resources, caused

by the discharge or leakage of petroleum or fuel oil from such vessel into or upon the navigable waters of the state.

As used in this section, the term "owner or operator" means any person owning or operating, or chartering by demise, such vessel, the term "person" means an individual, firm, corporation, association or partnership, and the term "navigable waters of the state" means all portions of the sea within the territorial jurisdiction of the state and all inland waters navigable in fact.

This section shall be known and may be cited as the Miller Anti-Pollution Act of 1971.

SEC. 2. Section 6304.1 is added to the Harbors and Navigation Code, to read:

6304.1. Notwithstanding any other provision of law, any port district which has received, or is receiving, money pursuant to the provisions of Division 1 (commencing with Section 30) for the construction or improvement of a small craft harbor or facilities in connection therewith, may enter into a lease of a portion of its land and water area for the development of marine-oriented apartments and townhouses and boatslips. Slips shall be offered for lease to the general public on a first-come-first-served basis. Such lease may authorize the lessee to sublet individual dwelling units, but such lease shall not exceed a term of 50 years, after which time any improvements constructed pursuant to the lease shall revert to the district. Land rental units and boatslip facilities constructed pursuant to such lease shall be available to all persons on equal and reasonable terms. Any such lease shall contain express provisions requiring the lessee to provide for reasonable public access across the leased lands to adjacent port water areas.

Nothing in this section shall be construed to allow the use of tide or submerged lands in any manner inconsistent with the California Constitution or with the public trust for commerce, navigation, or fisheries.

---

## CHAPTER 1764

*An act relating to the San Francisco Maritime State Historic Park, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 16, 1971 Filed with Secretary of State December 16, 1971.]

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

SECTION 1. The Director of Parks and Recreation, subject to the approval of the Director of General Services, is hereby authorized to sell, lease, or transfer any of the real property and personal property and improvements located

within the City and County of San Francisco, designated as the San Francisco Maritime State Historic Park, comprising the Hyde Street Pier, the historic ships moored at said pier and appurtenances thereto, the Victorian Park, and the Haslett Warehouse to any governmental entity or nonprofit organization on such terms and conditions as may be in the best interest of the state; provided, that such real and personal property and improvements shall be maintained, operated, or developed for historical park purposes.

SEC. 2. All moneys received pursuant to the provisions of this act shall be deposited in the General Fund in the account established by Section 15863 of the Government Code. Any expenditures required to maintain, repair, care for, sell, or transfer such real and personal property and improvements may be paid from the appropriation made by Section 15863 of the Government Code.

All amounts deposited pursuant to this act, less those amounts expended pursuant to this act by the Department of General Services from the appropriation made by Section 15863 of the Government Code, shall be transferred by the Controller on order of the Director of General Services to the San Francisco Maritime State Historic Park account in the General Fund, which account is hereby created All amounts so transferred to the San Francisco Maritime State Historic Park account are hereby continuously appropriated to the Department of Parks and Recreation for operation, maintenance, and development of the San Francisco Maritime State Historic Park.

SEC. 3. If the action authorized by Section 1 of this act has not been approved by the State Public Works Board by July 1, 1973, the Director of General Services with the approval of the State Public Works Board is then authorized to sell or to lease for a period not to exceed 50 years 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, the real property and improvements located within the City and County of San Francisco being a portion of the San Francisco Maritime Historic Park, commonly known as the Haslett Warehouse.

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

In order for the subject property to be devoted to historical park purposes for the benefit of the people of this state, it is essential that the property be sold, leased, or transferred for such purposes at the earliest date possible.

# CHAPTER 1765

*An act to add Sections 5002 and 5003 to the Education Code, relating to pupil enrollment.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 5002 is added to the Education Code, to read:

5002. It is the declared policy of the Legislature that persons or agencies responsible for the establishment of school attendance centers or the assignment of pupils thereto shall prevent and eliminate racial and ethnic imbalance in pupil enrollment. The prevention and elimination of such imbalance shall be given high priority in all decisions relating to school sites, school attendance areas, and school attendance practices.

SEC. 2. Section 5003 is added to the Education Code, to read:

5003. (a) In carrying out the policy of Section 5002, consideration shall be given to the following factors:

(1) A comparison of the numbers and percentages of pupils of each racial and ethnic group in the district with their numbers and percentages in each school and each grade.

(2) A comparison of the numbers and percentages of pupils of each racial and ethnic group in certain schools with those in other schools in adjacent areas of the district.

(3) Trends and rates of population change among racial and ethnic groups within the total district, in each school, and in each grade.

(4) The effects on the racial and ethnic composition of each school and each grade of alternate plans for selecting or enlarging school sites, or for establishing or altering school attendance areas and school attendance practices.

(b) The governing board of each school district shall periodically, at such time and in such form as the Department of Education shall prescribe, submit statistics sufficient to enable a determination to be made of the numbers and percentages of the various racial and ethnic groups in every public school under the jurisdiction of each such governing board.

(c) For purposes of Section 5002 and this section, a racial or ethnic imbalance is indicated in a school if the percentage of pupils of one or more racial or ethnic groups differs significantly from the districtwide percentage.

(d) A district shall study and consider plans which would result in alternative pupil distributions which would remedy such an imbalance upon a finding by the Department of Education that the percentage of pupils of one or more racial or ethnic groups in a school differs significantly from the districtwide percentage. A district undertaking such a study may consider among feasibility factors the following:

(1) Traditional factors used in site selection, boundary determination, and school organization by grade level.

(2) The factors mentioned in subdivision (a) of this section.

(3) The high priority established in Section 5002.

(4) The effect of such alternative plans on the educational programs in that district.

In considering such alternative plans the district shall analyze the total educational impact of such plans on the pupils of the district. Reports of such a district study and resulting plans of action, with schedules for implementation, shall be submitted to the Department of Education, for its acceptance or rejection, at such time and in such form as the department shall prescribe. The department shall determine the adequacy of alternative district plans and implementation schedules and shall report its findings as to the adequacy of alternative district plans and implementation schedules to the State Board of Education. A summary report of the findings of the department pursuant to this section shall be submitted to the Legislature each year.

(e) The State Board of Education shall adopt rules and regulations to carry out the intent of Section 5002 and this section.

## CHAPTER 1766

*An act relating to the Department of Education.*

[Approved by Governor December 16, 1971 Filed with Secretary of State December 16, 1971 ]

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

SECTION 1. For the purpose of assisting school districts in carrying out the policy of Section 5002 of the Education Code as specified in Section 5003 of the Education Code during the 1971–1972 fiscal year, the Department of Education shall utilize federal funds to the extent that such funds are, or become, available for such purposes.

## CHAPTER 1767

*An act to amend Section 16616.1 of, to add Chapter 5 (commencing with Section 23550) to Division 17 of, to add Chapter 12.5 (commencing with Section 24675) to Division 18 of, and to add Chapter 8 (commencing with Section 25546.50) to Division 18 5 of, the Education Code, relating to children's centers, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 16, 1971 Filed with Secretary of State December 16, 1971 ]

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

SECTION 1. It is the intent of the Legislature that the establishment of children's centers allow student-parents to further their educational and employment potential by providing child care services for their children. The Legislature recognizes that too frequently advanced education is denied to the welfare parent, minority parent, single parent, the low-income parent, and to the older parent due to the lack of such facilitating services such as child care.

It is in an effort to provide the greatest public educational opportunities to the greatest number of California citizens, regardless of age or condition in life, that the Legislature intends to encourage the development of such ancillary services as child care centers.

It is the intent of the Legislature that the University of California, the California State Colleges, and the California Community Colleges work with private groups for the establishment of child care centers, including children's centers, on or near their respective campuses.

It is the intent of the Legislature that each children's center on or near a university or college campus have an advisory council, composed of representatives of the parent-users and persons from fields related to the well-being of children.

It is the further intent of the Legislature that the Trustees of the California State Colleges and the governing boards of school districts maintaining community colleges be permitted to accept student fees, other student resources, and private funds for the operation of children's centers.

SEC. 1.5. Section 16616.1 of the Education Code is amended to read:

16616.1. The Superintendent of Public Instruction is authorized to serve as the contracting agency with local public or private agencies and under the terms of the contract between the Department of Education and the Department of Social Welfare shall transmit funds paid by the Department of Social Welfare to such local agencies.

The Department of Education shall establish a procedure for reporting services and costs of services provided under such contracts in a manner to be prescribed by the Department of Social Welfare that will enable the Department of Social Welfare most expeditiously to file reimbursement claims with the federal government.

The Department of Education shall design an application form that includes all necessary information, as required, to obtain maximum federal reimbursements The Department of Social Welfare shall furnish the Department of Education information to determine eligibility requirements for obtaining maximum federal reimbursements.

The Department of Education may accept funds from the Regents of the University of California, the Trustees of the California State Colleges, the governing boards of community college districts and any private funds or resources authorized by a public or private profit or nonprofit agency as matching funding to maximize federal reimbursements.

SEC. 2. Chapter 5 (commencing with Section 23550) is added to Division 17 of the Education Code, to read:

CHAPTER 5. UNIVERSITY OF CALIFORNIA CHILDREN'S CENTERS

23550. The Regents of the University of California may establish and maintain a children's center on or near each campus of the university pursuant to the provisions of Chapter 5 (commencing with Section 16601) of Division 12.

23551. Nothing in this chapter shall be construed to permit the regents to expend state funds appropriated for support of the University of California for the direct operating costs of children's centers.

23552. Notwithstanding any other provision of law, children under two years of age whose parent or parents are students may attend children's centers established pursuant to this chapter.

23553. Children of students of that particular campus shall have first priority for attendance at a children's center established pursuant to this chapter in the order described in Section 16603.1.

SEC. 3. Chapter 12.5 (commencing with Section 24675) is added to Division 18 of the Education Code, to read:

CHAPTER 12.5. CALIFORNIA STATE COLLEGES CHILDREN'S CENTERS

24675. The Trustees of the California State Colleges may establish and maintain a children's center on or near each state college campus pursuant to the provisions of Chapter 5 (commencing with Section 16601) of Division 12.

24676. The trustees may contract with the Department of Education to establish and maintain such children's centers. The trustees may accept student fees, other student resources, and private funds to operate children's centers. Nothing in this chapter shall be construed to permit the trustees to expend state funds appropriated for the support of the California State Colleges for the operation of children's centers.

24677. Notwithstanding any other provision of law, children under two years of age whose parent or parents are students may attend children's centers established pursuant to this chapter.

24678. Children of students of that particular campus shall have first priority for attendance at a children's center established pursuant to this chapter in the order described in Section 16603.1.

24679. Each children's center maintained pursuant to Section 24675 may have an advisory council, composed of representatives of the parent-users and persons from fields related to the well-being of children.

SEC. 4. Chapter 8 (commencing with Section 25546.50) is added to Division 18.5 of the Education Code, to read:

CHAPTER 8. COMMUNITY COLLEGE CHILDREN'S CENTERS

25546.50. The governing board of any school district maintaining a community college may establish and maintain a children's center on or near each community college campus pursuant to the provisions of Chapter 5 (commencing with Section 16601) of Division 12.

25546.51. The governing board may contract with the Department of Education to establish and maintain such children's centers. The governing boards of school districts maintaining community colleges may accept student fees, other student resources, and private funds to operate children's centers. Nothing in this chapter shall be construed to permit the governing board of any school district maintaining a community college to expend state funds appropriated to the district for support of the community college for the operation of a children's center.

25546.52. Notwithstanding any other provision of law, children under two years of age whose parent or parents are students may attend children's centers established pursuant to this chapter.

25546.53. Children of students of that particular campus shall have first priority for attendance at a children's center established pursuant to this chapter in the order described in Section 16603.1.

25546.54. Each children's center maintained pursuant to Section 25546.50 may have an advisory council composed of representatives of the parent-users and persons from fields related to the well-being of children.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the programs authorized by this act to begin operation at the earliest possible time, and particularly with reference to the forthcoming 1971–1972 academic year which will shortly commence, it is essential that this act take effect immediately.

# CHAPTER 1768

*An act to amend Sections 28743, 28751, 28755, and 28757 of, to add Sections 28756.5 and 28758.5 to, and to add Articles 1.5 (commencing with Section 28759) and 2.5 (commencing with Section 28773) to Chapter 13 of Division 21 of, the Health and Safety Code, relating to hazardous substances.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 28743 of the Health and Safety Code is amended to read:

28743. The term "hazardous substance" means:

(a) Any substance or mixture of substances which (1) is toxic, (2) is corrosive, (3) is an irritant, (4) is a strong sensitizer, (5) is flammable or combustible, or (6) generates pressure through decomposition, heat, or other means; if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

(b) Any substances which the department by regulation finds pursuant to the provisions of Section 28775 meet the requirements of subdivision (a) of this section.

(c) Any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the department determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this chapter in order to protect the public health.

(d) Any toy or other article intended for use by children which the department determines, by regulation, pursuant to the provisions of Section 28775, presents an electrical, mechanical, or thermal hazard.

SEC. 2. Section 28751 of the Health and Safety Code is amended to read:

28751. The term "extremely flammable" shall apply to any substance which has a flashpoint at or below 20 degrees Fahrenheit, as determined by the Tagliabue open-cup tester, the term "flammable" or "combustible" shall apply to any substance which has a flashpoint of above 20 degrees to and including 80 degrees Fahrenheit, as determined by the Tagliabue open-cup tester, and the term "combustible" shall apply to any substance which has a flashpoint above 80 degrees Fahrenheit to and including 150 degrees, as determined by the Tagliabue open-cup tester; except that the flammability or combustibility of solids and of the contents of self-pressurized containers shall be determined by methods found by the department to be generally applicable to such materials or containers, respectively, and established by regulations issued by it, which regulations shall also define the terms "flam-

mable" and "combustible" and "extremely flammable" in accord with such methods.

SEC. 3. Section 28755 of the Health and Safety Code is amended to read:

28755. The term "misbranded hazardous substance" means a hazardous substance (including a toy or other article intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted) intended, or packaged in a form suitable for use in the household or by children, which substance, except as otherwise provided by, or pursuant to, Section 28775, 28778 or 28779, fails to bear a label which satisfies each of the following requirements:

(a) States conspicuously (1) the name and place of business of the manufacturer, packer, distributor, or seller; (2) the common or usual name or the chemical name, if there be no common or usual name, of the hazardous substance or of each component which contributes substantially to its hazard, unless the department by regulation permits or requires the use of a recognized generic name; (3) the signal word "DANGER" on substances which are extremely flammable, combustible, corrosive, or highly toxic; (4) the signal word "WARNING" or "CAUTION" on all other hazardous substances; (5) an affirmative statement of the principal hazard or hazards, such as "Flammable," "Combustible," "Vapor harmful," "Causes burns," "Absorbed through skin," or similar wording descriptive of the hazard; (6) precautionary measures describing the action to be followed or avoided, except when modified by the department pursuant to Section 28775, 28775.1, 28775.2, 28778, or 28779; (7) instructions, when necessary or appropriate, for first aid treatment; (8) the word "Poison" for any hazardous substance which is defined as "highly toxic" by Section 28748; (9) instructions for handling and storage of packages which require special care in handling or storage; and (10) the statement "Keep out of the reach of children," or its practical equivalent, or if the article is intended for use by children and is not a banned hazardous substance, adequate directions for the protection of children from the hazard, and

(b) On which any statements required pursuant to subdivision (a) of this section are printed as prescribed in Chapter 10 (commencing with Section 25900) of Division 20 of this code.

SEC. 4. Section 28756.5 is added to the Health and Safety Code, to read:

28756.5. (a) An article may be determined to present an electrical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electric shock.

(b) An article may be determined to present a mechanical hazard if, in normal use or when subjected to reasonably

foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness from any of the following:

(1) Fracture, fragmentation, or disassembly of the article.

(2) Propulsion of the article or any part or accessory thereof.

(3) Points or other protrusions, surfaces, edges, openings, or closures.

(4) Moving parts.

(5) Lack or insufficiency of controls to reduce or stop motion.

(6) As a result of self-adhering characteristics of the article.

(7) Because the article, or any part or accessory thereof, may be aspirated or ingested.

(8) Because of instability.

(9) Because of any other aspect of the article's design or manufacture.

(c) An article may be determined to present a thermal hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness because of heat as from heated parts, substances, or surfaces.

SEC. 5. Section 28757 of the Health and Safety Code is amended to read:

28757. The department, by regulation, shall exempt from the provisions of subdivision (a) of Section 28756, (1) articles such as chemical sets, which by reason of their functional purpose require the inclusion of the hazardous substance involved or necessarily present an electrical, mechanical, or thermal hazard and which bear labeling giving adequate directions and warnings for safe use and are intended for use by children who have attained sufficient maturity, and may reasonably be expected to read and heed such directions and warnings and (2) fireworks subject to control under Part 2, Division 11 (commencing with Section 12500) of this code.

SEC. 5.5. Section 28758.5 is added to the Health and Safety Code, to read:

28758.5. Notwithstanding any other provision of this chapter, no substance or article shall be deemed to violate any provision of this chapter if such substance or article complies with federal law.

SEC. 6. Article 1.5 (commencing with Section 28759) is added to Chapter 13 of Division 21 of the Health and Safety Code, to read:

### Article 1.5. Articles for Children

28759. A determination by the department that a toy or other article intended for use by children presents an electrical, mechanical, or thermal hazard shall be made by regulation.

28759.5. If, before or during the making of a determination pursuant to Section 28759, the department finds that, because of an electrical, mechanical, or thermal hazard, distribution of the toy or other article involved presents an imminent hazard to the public health and the department by regulation gives notice of such finding, such toy or other article shall be deemed to be a banned hazardous substance for purposes of this chapter until the proceeding has been completed. If not yet initiated when such regulation is adopted, such a proceeding shall be initiated as promptly as possible.

SEC. 7. Article 2.5 (commencing with Section 28773) is added to Chapter 13 of Division 21 of the Health and Safety Code, to read:

Article 2.5. Repurchase

28773. As under this article:

(a) "Manufacturer" includes an importer for resale.

(b) A dealer who sells at wholesale an article or substance shall, with respect to that sale, be considered the distributor of that article or substance.

28773.5. In the case of any article or substance sold on or after the effective date of this section by its manufacturer, distributor, or dealer which is a banned hazardous substance, whether or not it was such at the time of its sale, such article or substance shall, in accordance with regulations of the department, be repurchased as follows:

(a) The manufacturer of any such article or substance shall repurchase it from the person to whom he sold it, and shall do the following:

(1) Refund that person the purchase price paid for such article or substance.

(2) If that person has repurchased such article or substance pursuant to subdivision (b) or (c), reimburse him for any amounts paid in accordance with subdivision (b) or (c) for the return of such article or substance in connection with its repurchase.

(3) If the manufacturer requires the return of such article or substance in connection with his repurchase of it in accordance with this subdivision, reimburse that person for any reasonable and necessary expenses incurred in returning it to the manufacturer.

(b) The distributor of any such article or substance shall repurchase it from the person to whom he sold it, and shall do the following:

(1) Refund that person the purchase price paid for such article or substance.

(2) If that person has repurchased such article or substance pursuant to subdivision (c), reimburse him for any amounts paid in accordance with that subdivision for the return of such article or substance in connection with its repurchase.

(3) If the distributor requires the return of such article or substance in connection with his repurchase of it in accordance

with this subdivision, reimburse that person for any reasonable and necessary expenses incurred in returning it to the distributor.

(c) In the case of any such article or substance sold at retail by a dealer, if the person who purchased it from the dealer returns it to him, the dealer shall refund the purchaser the purchase price paid for it and reimburse him for any reasonable and necessary transportation charges incurred in its return.

SEC. 8. This act shall become operative July 1, 1972.

## CHAPTER 1769

*An act to amend Section 27160 of, and to add Sections 27150.1, 27150.2, 27150.3, 27150.4, 27150.5, 27150.6, and 27150.7 to, the Vehicle Code, relating to motor vehicle noise standards.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 27150.1 is added to the Vehicle Code, to read:

27150.1. On and after the effective date of regulations and standards adopted by the commissioner pursuant to Section 27150.2, no person shall offer for sale, sell, or install, a motor vehicle exhaust system, or part thereof, including, but not limited to, a muffler, unless it meets such regulations and standards.

SEC. 2. Section 27150.2 is added to the Vehicle Code, to read:

27150.2. The commissioner shall, after the study required by Section 27150.3, and after public hearings, adopt regulations setting standards for the certification of vehicular exhaust systems based solely upon noise standards consistent with the total vehicle noise levels set by Sections 23130 and 23130.5. Such regulations shall include, but need not be limited to:

(a) Provisions for standards for vehicular exhaust systems, based on manufacturers' data and subject to such inspections and other verification as the commissioner may prescribe.

(b) Provisions for the licensing of stations to implement the provisions of this section, and Section 27150.1, and for the denial, revocation, or suspension of any license for failure to comply with the provisions of this section or any regulation adopted thereunder.

The regulations may provide for the exemption of vehicular exhaust systems where compliance with the regulations would cause an unreasonable hardship without resulting in a sufficient corresponding benefit with respect to noise level control.

The regulations adopted pursuant to this section shall become effective one year after the regulations are filed with the Legislature pursuant to Section 27150.4.

SEC. 3. Section 27150.3 is added to the Vehicle Code, to read:

27150.3. The commissioner shall conduct a study to determine the best means of implementing the requirements of Section 27150.1. The results of such study shall be filed with the Legislature and made available to the public as soon as practicable but not later than January 5, 1973.

SEC. 4. Section 27150.4 is added to the Vehicle Code, to read:

27150.4. The commissioner shall file the regulations adopted pursuant to Section 27150.2 with both houses of the Legislature not later than six months after the study is filed as specified in Section 27150.3.

SEC. 5. Section 27150.5 is added to the Vehicle Code, to read:

27150.5. Any person holding a retail seller's permit who sells or installs an exhaust system, or part thereof, including, but not limited to, a muffler, in violation of Section 27150.1 or 27150.2 or the regulations adopted pursuant thereto, shall thereafter be required to install an exhaust system, or part thereof, including, but not limited to, a muffler, which is in compliance with such regulations upon demand of the purchaser or registered owner of the vehicle concerned, or to reimburse the purchaser or registered owner for the expense of replacement and installation of an exhaust system, or part thereof, including, but not limited to, a muffler, which is in compliance, at the election of such purchaser or registered owner.

SEC. 6. Section 27150.6 is added to the Vehicle Code, to read:

27150.6. The department shall make every effort to obtain federal assistance to carry out the provisions of Sections 27150.1, 27150.2, 27150.3, 27150.4, and 27150.5.

SEC. 7. Section 27150.7 is added to the Vehicle Code, to read:

27150.7. A court may dismiss any action in which a person is prosecuted for operating a vehicle in violation of Sections 23130 or 23130.5 if it is found that the vehicle was equipped with an exhaust system certified pursuant to Section 27150.2 and that the defendant had reasonable grounds to believe that the exhaust system was in good working order and had reasonable grounds to believe that the vehicle was not operated in violation of Sections 23130 or 23130.5.

SEC. 8. Section 27160 of the Vehicle Code is amended to read:

27160. (a) No person shall sell or offer for sale a new motor vehicle which produces a maximum noise exceeding the following noise limit at a distance of 50 feet from the center-

line of travel under test procedures established by the department:

| | |
|---|---|
| (1) Any motorcycle manufactured before 1970 | 92 dbA |
| (2) Any motorcycle, other than a motor-driven cycle, manufactured after 1969, and before 1973 | 88 dbA |
| (3) Any motorcycle, other than a motor-driven cycle, manufactured after 1972, and before 1975 | 86 dbA |
| (4) Any motorcycle, other than a motor-driven cycle, manufactured after 1974, and before 1978 | 80 dbA |
| (5) Any motorcycle, other than a motor-driven cycle, manufactured after 1977, and before 1988 | 75 dbA |
| (6) Any motorcycle, other than a motor-driven cycle, manufactured after 1987 | 70 dbA |
| (7) Any snowmobile manufactured after 1972 | 82 dbA |
| (8) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1967, and before 1973 | 88 dbA |
| (9) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1972, and before 1975 | 86 dbA |
| (10) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1974, and before 1978 | 83 dbA |
| (11) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1977, and before 1988 | 80 dbA |
| (12) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1987 | 70 dbA |
| (13) Any other motor vehicle manufactured after 1967, and before 1973 | 86 dbA |
| (14) Any other motor vehicle manufactured after 1972, and before 1975 | 84 dbA |
| (15) Any other motor vehicle manufactured after 1974, and before 1978 | 80 dbA |
| (16) Any other motor vehicle manufactured after 1977, and before 1988 | 75 dbA |
| (17) Any other motor vehicle manufactured after 1987 | 70 dbA |

(b) Test procedures for compliance with this section shall be established by the department, taking into consideration the test procedures of the Society of Automotive Engineers.

SEC. 9. Section 27160 of the Vehicle Code is amended to read:

27160. (a) No person shall sell or offer for sale a new motor vehicle which produces a maximum noise exceeding the following noise limit at a distance of 50 feet from the centerline of travel under test procedures established by the department:

| | |
|---|---|
| (1) Any motorcycle manufactured before 1970 | 92 dbA |
| (2) Any motorcycle, other than a motor-driven cycle, manufactured after 1969, and before 1973 | 88 dbA |
| (3) Any motorcycle, other than a motor-driven cycle, manufactured after 1972, and before 1975 | 86 dbA |
| (4) Any motorcycle, other than a motor-driven cycle, manufactured after 1974, and before 1978 | 80 dbA |
| (5) Any motorcycle, other than a motor-driven cycle, manufactured after 1977, and before 1988 | 75 dbA |
| (6) Any motorcycle, other than a motor-driven cycle, manufactured after 1987 | 70 dbA |
| (7) Any snowmobile manufactured after 1972, and before 1975 | 82 dbA |
| (8) Any snowmobile manufactured after 1974 | 73 dbA |
| (9) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1967, and before 1973 | 88 dbA |
| (10) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1972, and before 1975 | 86 dbA |
| (11) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1974, and before 1978 | 83 dbA |
| (12) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1977, and before 1988 | 80 dbA |
| (13) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1987 | 70 dbA |
| (14) Any other motor vehicle manufactured after 1967, and before 1973 | 86 dbA |
| (15) Any other motor vehicle manufactured after 1972, and before 1975 | 84 dbA |
| (16) Any other motor vehicle manufactured after 1974, and before 1978 | 80 dbA |
| (17) Any other motor vehicle manufactured after 1977, and before 1988 | 75 dbA |
| (18) Any other motor vehicle manufactured after 1987 | 70 dbA |

(b) Test procedures for compliance with this section shall be established by the department, taking into consideration the test procedures of the Society of Automotive Engineers.

SEC. 10. It is the intent of the Legislature, if this bill and Assembly Bill No. 578 are both chaptered and amend Section 27160 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 578, that the amendments to Section 27160 proposed by both bills be given effect and incorporated in Section 27160 in the form set forth in Section 9 of this act. Therefore, Section 9 of this act shall become operative only if this bill and Assembly Bill No. 578 are both chaptered, both amend Section 27160, and Assembly Bill No. 578 is chaptered before this bill, in which case Section 8 of this act shall not become operative.

## CHAPTER 1770

*An act to add Chapter 1.5 (commencing with Section 24180) to Division 20 of the Health and Safety Code, relating to noise pollution.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Chapter 1.5 (commencing with Section 24180) is added to Division 20 of the Health and Safety Code, to read:

### CHAPTER 1.5. NOISE POLLUTION

24180. The Legislature, recognizing the growing problem of noise pollution throughout the state and that we are daily assaulted with increased noise from advancing technology, machines, vehicles, and human clamor, declares that excessive noise must be considered a degradation of our environment and a health hazard to our citizens.

The Legislature further declares that it is particularly concerned that the proposed supersonic transport aircraft may significantly increase the noise level in the areas surrounding our state's airports unless preventive legal sanctions are invoked.

The Legislature is compelled to enact a noise limit for aircraft landing in the state, as a necessary and proper function of its police powers, in order to protect the health and welfare of the citizens of this state.

24181. (a) Except in an emergency situation, no private or commercial aircraft entering commercial service after the effective date of this section may land or take off within the state if it produces noise in excess of the federal certification limits for subsonic jet transport aircraft as set forth in Title 14, Code of Federal Regulations, Part 36.

(b) The prohibition contained in this section shall not apply in the case of an aircraft of a type or class manufactured or in production on or before the effective date of this section where the manufacture of such aircraft is ordered and the aircraft is delivered for commercial service no later than three years after the effective date of this section.

---

## CHAPTER 1771

*An act to amend Sections 19577 and 19578 of, and to add Sections 19579 and 19580 to, the Welfare and Institutions Code, relating to rehabilitation, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 19577 of the Welfare and Institutions Code is amended to read:

19577. Commodities which are manufactured by the nonprofit corporation operating California Industries for the Blind and offered for sale at the fair market price as determined by the Department of General Services which meet the specifications required for such products, and which are to be procured by or for the state, shall be procured from the nonprofit corporation operating California Industries for the Blind without advertising or calling for bids.

SEC. 2. Section 19578 of the Welfare and Institutions Code is amended to read:

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 the nonprofit corporation operating California Industries for the Blind.

SEC. 3. Section 19579 is added to the Welfare and Institutions Code, to read:

19579. It is the intent of the Legislature to encourage state organizations, cities, counties, districts, and other political subdivisions to purchase products manufactured by the nonprofit corporation operating California Industries for the Blind whenever it is feasible to do so and the proximity of the blind rehabilitation facility makes such purchases reasonably convenient.

SEC. 4. Section 19580 is added to the Welfare and Institutions Code, to read:

19580. Notwithstanding any other provision of law, in order to implement the provisions of Sections 19019, 19021, 19022 and 19023 to enhance the programs for the blind and to minimize the disruptions which might be caused by the assumption by the private sector of the operations, present and former state civil service and non-civil-service employees of the Department of Rehabilitation assigned to the California Industries for the Blind and opportunity work centers may participate in the formation and management of nonprofit corporations for the purpose of assuming operations of the California Industries for the Blind and the opportunity work centers providing they sever any and all employment relationship with the state prior to the effective date of the contract with the nonprofit corporations.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It has been determined that the California Industries for the Blind and the opportunity work centers should be operated by nonprofit corporations within the private sector rather than by the state. This measure is essential to effecting this change.

The employment of nearly 200 blind and other disabled persons is involved and the passage of this act will enable private enterprise to assume control of these functions at the earliest possible time, thereby continuing and enhancing the employment and earning capacity of the employees involved.

SEC. 6. This act shall become operative only if Assembly Bill No. 1651 of the 1971 Regular Session of the Legislature is enacted.

## CHAPTER 1772

*An act to add Section 214.02 to the Revenue and Taxation Code, relating to taxation.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 214.02 is added to the Revenue and Taxation Code, to read:

214.02. Property used exclusively for the preservation of native plants or animals, or biotic communities, or geological or geographical formations of scientific or educational interest, or open-space lands used solely for recreation and for the enjoyment of scenic beauty, and which property is open to the general public subject to reasonable restrictions concerning the needs of the land and is owned and operated by a scientific or charitable fund, foundation or corporation, the primary interest of which is to preserve such natural areas, and which meets all the requirements of this section, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and Section 214.

SEC. 2. This act shall become operative on the lien date in 1972 and shall remain operative to and including the lien date in 1981, after which date it shall be of no further force or effect.

## CHAPTER 1773

*An act to amend Section 20803.6 of the Government Code, relating to civil service.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 20803.6 of the Government Code is amended to read:

20803.6. "Forestry service" means service rendered as a forestry member only while receiving compensation for such service, except as provided in Article 4.

It includes service that would have qualified a person as such a member had that classification of members existed at the time the service was rendered. It also includes, for a forestry member whose effective date of retirement is after the operative date of amendments to this section at the 1971 Regular Session, service rendered in the Division of Forestry in the positions of forest fire dispatcher or served in a capacity prior to January 1, 1954, which is now defined as a forestry member by Section 20017.6.

---

## CHAPTER 1774

*An act to add Article 7 (commencing with Section 30796) to Chapter 2 of Division 17 of the Streets and Highways Code, relating to the San Diego-Coronado Bridge.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Article 7 (commencing with Section 30796) is added to Chapter 2 of Division 17 of the Streets and Highways Code, to read:

### Article 7. San Diego-Coronado Bridge

30796. The San Diego-Coronado Bridge is the bridge, together with necessary approaches, across San Diego Bay connecting the Cities of San Diego and Coronado.

30796.1. The department shall endeavor to obtain funds from the federal government and from other nonstate sources to conduct a study on the feasibility of maintaining and operating a ferry system for nonvehicular traffic, such as pedestrian traffic, between the Cities of San Diego and Coronado. The department shall conduct such study only if adequate funding is obtained.

30796.2. Upon a finding by the department that the operation of a ferry system for nonvehicular traffic between the Cities of San Diego and Coronado is feasible, the authority shall promptly take the necessary steps to secure the consent of the holders of the outstanding bonds secured by the revenues of the bridge to the operation of such a ferry system.

30796.3. Upon the authority securing the consent of the bondholders to the operation of a ferry system for nonvehicular traffic between the Cities of San Diego and Coronado, the department shall grant a franchise for the operation of such a ferry system at the earliest possible date.

30796.4. The net revenues received by the department from the operation of the ferry system shall be deposited in the San Diego-Coronado Toll Bridge Revenue Fund.

## CHAPTER 1775

*An act to amend Section 3527 of the Elections Code, relating to ballot measures.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 3527 of the Elections Code is amended to read:

3527. Every measure submitted to the people by the Legislature shall appear on the ballot of the first statewide election occurring after 150 days after the adoption of the proposal by the Legislature.

## CHAPTER 1776

*An act to add Section 753.5 to, and to amend Section 755 of, the Revenue and Taxation Code, relating to property taxation.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 753.5 is added to the Revenue and Taxation Code, to read:

753.5. The board shall, upon or prior to completion of the roll, inform every assessee of the total assessed unit value of his unitary property. "Unitary property" means property valued on a unit value basis.

If the board roll has been transmitted to the local auditors, the board shall, at least 30 days prior to transmitting a statement of assessment of escaped property or roll correction, inform each assessee whose property's full cash value has increased as a result of an escape assessment or roll correction of the assessed value of that property as it shall appear on the corrected roll.

The information given to the assessee pursuant to this section shall also include a notification of hearings by the board, including the period during which petitions for reassessment will be accepted, and the place where they may be filed.

Neither the failure of the assessee to receive this information nor the failure of the board 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. 2. Section 755 of the Revenue and Taxation Code is amended to read:

755. At any time prior to the third Monday in August, the owner or assessee of any state-assessed property shall be heard by the board on a petition for reassessment.

In the case of a notice of change to the board roll given pursuant to Section 753.5, the owner or assessee of any state-assessed property shall be heard by the board on a petition for reassessment prior to transmission to the local auditor of the board's statement of assessment of escaped property or roll correction if the owner or assessee files a written request for such hearing within 10 days of the mailing of the notice required in Section 753.5.

## CHAPTER 1777

*An act to amend Sections 6006, 6010, 6016.3, 6094 and 6244 of, and to add Sections 6023 and 6024 to, the Revenue and Taxation Code, relating to sales and use taxes, to take effect immediately, tax levy.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 6006 of the Revenue and Taxation Code is amended to read:

6006. "Sale" means and includes:

(a) Any transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. "Transfer of possession," includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) The producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(c) The furnishing and distributing of tangible personal property for a consideration by social clubs and fraternal organizations to their members or others.

(d) The furnishing, preparing, or serving for a consideration of food, meals, or drinks.

(e) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(f) A transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

(g) Any lease of tangible personal property in any manner or by any means whatsoever, for a consideration, except a lease of:

(1) Motion picture, including television, films and tapes.

(2) Linen supplies and similar articles when an essential part of the lease agreement is the furnishing of the recurring service of laundering or cleaning the articles.

(3) Household furnishings with a lease of the living quarters in which they are to be used.

(4) Mobile transportation equipment for use in transportation of persons or property as defined in Section 6023.

(5) Tangible personal property leased in substantially the same form as acquired by the lessor or leased in substantially the same form as acquired by a transferor, as to which the lessor or transferor has paid sales tax reimbursement pursuant to Section 6052 or has paid use tax measured by the purchase price of the property. For purposes hereof, transferor shall mean the following:

(A) A person from whom the lessor acquired the property in a transaction described in subdivision (b) of Section 6006.5.

(B) A decedent from whom the lessor acquired the property by will or the laws of succession.

SEC. 2. Section 6010 of the Revenue and Taxation Code is amended to read:

6010. "Purchase" means and includes:

(a) Any transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. "Transfer of possession," includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) When performed outside this state or when the customer gives a resale certificate pursuant to Article 3 (commencing with Section 6091) of Chapter 2 of this part, the producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(c) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(d) A transfer for a consideration of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

(e) Any lease of tangible personal property in any manner or by any means whatsoever, for a consideration, except a lease of:

(1) Motion picture, including television, films and tapes.

(2) Linen supplies and similar articles when an essential part of the lease agreement is the furnishing of the recurring service of laundering or cleaning the articles.

(3) Household furnishings with a lease of the living quarters in which they are to be used.

(4) Mobile transportation equipment for use in transportation of persons or property as defined in Section 6023.

(5) Tangible personal property leased in substantially the same form as acquired by the lessor or leased in substantially the same form as acquired by a transferor, as to which the lessor or transferor has paid sales tax reimbursement pursuant to Section 6052 or has paid use tax measured by the purchase price of the property. For purposes hereof, transferor shall mean the following:

(A) A person from whom the lessor acquired the property in a transaction described in subdivision (b) of Section 6006.5.

(B) A decedent from whom the lessor acquired the property by will or the laws of succession.

SEC. 3. Section 6016.3 of the Revenue and Taxation Code is amended to read:

6016.3. "Tangible personal property," for the purpose of this part, includes any leased fixtures if the lessor has the right to remove the fixtures upon breach or termination of the lease, unless the lessor is also the lessor of the realty.

SEC. 4. Section 6023 is added to the Revenue and Taxation Code, to read:

6023. "Mobile transportation equipment" includes equipment such as railroad cars and locomotives, buses, trucks (except "one-way rental trucks"), truck tractors, truck trailers, dollies, bogies, chassis, reusable cargo shipping containers, aircraft and ships, and tangible personal property which is or becomes a component part of such equipment. "Mobile transportation equipment" does not include passenger vehicles as defined in Section 465 of the Vehicle Code, trailers and baggage containers designed for hauling by passenger vehicles, or "one-way rental trucks" as defined and identified pursuant to Section 6024.

SEC. 5. Section 6024 is added to the Revenue and Taxation Code, to read:

6024. "One-way rental trucks" are motortrucks of a kind required to be registered under the Vehicle Code, not exceeding the manufacturer's gross vehicle weight rating of 24,000 pounds, which are principally employed by a person in the rental business in being leased out for short-term periods of not more than 31 days to individual customers for one-way or local hauling of personal property of the customers, and which upon acquisition or being employed in this state by the person are identified to the board, in such manner as the board may prescribe, for employment in such one-way or local hauling. Upon the leasing of such a truck to a customer, the person shall make known to the customer the fact that the vehicle is designated as a one-way rental truck and any taxes imposed by this part which are payable measured by the rentals.

SEC. 5.1. Section 6094 of the Revenue and Taxation Code is amended to read:

6094. (a) If a purchaser who gives a resale certificate makes any use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business, the use shall be taxable to the purchaser under Chapter 3 (commencing with Section 6201) of this part as of the time the property is first used by him, and, except as provided in subdivisions (b), (c), and (d) of this section, the sales price of the property to him shall be the measure of the tax.

(b) If such use is limited to the loan of the property to customers as an accommodation while awaiting delivery of property purchased or leased from the lender or while property is being repaired for customers by the lender, the measure of the tax is the fair rental value of the property for the duration of each loan so made.

(c) If the property is used frequently for purposes of demonstration or display while holding it for sale in the regular course of business and is used partly for other purposes, the measure of the tax is the fair rental value of the property for the period of such other use or uses.

(d) If the property is mobile transportation equipment as defined in Section 6023, and the use is limited to leasing the equipment, the purchaser may elect to pay his use tax measured by the fair rental value, if the election is made on or before the due date of a return for the period in which the equipment is first leased. The election must be made by reporting tax measured by the fair rental value on the return for that period, or in such other manner as the board may prescribe. Tax must thereafter be paid with the return for each reporting period, measured by the fair rental value, whether the equipment is within or without the state. The election may not be revoked with respect to the equipment as to which it is made. The purchaser's use tax liability may not be charged to the lessee as separately stated tax or tax reimbursement.

SEC. 5.2. Section 6244 of the Revenue and Taxation Code is amended to read:

6244. (a) If a purchaser who gives a resale certificate or purchases property for the purpose of reselling it makes any storage or use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business, the storage or use is taxable as of the time the property is first so stored or used.

(b) If such use is limited to the loan of the property to customers as an accommodation while awaiting delivery of property purchased or leased from the lender or while property is being repaired for customers by the lender, the measure of the tax is the fair rental value of the property for the duration of each loan so made.

(c) If the property is used frequently for purposes of demonstration or display while holding it for sale in the regular course of business and is used partly for other purposes, the measure of the tax is the fair rental value of the property for the period of such other use or uses.

(d) If the property is mobile transportation equipment as defined in Section 6023, and the use is limited to leasing the equipment, the purchaser may elect to pay his use tax measured by the fair rental value, if the election is made on or before the due date of a return for the period in which the equipment is first leased. The election must be made by reporting tax measured by the fair rental value on the return for that period, or in such other manner as the board may prescribe. Tax must thereafter be paid with the return for each reporting period, measured by the fair rental value, whether the equipment is within or without the state. The election may not be revoked with respect to the equipment as to which it is made. The purchaser's use tax liability may not be charged to the lessee as separately stated tax or tax reimbursement.

SEC. 6. Sections 1, 2, 4, 5, 5.1 and 5.2 of this act shall not apply to any lease of mobile transportation equipment entered into prior to January 1, 1972, for any period of time for which the lessor is obligated to lease the equipment, if prior to January 1, 1972 tax was required to be paid measured by rentals from the lease or would have been required to be so paid if the equipment were in this state. The lessor shall be deemed not to be obligated for any period of time for which he has an unconditional right to terminate the lease upon notice, whether or not the right is exercised.

A lessor of any mobile transportation equipment the lease of which is a sale and purchase under Sections 6006 and 6010 of the Revenue and Taxation Code as those sections read on October 1, 1971, may elect to pay use tax measured by rentals as provided in Sections 6094 and 6244. The election must be made in the manner provided in those sections on or before the due date of a return for the first period after December 31, 1971, in which he is no longer obligated to lease the equipment.

SEC. 7. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of Sections 1, 2, 4, 5, 5.1, 5.2 and 6 of this act shall be operative on and after January 1, 1972.

---

## CHAPTER 1778

*An act relating to state lands, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. The Department of General Services, with the approval of the Department of Motor Vehicles and the State Public Works Board, is authorized to exchange, on such terms and conditions as the Department of General Services may deem appropriate, the 4.492-acre office building site located at the northeast corner of Valencia Avenue and Jefferson Street in the City of Fullerton for a parcel of real property of approximately the same size and value, owned by the City of Fullerton, which will meet the needs of the Department of Motor Vehicles.

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 City of Fullerton wishes to utilize the state-owned site in Fullerton for a public park and has offered to exchange a similar parcel owned by the City of Fullerton. In order to preserve this site as a park, it is necessary that this bill become effective immediately.

---

## CHAPTER 1779

*An act to amend Sections 5007, 5301, 5302, 5305, and 5307 of the Unemployment Insurance Code, and to amend Section 11308 of, and to add Sections 11308.5, 11308.6, 11308.7 and 11308.8 to, the Welfare and Institutions Code, relating to work incentive programs.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 5007 of the Unemployment Insurance Code is amended to read:

5007. (a) Good cause for refusal to participate after enrollment in a work incentive program shall be deemed to exist when:

(1) Participation would be unreasonable because it would interrupt a program in process for permanent rehabilitation or self-support or conflict with an imminent likelihood of reemployment at the person's regular work, or

(2) Participation would be unreasonable because the assignment is not suited to the person's abilities or potential, or will not lead to realistic employment opportunities suited to the person's abilities or potential.

(b) Good cause for refusal of employment shall be deemed to exist when:

(1) The offer of employment is not for a specific job at a stated wage which meets the wage rate requirements set by the department, or

(2) The job is available because of a bona fide labor dispute, or

(3) The job is not within the physical or mental capacity of the person, as established, when necessary, by competent professional authority, or

(4) Acceptance would be unreasonable because it would interrupt a program in process for permanent rehabilitation or self-support or conflict with an imminent likelihood of re-employment at the person's regular work.

SEC. 2. Section 5301 of the Unemployment Insurance Code is amended to read:

5301. Whenever an individual referred to the department pursuant to Section 11300 of the Welfare and Institutions Code is enrolled in a work incentive program established pursuant to Section 5200 and subsequently refuses to accept employment or refuses to participate in, or withdraws from, a work incentive program established pursuant to Section 5200, the department shall determine within five days thereof whether the individual had good cause for refusal or withdrawal.

SEC. 3. Section 5302 of the Unemployment Insurance Code is amended to read:

5302. If the department determines under Section 5301 that an individual had good cause for refusal or withdrawal, the department shall notify the individual and the county welfare department. If the department determines under Section 5301 that an individual did not have good cause for refusal or withdrawal, the department shall so notify him by mail or personal service within five days of the determination, stating the reasons for the determination, and shall notify the county welfare department. The notice to the individual shall set forth the possible effect of the determination on the individual's payments under this division and Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, and shall inform him of his right to an appeal and to a fair hearing. He may, within 10 days after the mailing or personal service of the determination, file an appeal to a referee of the appeals board. The 10-day period may be extended for good cause. An appeal need not be formal, but it shall be in writing.

SEC. 4. Section 5305 of the Unemployment Insurance Code is amended to read:

5305. Promptly after the hearing, the referee shall mail or personally serve on the appellant, the department and the county welfare department a written copy of his decision whether the appellant had good cause for the refusal or withdrawal.

SEC. 5. Section 5307 of the Unemployment Insurance Code is amended to read:

5307. Sections 407, 408, 409, 1953, 1954, 1955, 1956, and 1959 shall apply to an appeal to the appeals board under this chapter. The appeals board shall promptly render its decision upon the appeal. A copy of the decision shall be mailed to or personally served on the individual, the county welfare department, and the department.

SEC. 6. Section 11308 of the Welfare and Institutions Code is amended to read:

11308. Upon notification of the Department of Human Resources Development that, pursuant to Chapter 4 (commencing with Section 5300) of Division 2 of the Unemployment Insurance Code, there has been a final determination that a person referred to it under Section 11300 and enrolled in a work incentive program has refused without good cause to accept employment or to participate in a work incentive program, the county department shall discontinue cash aid payments, and shall continue aid under a controlled payment plan in accordance with federal law and the regulations of the department. The allowance for such person's needs shall not be included under a controlled payment plan, except for the first 60 days if during such time he accepts counseling or other services provided by the county department aimed at persuading him to follow the prescribed program.

SEC. 7. Section 11308.5 is added to the Welfare and Institutions Code, to read:

11308.5. Whenever a person referred to the Department of Human Resources Development under Section 11300 fails to report for enrollment in or refuses to enroll in a work incentive program established pursuant to Section 5200 of the Unemployment Insurance Code or whose enrollment in a work incentive program is deferred and the person refuses to accept employment, the county department shall determine within five days whether the person had good cause for failure to report or refusal to enroll or refusal to accept employment.

SEC. 8. Section 11308.6 is added to the Welfare and Institutions Code, to read:

11308.6. (a) Good cause for failure to report for enrollment in or refusal to enroll in a work incentive program shall be deemed to exist, when:

(1) Participation would be unreasonable because it would interrupt a program in process for permanent rehabilitation or self-support or conflict with an imminent likelihood of reemployment at the person's regular work, or

(2) Participation would be unreasonable because the assignment is not suited to the person's abilities or potential, or will not lead to realistic employment opportunities suited to the person's abilities or potential.

(b) Good cause for refusal of employment shall be deemed to exist when:

(1) The offer of employment is not for a specific job at a stated wage which meets the wage rate requirements set by the Department of Human Resources Development, or

(2) The job is available because of a labor dispute, or

(3) The job is not within the physical or mental capacity of the person, as established by competent professional authority, or

(4) Acceptance would be unreasonable because it would interrupt a program in process for permanent rehabilitation or self-support or conflict with an imminent likelihood of re-employment at the person's regular work.

SEC. 9. Section 11308.7 is added to the Welfare and Institutions Code, to read:

11308.7. If the county department determines under Section 11308.6 that a person had good cause for failure to report or refusal to enroll or refusal of employment, the county department shall notify the person. If the county department determines under Section 11308.6 that a person did not have good cause for failure to enroll or refusal to enroll or refusal of employment, the county department shall so notify him by mail or personal service within five days of the determination, stating the reasons for the determination. The notice to the person shall set forth the possible effect of the determination on the person's payments under Chapter 2 (commencing with Section 11200) of Part 3, Division 9, and shall inform him of his right to a fair hearing. He may, within 10 days after the mailing or personal service of the determination, file a request for a hearing with the department in accordance with the provisions of Chapter 7 (commencing with Section 10952) of Part 2, Division 9. The 10-day period may be extended for good cause. A request for a hearing need not be formal, but it shall be in writing.

SEC. 10. Section 11308.8 is added to the Welfare and Institutions Code, to read:

11308.8. Upon notification of the Department of Social Welfare that pursuant to Chapter 7 (commencing with Section 10952) of Part 2, Division 9, that a person referred to the Department of Human Resources Development under Section 11300 has without good cause failed to report for enrollment in or refused to enroll in a work incentive program or refused to accept employment, the county department shall discontinue cash aid payments, and shall continue aid under a controlled payment plan in accordance with federal law and the regulations of the department. The allowance for such person's needs shall not be included under a controlled payment plan, except for the first 60 days if during such time he accepts counseling or other services provided by the county department aimed at persuading him to follow the prescribed program.

## CHAPTER 1780

*An act to amend Sections 5005 and 5006 of the Penal Code, relating to maintenance of canteens in prisons and institutions.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 5005 of the Penal Code is amended to read:

5005. The department may maintain a canteen at any prison or institution under its jurisdiction for the sale to persons confined therein of toilet articles, candy, tobacco products, notions, and other sundries, and may provide the necessary facilities, equipment, personnel, and merchandise therefor. The director shall specify what commodities shall be sold therein. The sale prices of the articles offered for sale shall be fixed by the director at such amounts as will, as far as possible, render each such canteen self-supporting. The department may undertake to insure against damage or loss canteen and handicraft materials, supplies and equipment owned by the Inmate Welfare Fund of the Department of Corrections as provided in Section 5006 of this code.

The canteen operations at any prison or institution referred to in this section shall be audited biennially by the Department of Finance; and at the end of each intervening fiscal year, each prison or institution shall prepare a statement of operations. At least one copy of any audit report or statement of operations shall be posted at the canteen and at least one copy shall be available to inmates at the library of each prison or institution.

SEC. 2. Section 5006 of the Penal Code is amended to read:

5006. All moneys now held for the benefit of prisoners including that known as the Inmate Canteen Fund of the California Institution for Men, and the Inmate Welfare Fund of the California Institution for Women, and the Trust Contingent Fund of the State Prison at Folsom, and the S.P.L. Commissary, Canteen Account, Hobby Association, Camp Account, Library Fund, News Agency of the State Prison at San Quentin, the Prisoners' Fund, and the Prisoners' Employment Fund, shall be deposited in the Inmate Welfare Fund of the Department of Corrections, in the State Treasury, which fund is hereby created. The money in the fund shall be used for the benefit, education, and welfare of inmates of prisons and institutions under the jurisdiction of the Department of Corrections, including but not limited to the establishment, maintenance, employment of personnel for, and purchase of items for sale to inmates at, canteens maintained at the state

institutions and for the establishment, maintenance, employment of personnel and necessary expenses in connection with the operation of the hobby shops at institutions under the jurisdiction of the Department of Corrections.

There shall be deposited in the Inmates' Welfare Fund all net proceeds from the operation of canteens and hobby shops and any moneys which may be assigned to the state prison by prisoners for deposit in said fund. The moneys in said fund shall constitute a trust held by the Director of Corrections for the benefit and welfare as herein defined of all of the inmates of institutions and prisons under the jurisdiction of the Department of Corrections.

The Department of Finance shall conduct a biennial audit of the Inmates' Welfare Fund to include an audit report which shall summarize expenditures from the fund by major categories. At the end of each intervening fiscal year, a statement of operations shall be prepared which shall contain the same information as would be provided in the biennial audit. At least one copy of any statement of operations or audit report shall be placed in each library maintained by the Department of Corrections and shall be available there to any inmate.

---

## CHAPTER 1781

*An act to add Part 3 (commencing with Section 1175) to Division 1 of the Health and Safety Code, relating to health care, and making an appropriation therefor.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Part 3 (commencing with Section 1175) is added to Division 1 of the Health and Safety Code, to read:

### PART 3. HEALTH MAINTENANCE ORGANIZATION DEVELOPMENT ACT

1175. The Legislature finds and declares that improving the efficiency and effectiveness of the delivery of health care in publicly and privately financed health care programs is of critical importance, and that present methods of delivery often do not provide for continuing efficient and comprehensive health care.

It is the purpose of this part to provide financial and technical assistance through loans to health service institutions and organizations, which will stimulate and enable such institutions and organizations to plan, develop, and implement health maintenance organizations for the efficient delivery and provision of health care.

1176. Unless the context otherwise requires, the definitions in this section govern the construction of this part:

(a) "Department" means the State Department of Health Care Services.

(b) "Director" means the Director of Health Care Services.

(c) "Medi-Cal" means the program for providing health care as specified in the Medi-Cal Act in Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(d) "Health maintenance organization" means an organization which provides basic health care, including at least the following:

(1) Inpatient hospital services;

(2) Outpatient hospital services;

(3) Laboratory and X-ray services;

(4) Physician services;

(5) Prescribed drugs.

(e) "Subscriber" means a person who receives health care services from a health maintenance organization.

1177. The director is authorized to make loans and to provide technical assistance, as provided in this part, to enable persons to plan and develop health maintenance organizations in accordance with the purpose of this part, and to assist health maintenance organizations to become self-supporting.

1178. A health maintenance organization is eligible for assistance under this part if it satisfies all of the following requirements:

(a) Persons receiving services from the health maintenance organization are enrolled as subscribers on the basis of contractual arrangements. In the case of a subscriber who is eligible for health care through Medi-Cal, such contract shall be with the department.

(b) Such organization is designed to the maximum extent feasible to make all health care services readily accessible to persons residing within its service area.

(c) All persons residing within the service area are eligible to become subscribers of the health maintenance organization, except that the number of persons may be limited as follows:

(1) All persons eligible for health care under Medi-Cal shall be given priority for enrollment, and the health maintenance organization shall make all reasonable efforts to have Medi-Cal beneficiaries constitute at least 20 percent of their total enrollment;

(2) The health maintenance organization shall avoid overtaxing its resources.

(d) All health services are provided by providers or other persons who meet the standards for providers imposed by the Medi-Cal Act.

(e) The health maintenance organization provides a system of monitoring the quality of care it delivers according to standards set by the department.

(f) The health maintenance organization owns or is affiliated with sufficient nondenominational hospital resources to meet the needs of its subscribers.

(g) Persons who do, or who may, receive services from the organization have at least an advisory role in its planning development and operation.

(h) The health maintenance organization receives payment from its subscribers, and in the case of subscribers eligible for health care through Medi-Cal, from the department, on the basis of a premium paid to cover the cost of providing health care services for a specific period of time in the future.

(i) The health maintenance organization has adequate financial resources to carry out its contract obligations. For the purposes of this section, "adequate financial resources" shall be the minimum tangible net equity required of health care service plans pursuant to Section 12539 of the Government Code.

1179. Health maintenance organizations receiving assistance under this part shall furnish to the director such timely information and reports as he may find necessary. The organization shall maintain such records and provide access thereto as the director finds necessary to verify such information and reports.

1180. Pursuant to the authority granted in Section 1182, the director may fund a nonprofit, nondenominational health facility by the device of a nonprofit corporation composed of representatives of the health interests in the community and a broad representation of the community at large. This health corporation shall assume responsibility for the following:

(a) Determining and assessing the on-going health needs of the community, formulating a program to meet such needs, including, but not limited to, an identification of both public and private funds which may be available for this purpose.

(b) Establishing an information and referral system, including innovative methods of health education.

(c) Coordinating health activities where appropriate, and establishing better utilization of existing health facilities, programs, and services with particular emphasis to be placed on health manpower training projects.

(d) Laying the foundation for a community health maintenance organization.

(e) Promoting, development, and expansion of preventive and outpatient services, with the objective of replacing crisis medicine with an integrated, comprehensive system of health care.

1181. Recognizing the special needs of disadvantaged persons in the community, a health corporation funded pursuant to Section 1180 shall implement or enable activity through, or in conjunction with, citizens' groups representing those persons who are outside the medical care system, or who are not able to take part or full advantage of existing facilities.

1182. The director is authorized to contract with health maintenance organizations to make loans to pay a reasonable amount of the administrative, operational, and maintenance costs which exceed the income of the organization for the first three years of its operation.

The director may specify the terms of such contract but the principal plus interest shall be repaid within 10 years after the date of execution of the contract.

The interest on the loans shall be 3 percent per annum and shall begin to accrue five years after the health maintenance organization begins its operation.

If at any time the health maintenance organization is not making reasonable progress toward becoming self-supporting, the director may, after a hearing, terminate the loan on not less than six months' notice.

SEC. 2. As of June 30, 1972, up to but not to exceed five hundred thousand dollars ($500,000) of the unexpended balance of the appropriation made by Item 229, Budget Act of 1971, is appropriated to the Department of Health Care Services for expenditure without regard to fiscal years by the department in carrying out the purposes of Part 3 (commencing with Section 1175) of Division 1 of the Health and Safety Code.

---

## CHAPTER 1782

*An act to amend Section 5405 of, and to add Sections 5418 and 5418.1 to, and to repeal Section 5418 of, the Business and Professions Code, relating to outdoor advertising, and making an appropriation therefor.*

[Approved by Governor December 16, 1971 Filed with Secretary of State December 16, 1971 ]

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

SECTION 1. Section 5405 of the Business and Professions Code is amended to read:

5405. (a) Notwithstanding any other provision of this chapter, no advertising display shall be placed or maintained within 660 feet from the edge of the right-of-way of, and the copy of which is visible from, any interstate or primary highway, and no advertising display shall be placed or maintained beyond 660 feet from the edge of the right-of-way if the advertising display is designed to be viewed primarily by persons traveling on any interstate or primary highway, other than the following:

(1) Directional or other official signs or notices that are required or authorized by law, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, and which comply with regulations which shall be promulgated by the director relative to their lighting, size,

number, spacing and such other requirements as may be appropriate to implement this chapter, which regulations shall not be inconsistent with such national standards as may be promulgated from time to time by the Secretary of Transportation of the United States pursuant to subdivision (c) of Section 131 of Title 23 of the United States Code.

(2) Advertising displays advertising the sale or lease of the property upon which they are located, provided all such advertising displays within 660 feet of the edge of the right-of-way of a bonus segment shall comply with the regulations prescribed pursuant to Sections 5251 and 5415.

(3) Advertising displays which advertise the business conducted or services rendered or the goods produced or sold upon the property upon which the advertising display is placed, if the display is upon the same side of the highway as the advertised activity; provided all such advertising displays within 660 feet of the right-of-way of a bonus segment shall comply with the regulations prescribed pursuant to Sections 5251 and 5415; and provided that no such advertising display shall be placed after January 1, 1971, if it contains flashing, intermittent or moving lights (except that part necessary to give public service information such as time, date, temperature, weather, or similar information).

(4) Advertising displays erected or maintained pursuant to regulations of the director, and not inconsistent with the national policy set forth in subdivision (f) of Section 131 of Title 23 of the United States Code and the standards promulgated thereunder by the Secretary of Transportation, and designed to give information in the specific interest of the traveling public.

(b) Notwithstanding the provisions of subdivision (a), any advertising display located beyond 660 feet from the edge of the right-of-way of any interstate or primary highway, and designed to be viewed primarily by persons traveling on such highway, which display was lawfully maintained in existence on the effective date of this subdivision but which was not on that date in conformity with the provisions of this article, shall not be required to be removed until the end of the 10th year after the effective date of this subdivision.

SEC. 2. Section 5418 of the Business and Professions Code is repealed.

SEC. 3. Section 5418 is added to the Business and Professions Code, to read:

5418. The California Highway Commission is authorized to allocate sufficient funds from the State Highway Fund to match federal funds made available for the removal of outdoor advertising displays.

SEC. 4. Section 5418.1 is added to the Business and Professions Code, to read:

5418.1. When allocating funds pursuant to Section 5418, the commission shall consider, and may designate for expenditure, all or any part of such funds in accordance with the

following order of priorities for removal of those outdoor advertising displays for which compensation is provided pursuant to Section 5412:

(a) Hardship situations involving outdoor advertising displays located adjacent to highways which are included within the state scenic highway system, including those nonconforming outdoor advertising displays which are offered for immediate removal by the owners thereof.

(b) Hardship situations involving outdoor advertising displays located adjacent to other highways, including those nonconforming outdoor advertising displays which are offered for removal by the owners thereof.

(c) Nonconforming outdoor advertising displays located adjacent to highways which are included within the state scenic highway system.

(d) Nonconforming outdoor advertising displays which are generally used for product advertising, and which are located in unincorporated areas.

(e) Nonconforming outdoor advertising displays which are generally used for product advertising located within incorporated areas.

(f) Nonconforming outdoor advertising displays which are generally used for non-motorist-oriented directional advertising.

(g) Nonconforming outdoor advertising displays which are generally used for motorist-related directional advertising.

---

## CHAPTER 1783

*An act to amend Section 20816 of the Education Code, to add Section 23704.5 to the Revenue and Taxation Code, and to amend Section 35 of Chapter 1 of the Statutes of 1968, First Extraordinary Session, relating to taxation.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971 ]

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

SECTION 1. Section 20816 of the Education Code is amended to read:

20816. (a) The maximum rate of school district tax, including any maximum rate fixed pursuant to Section 20803, is increased in any fiscal year for any school district situated wholly or in part within a county which, in the 1968–1969 fiscal year, household furnishings and personal effects were enrolled on the county assessment roll.

(b) The increase in maximum tax rate shall be in an amount equal to the 2 percent of the total of the school district tax rates at which property taxes were levied and collected for purposes of the district during the 1968–1969 fiscal year, but subject to the provisions of subdivision (c).

(c) On or before the first day of February in any year, the governing board of the district may submit a petition to the county superintendent of schools requesting that officer to fix the maximum tax rate of the district for the next succeeding fiscal year at a rate higher than that provided for in subdivision (b). The petition shall demonstrate, on the basis of the best information available to the governing board, that the net loss in revenue which would have resulted to the district in the 1968–1969 fiscal year if household furnishings and personal effects had been exempted from property taxation, taking into consideration increases in state equalization aid which would have accrued to the district as result thereof, exceeds the revenues produced by the increase in maximum tax rate provided for in subdivision (b).

The assessor shall estimate the total amount of assessed value lost by reason of the exemption for household furnishings and personal effects between the 1968–1969 and 1969–1970 fiscal years and shall certify his findings to the county auditor and the county superintendent of schools. The county superintendent of schools shall estimate the amount of equalization aid to be received by the district on the basis of the loss in assessed value certified by the assessor. The county auditor shall apply the tax rate of the district for the 1968–1969 fiscal year to the amount of assessed value determined by the assessor and from the amount computed shall subtract the amount certified by the county superintendent of schools. The tax rate of the district for this purpose shall then be computed by determining the rate which will reflect this remaining amount. The district shall be bound by this determination of the auditor, whether it is more than, or less than, the amount of increase authorized by subdivision (b).

This subdivision (c) shall not apply to any district which has not first availed itself of this subdivision on or before February 1, 1972.

SEC. 2. Section 23704.5 is added to the Revenue and Taxation Code, to read:

23704.5. For purposes of Section 23701d, a corporation shall not be deemed to be organized and operated exclusively for educational purposes, if:

(a) The corporation operates a laundry facility; and

(b) The corporation provides laundry service to the public for compensation.

This section shall not apply to a corporation organized and operated exclusively for educational purposes, if such corporation provides laundry service solely for the staff and students of such corporation, whether or not such service is provided for compensation.

SEC. 3. Section 35 of Chapter 1 of the Statutes of 1968, First Extraordinary Session, is amended to read:

Sec. 35. Notwithstanding any other provision of law to the contrary, the maximum tax rates of all cities and districts within the state with maximum tax rates established by law

and which are located in a county in which household furnishings and personal effects were on the county assessment roll for the 1968–1969 assessment year are increased in accordance with the provisions of this section.

(a) The amount of the increase shall be 2 percent of the rate of the city or district for the 1968–1969 fiscal year on all property subject to taxation by the city or district during such fiscal year, including household furnishings and personal effects, unless the provisions of subdivision (b) apply.

(b) On or before the first day of February of any year, the legislative body of the city or district may, by resolution, request an increase in the city or district's maximum tax rate above the increase allowed by subdivision (a). Upon receipt of such a resolution, the assessor shall estimate the total amount of assessed value lost by reason of the exemption for household furnishings and personal effects between the 1968–1969 and 1969–1970 fiscal years and shall certify his finding to the county auditor. The county auditor shall apply the tax rate of the city or district for the 1968–1969 fiscal year to the amount of assessed value determined by the assessor. The tax rate of the city or district shall then be computed by determining the rate which will reflect this amount. The city or district shall be bound by this determination of the auditor, whether it is more than, or less than, the amount of increase authorized by subdivision (a). This subdivision (b) shall not apply to any district which has not first availed itself of this subdivision on or before February 1, 1972.

This section shall not apply to school districts.

It is the purpose of this section to permit local government to make up revenue lost by reason of the exemption for household furnishings and personal effects.

SEC. 4. Section 2 of this act shall be applied for income years beginning after December 31, 1971.

---

## CHAPTER 1784

*An act to add Section 16119 to, and to amend Section 51251 of, the Government Code, relating to procedures pertaining to the administration of restricted agricultural land.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 16119 is added to the Government Code, to read:

16119. There is hereby created the State Land Conservation Board, hereinafter called the board, composed of the Director of the State Office of Planning and Research, who shall serve as chairman, the Director of the State Department of Conser-

vation, or his deputy, and the Director of the State Department of Agriculture, or his deputy. The board shall succeed to and exercise the powers vested in the Secretary of the Resources Agency pursuant to Sections 16107 to 16118, inclusive, and subdivisions (a) and (b) of Section 65570.

SEC. 2. Section 51251 of the Government Code is amended to read:

51251. The county, city, or landowner may bring any action in court necessary to enforce any contract including but not limited to, an action to enforce the contract by specific performance or injunction.

SEC. 3. Section 1 of this act shall only become operative if Assembly Bill No. 185 is enacted into law at the 1971 Regular Session of the Legislature; in which case, Section 1 of this act shall become operative on the 61st day following final adjournment of the 1971 Regular Session of the Legislature.

---

## CHAPTER 1785

*An act relating to physicians and surgeons.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Notwithstanding any other provision of law a person who possesses all of the following qualifications shall be admitted to the oral examination for certification as a physician and surgeon, if he makes application therefor within 90 days after the effective date of this act:

(a) Has been a permanent resident of the United States since 1969.

(b) Has been licensed to practice medicine and surgery for at least 12 years in a country whose official language is English.

(c) Is of good moral character.

(d) Has served as a professor of medicine or surgery at a school approved by the Board of Medical Examiners for at least one year.

(e) Was granted in 1968 at the request of a committee of the Department of Health, Education and Welfare a waiver on his visa from exchange visitor status to permanent residency status.

(f) Has received a Rockefeller Fellowship in Experimental Surgery for 1957 through 1959.

(g) Has an affiliated appointment with the University of California and participates in postgraduate teaching programs.

Upon successful completion of such examination and completion of at least one year of internship in a hospital in the United States approved by the board for the training of

interns, he shall be issued a certificate as a physician and surgeon.

SEC. 2. The Board of Medical Examiners shall waive the one year of service which must be in a hospital located in the state of the two years of service required in Section 2193 of the Business and Professions Code for any person applying under that section who qualifies under subdivisions (a) and (b) thereof and who has all of the following qualifications, if he makes application therefor within 90 days of the effective date of this act:

(a) Has served at least two years as an assistant professor of medicine at a school approved by the Board of Medical Examiners and located in California.

(b) Has engaged in research for a minimum of two years at an institution connected with a hospital approved by the Board of Medical Examiners and located in California.

(c) Has been a resident of the United States for five years.

(d) Has filed a declaration of intention to become a citizen of the United States.

(e) Has successfully passed the written examination required by Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code for a physician and surgeon's certificate.

(f) Can speak and write English.

(g) Has served as a research fellow for one year in a hospital approved by the Board of Medical Examiners.

---

## CHAPTER 1786

*An act to amend Section 24944 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 24944 of the Revenue and Taxation Code is amended to read:

24944. If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted into money or into property not similar or related in service or use to the converted property, and the disposition of the converted property (as defined in subdivision (b) of Section 24943) occurred after December 31, 1952, the gain (if any) shall be recognized except to the extent hereinafter provided in this section:

(a) If the taxpayer during the period specified in subdivision (b), for the purpose of replacing the property so con-

verted, purchases other property similar or related in service or use to the property so converted, or purchases stock in the acquisition of control of a corporation owning such other property, at the election of the taxpayer the gain shall be recognized only to the extent that the amount realized upon such conversion (regardless of whether such amount is received in one or more income years) exceeds the cost of such other property or such stock. Such election shall be made at such time and in such manner as the Franchise Tax Board may by regulations prescribe. For purposes of this subdivision—

(1) No property or stock acquired before the disposition of the converted property shall be considered to have been acquired for the purpose of replacing such converted property unless held by the taxpayer on the date of such disposition; and

(2) The taxpayer shall be considered to have purchased property or stock only if, but for the provisions of Section 24947, the unadjusted basis of such property or stock would be its cost within the meaning of Section 24912.

(b) The period referred to in subdivision (a) shall be the period beginning with the date of the disposition of the converted property, or the earliest date of the threat or imminence of requisition or condemnation of the converted property, whichever is the earlier, and ending—

(1) Two years after the close of the first income year in which any part of the gain upon the conversion is realized; or

(2) Subject to such terms and conditions as may be specified by the Franchise Tax Board, at the close of such later date as the Franchise Tax Board may designate on application by the taxpayer. Such application shall be made at such time and in such manner as the Franchise Tax Board may by regulations prescribe.

(c) For purposes of this section and Section 24943, replacement property "similar or related in service or use" shall include, in the case of a nonprofit water utility corporation, personal property used for the transmission or storage of water.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect; however, the provisions of this act shall apply to replacements occurring after December 31, 1970.

---

## CHAPTER 1787

*An act to add Section 19013.5 to the Welfare and Institutions Code, relating to rehabilitation.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 19013.5 is added to the Welfare and Institutions Code, to read:

19013.5. In performing any rehabilitative services or in contracting with other public or private agencies for rehabilitative services, the department shall take into consideration the needs of non-English-speaking handicapped individuals and shall provide special language assistance to non-English-speaking handicapped individuals participating in the department's public or private rehabilitation programs.

## CHAPTER 1788

*An act providing for an interagency committee to recommend minimum standard data elements for all automated information systems containing criminal offender records in this state.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. (a) There is hereby created an interagency committee of qualified technicians and professionals the members of which shall be selected by the heads of the agencies listed in subdivision (c) to recommend minimum standard data elements for all automated information systems containing criminal offender records in this state.

(b) The committee shall report its recommendations to the Governor, the Legislature, and the Judicial Council not later than 30 calendar days after the effective date of this act. In case of disagreement, full minority reports shall be included.

(c) The committee shall be composed of one representative from each of the following:

(1) The Bureau of Criminal Identification and Investigation
(2) The Bureau of Criminal Statistics
(3) The Department of Justice Program Planning Office
(4) The Department of Corrections
(5) The Department of the Youth Authority
(6) The Adult Authority
(7) The Judicial Council.

## CHAPTER 1789

*An act to amend Section 6030 of, and to add Sections 6031, 6031.1, 6031.2, 6031.3, and 6031.4 to, the Penal Code, relating to local detention facilities.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 6030 of the Penal Code is amended to read:

6030. (a) The Board of Corrections shall establish minimum standards for local detention facilities by July 1, 1972. The Board of Corrections shall review such standards biennially and make any appropriate revisions.

(b) The standards shall include, but not be limited to, the following: health and sanitary conditions, fire and life safety, security, rehabilitation programs, recreation, treatment of persons confined in local detention facilities, and personnel training.

(c) In establishing minimum standards, the Board of Corrections shall seek the advice of the following:

(1) For health and sanitary conditions:

The State Department of Public Health, physicians, psychiatrists, local public health officials, and other interested persons.

(2) For fire and life safety:

The State Fire Marshal, local fire officials, and other interested persons.

(3) For security, rehabilitation programs, recreation, and treatment of persons confined in local detention facilities:

The Department of Corrections, the Department of the Youth Authority, local juvenile justice commissions, local correction officials, experts in criminology and penology, and other interested persons.

(4) For personnel training:

The Commission on Peace Officer Standards and Training, psychiatrists, experts in criminology and penology, the Department of Corrections, the Department of the Youth Authority, local correctional officials, and other interested persons.

SEC. 2. Section 6031 is added to the Penal Code, to read:

6031. The Board of Corrections shall inspect each local detention facility in the state by January 1, 1974, and shall inspect each such facility biennially thereafter.

SEC. 3. Section 6031.1 is added to the Penal Code, to read:

6031.1. Inspections of local detention facilities shall be made biennially. Inspections shall include, but not be limited to, the following:

(a) Health and safety inspections conducted pursuant to Section 459 of the Health and Safety Code.

(b) Fire and life safety inspections pursuant to Sections 13145 and 13146 of the Health and Safety Code.

(c) Fire suppression preplanning inspections by the local fire department.

(d) Security, rehabilitation programs, recreation, treatment of persons confined in local detention facilities, and personnel training by the staff of the Board of Corrections.

Reports of each facility's biennial inspection shall be furnished to the official in charge of the local detention fa-

cility, the local governing body, the grand jury, and the presiding or sole judge of the superior court in the county where the detention facility is located. Such reports shall set forth the areas wherein the local detention facility has complied and has failed to comply with the minimum standards established pursuant to Section 6030.

SEC. 4. Section 6031.2 is added to the Penal Code, to read:

6031.2. The Board of Corrections shall file with the Legislature by March 31, 1974, and on March 31, in each even-numbered year thereafter, reports of the inspection of those local detention facilities that have not complied with the minimum standards established pursuant to Section 6030. The reports shall specify those areas in which the facility has failed to comply and the estimated cost to the facility necessary to accomplish compliance with the minimum standards.

SEC. 5. Section 6031.3 is added to the Penal Code, to read:

6031.3. The Board of Corrections is authorized to apply for any funds that may be available from the federal government to further the purposes of Sections 6030 to 6031.2, inclusive.

SEC. 6. Section 6031.4 is added to the Penal Code, to read:

6031.4. For the purpose of this title, "local detention facility" means any city, county, city and county, or regional facility used for the confinement for more than 24 hours of adults or of both adults and minors, but does not include that portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors.

---

## CHAPTER 1790

*An act to amend Section 1272 and the heading of Article 6 (commencing with Section 1300) of Chapter 1 of Title 10 of Part 2 of, and to add Section 1303 to, the Penal Code, relating to criminal procedure.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. The heading of Article 6 (commencing with Section 1300) of Chapter 1 of Title 10 of Part 2 of the Penal Code is amended to read:

### Article 6. Exoneration

SEC. 2. Section 1303 is added to the Penal Code, to read:

1303. If an action or proceeding against a defendant who has been admitted to bail is dismissed, the bail shall not be exonerated until a period of 15 days has elapsed since the entry of the order of dismissal. If, within such period, the defendant is arrested and charged with a public offense arising out of the same act or omission upon which the action or pro-

ceeding was based, the bail shall be applied to the public offense. If an undertaking of bail is on file, the clerk of the court shall promptly mail notice to the surety on the bond and the bail agent who posted the bond whenever the bail is applied to a public offense pursuant to this section.

SEC. 3. Section 1272 of the Penal Code is amended to read:

1272. After conviction of an offense not punishable with death, a defendant who has made application for probation or who has appealed may be admitted to bail:

1. As a matter of right, before judgment is pronounced pending application for probation in cases of misdemeanors, or when the appeal is from a judgment imposing a fine only.

2. As a matter of right, before judgment is pronounced pending application for probation in cases of misdemeanors, or when the appeal is from a judgment imposing imprisonment in cases of misdemeanors.

3. As a matter of discretion in all other cases.

---

## CHAPTER 1791

*An act to amend Sections 3023, 3046, 3047, 3048, 3050, 3051, 3053, 3054, 3146, 3148, and 3152 of, and to add Sections 3023.1, 3057.6, and 3059 to, the Business and Professions Code, relating to the practice of optometry.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 3023 of the Business and Professions Code is amended to read:

3023. The board may visit and examine schools, colleges and universities or their divisions or departments in this state which provide optometric education.

For the purposes of this chapter, it shall accredit schools, colleges and universities or their divisions or departments in or out of this state providing optometric education, which it finds giving a sufficient program of study for the preparation of optometrists. Until January 1, 1972, only schools, colleges and universities or their divisions or departments which comply with the standards provided in Sections 3047, 3048 and 3049 may be accredited by the board.

SEC. 2. Section 3023.1 is added to the Business and Professions Code, to read:

3023.1. After January 1, 1972, the board may adopt such rules and regulations as are, in its judgment, reasonable and necessary to insure that optometrists have the knowledge to adequately protect the public health and safety by establishing educational requirements which applicants shall have satisfied for admission to an examination for certificates of registration as optometrists and by governing its accreditation of schools,

colleges and universities or their divisions or departments which provide optometric education. In promulgating such rules and regulations or in extending its accreditation, the board may, to the extent that it deems consistent with the purposes of this chapter, recognize, accept or adopt the advice, recommendation, accreditation or approval of a nationally recognized accrediting agency or organization.

SEC. 3. Section 3046 of the Business and Professions Code is amended to read:

3046. Except as otherwise provided in this chapter and in rules and regulations promulgated by the board after January 1, 1972, no person, who completes his undergraduate optometric education prior to January 1, 1972, shall be eligible to take the examination unless he is a graduate of a school, college or university or its division or department providing optometric education which was, at the time of his graduation, accredited by the board as provided in Section 3023 prior to the effective date of the amendment to this section at the 1971 Regular Session.

SEC. 4. Section 3047 of the Business and Professions Code is amended to read:

3047. Except as otherwise provided in this chapter and in rules and regulations promulgated by the board after January 1, 1972, each applicant shall show the board by satisfactory evidence that he has successfully completed at least three resident courses of professional instruction in the study of optometry and that each of such courses was completed in a school, college or university or its division or department which was at that time accredited by the board as provided in Section 3023 prior to the effective date of the amendment to this section at the 1971 Regular Session.

SEC. 5. Section 3048 of the Business and Professions Code is amended to read:

3048. Except as otherwise provided in this chapter and in rules and regulations promulgated by the board after January 1, 1972, each course of instruction referred to in Section 3047 shall have been of not less than 32 weeks duration and the total number of hours shall consist of not less than 2,800 hours, according to the following schedule:

| Subject | Minimum percentages |
|---|---|
| Anatomy and physiology; and anatomy and physiology of the eye | 12% |
| Geometrical and physical optics | 7% |
| Practical optics and practical optometry | 15% |
| Physiological optics | 9% |
| Theoretical optometry | 14% |
| Pathology of the eye | 3% |
| Clinical practice | 15% |
| Total | 75% |
| Electives in the above or related fields to bring total to 100%. | |

SEC. 6. Section 3050 of the Business and Professions Code is amended to read:

3050. Each applicant for examination shall also furnish a verified copy satisfactory to the board of his diploma, certificate of graduation or transcript of record from a high school accredited to the University of California or any other university of equal standing or any university or college accredited by a nationally recognized regional accrediting agency or association.

In lieu of such diploma, certificate or transcript, he may present a certificate signed by a State Superintendent of Public Instruction or similar officer to the effect that he has had scholastic preparation equivalent in all respects to that demanded for graduation from a high school in the state whose certificate he presents, proof of having passed an examination for entrance to an accredited university or college or to another collegiate-level institution of learning if its credits were and are accepted by accredited institutions as if coming from an accredited institution or proof of having been academically admitted as a regular student by such accredited university or college or other collegiate-level institution of learning.

SEC. 7. Section 3051 of the Business and Professions Code is amended to read:

3051. Except as otherwise provided in this chapter and in rules and regulations promulgated by the board after January 1, 1972, each applicant for examination shall furnish proof, in addition to that required by Section 3047, that he has completed collegiate work consisting of at least 60 semester units of credits of not less than C grade average; included in these semester units the following are required: (i) physics, (ii) physiology or biology or zoology, (iii) chemistry, (iv) bacteriology, (v) psychology, (vi) analytical geometry.

Whenever possible these subjects shall be taken preliminary to the course of study required by Section 3047.

SEC. 8. Section 3053 of the Business and Professions Code is amended to read:

3053. All examinations shall be practical in character, designed to ascertain applicants' fitness to practice the profession of optometry and conducted in the English language. At every examination prior to January 1, 1972, and except as otherwise provided in rules and regulations promulgated by the board after that date, the board shall examine the applicants only in the subjects set forth in Section 3048. The board may by rule or regulation accept the examination given by other agencies or organizations which it deems equivalent to the examination required to determine an applicant's fitness to practice optometry.

SEC. 9. Section 3054 of the Business and Professions Code is amended to read:

3054. No applicant shall be passed by the board who fails to obtain a grade of 75 percent, as determined by the board,

in every section or test of the examination in which he is required to be examined as provided in this chapter and in rules and regulations promulgated by the board. In case any applicant fails to pass any examination, he shall be examined in the next or any succeeding examination held during the next five years only in any sections or tests in which he failed to obtain a grade of 85 percent, except that he shall be reexamined no more than three times during the five-year period.

SEC. 9.5. Section 3057.6 is added to the Business and Professions Code, to read:

3057.6. Notwithstanding any other provision of this chapter, the board shall permit a person who has a degree as a doctor of optometry issued by a university located outside of the United States and who meets all of the following requirements to take the examination for a certificate of registration as an optometrist:

(a) He is over the age of 21 years.

(b) He is of good moral character.

Nothing contained in this section shall be construed to prohibit the board from refusing to permit a person meeting the above requirements to take such an examination if, in the opinion of the board, the course of instruction at the institution issuing him the degree of doctor of optometry was not reasonably equivalent to that required of applicants for the examination who have graduated from a college or university located in the United States.

SEC. 10. Section 3059 is added to the Business and Professions Code, to read:

3059. On and after July 1, 1974, if the board determines that the public health and safety would be served by requiring all holders of licenses to practice optometry granted under the provisions of this chapter to continue their education after receiving such license, it may require, as a condition to the renewal thereof, that they submit proof satisfactory to the board that they have, during the preceding two-year period, informed themselves of the developments in the practice of optometry occurring since the original issuance of their licenses by pursuing one or more courses of study satisfactory to the board or by other means deemed equivalent by the board.

SEC. 11. Section 3146 of the Business and Professions Code is amended to read:

3146. A certificate issued under this chapter expires at 12 p.m. on January 31 of the year following its issuance and thereafter at 12 p.m. on January 31 of each year if not renewed. To renew an unexpired certificate, the certificate holder shall, before the time at which the certificate would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

SEC. 12. Section 3148 of the Business and Professions Code is amended to read:

3148. From each fee for the renewal of a certificate of registration for the renewal periods ending on January 31, 1962, and on January 31, 1963, respectively, there shall be paid the sum of eight dollars ($8), and from each fee for the renewal of a certificate of registration for each biennial renewal period ending on or before January 31, 1973, there shall be paid the sum of sixteen dollars ($16) and thereafter from each fee for the annual renewal of a certificate of registration there shall be paid the sum of eight dollars ($8) by the Director of Consumer Affairs to the University of California.

This sum shall be used at and by the University of California solely for the advancement of optometrical research and the maintenance and support of the department at the university in which the science of optometry is taught.

The balance of each renewal fee shall be paid into the Optometry Fund.

SEC. 13. Section 3152 of the Business and Professions Code is amended to read:

3152. The amount of fees and penalties prescribed by this chapter shall be fixed by the board in amounts not greater than those specified in the following schedule:

(a) The fee for applicants applying for the first time for a certificate of registration who present credentials of graduation from optometry schools in California is a maximum of fifty dollars ($50) which shall not be refunded, except that applicants who are found ineligible to take an examination for a certificate of registration are entitled to a refund of a maximum of forty dollars ($40).

(b) The fee for applicants applying for the first time for a certificate of registration who present credentials of graduation from optometry schools other than those in California is a maximum of seventy dollars ($70) which shall not be refunded, except that applicants who are found ineligible to take an examination for a certificate of registration are entitled to a refund of a maximum of fifty-five dollars ($55).

(c) The fee for applicants for a certificate of registration who have previously taken the examination for such a certificate is a maximum of forty dollars ($40).

(d) The fee for renewal of a certificate of registration is not more than seventy dollars ($70) nor less than forty dollars ($40) for the biennial renewal period ending on January 31, 1965, and for each biennial renewal period thereafter ending on or before January 31, 1973, except with respect to such periods that, after the effective date of the amendment made to this section at the 1968 Regular Session, when the year next following issuance of an initial certificate of registration issued under this chapter is an even-numbered year, the fee for renewal of the certificate on or before 12 p.m. on January 31 of the year next following its issuance shall be an amount equal to fifty percent (50%) of the renewal fee in effect on the last

regular biennial renewal date before the date on which the certificate is issued.

The fee for annual renewal of a certificate of registration for periods beginning on or after February 1, 1973, is not more than fifty dollars ($50).

(e) The delinquency fee is a maximum of forty-five dollars ($45).

(f) The annual fee for the renewal of a branch office license is a maximum of thirty dollars ($30).

(g) The fee for a branch office license is a maximum of thirty dollars ($30).

(h) The penalty for failure to pay the annual fee for renewal of a branch office license is a maximum of twenty dollars ($20).

(i) The fee for restoration of a certificate of registration after suspension for failure to comply with the provisions of this chapter relating to branch offices is a maximum of forty-five dollars ($45).

(j) The fee for issuance of a certification of registration or upon change of name authorized by law of a person holding a certificate of registration under this chapter is a maximum of ten dollars ($10).

SEC. 14. Section 11 of this act shall not be operative until January 1, 1973. No application for renewal of a certificate of registration as an optometrist expiring on January 31, 1973, shall be accepted prior to January 1, 1973.

---

## CHAPTER 1792

*An act to amend Sections 34213, 34214, 34215, and 34216 of the Government Code, relating to the Council on Intergovernmental Relations.*

[Approved by Governor December 16, 1971 Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 34213 of the Government Code is amended to read:

34213. 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. 2. Section 34214 of the Government Code is amended to read:

34214. 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. 3. Section 34215 of the Government Code is amended 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. 4. Section 34216 of the Government Code is amended to read:

34216. The council shall divide the state into regional planning districts. Insofar 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, environmental, and commercial interests as exemplified by connecting routes of transportation, by trade and by common use of open space and recreation areas within the region.

# CHAPTER 1793

*An act to add Sections 135.6, 1464, and 1466 to, and to add Chapter 5.6 (commencing with Section 1461) to Part 1 of Division 1 of, and to amend Section 633 of, the Unemployment Insurance Code, relating to unemployment insurance, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 135.6 is added to the Unemployment Insurance Code, to read:

135.6. "Employing unit" also means a county within the State of California for the purposes of Chapter 5.6 (commencing with Section 1461) of this part.

SEC. 2. Section 633 of the Unemployment Insurance Code is amended to read:

633. Except as provided in Sections 603.5, 605, 605.1, 605.5, 709, 710, 710.2, and 710.5, and in Chapters 5.5 (commencing with Section 1451) and 5.6 (commencing with Section 1461) of this part, "employment" does not include service performed in the employ of a state, a political subdivision thereof, or an instrumentality of one or more states or political subdivisions.

SEC. 3. Chapter 5.6 (commencing with Section 1461) is added to Part 1 of Division 1 of the Unemployment Insurance Code, to read:

## CHAPTER 5.6. UNEMPLOYMENT COMPENSATION FOR COUNTY EMPLOYEES

1461. Except as provided in this chapter, a county employee shall, upon the request of the board of supervisors of the county submitted to the director, be eligible for unemployment compensation benefits on the same terms and conditions as are specified by this part, Part 3 (commencing with Section 3501) of this division, and Part 4 (commencing with Section 4001) of this division, for all other individuals. The employees of a county may submit to the board of supervisors a petition, signed by a majority of such employees, requesting the board to submit a request to the director to become eligible for such benefits. Except as inconsistent with the provisions of this chapter, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this chapter. A county employee shall have no rights, based on county wages, to disability benefits under this division.

1462. A county employee may use county wages for benefits under this chapter only with respect to the benefit year established by the first new claim for benefits after his termination from employment with the county. No new claim for

benefits under this chapter shall have an effective date beginning earlier than the effective date of this chapter.

1463. As used in this chapter:

(a) "County employee" means any individual employed by a county in this state, whether or not such employment is in civil service, and who (1) receives a notice of layoff with an effective date on or after March 1, 1971, or (2) terminates his employment on or after March 1, 1971, after being notified in writing by his appointing authority that he is subject to layoff or mandatory transfer in his class or location, due to a reduction in staff arising from reductions in any budget act, or any other source of funds or due to a reduction in staff for reasons of economy or due to a reduction in staff resulting from organizational changes or reduced workload. However, nothing in this subdivision shall permit a county employee to receive unemployment compensation benefits if he would be ineligible for or disqualified to receive such benefits under Article 1 (commencing with Section 1251) of Chapter 5 of this part.

(b) "County wages" means all remuneration payable to a county employee for personal services as a county employee, including the reasonable cash value of all remuneration payable in any medium other than cash, and includes all such remuneration paid on and after April 1, 1970.

(c) "County base period" means the period of the last four complete consecutive calendar quarters, and any subsequent complete and partial calendar month or months, immediately preceding the effective date of a new claim for unemployment compensation benefits by a county employee.

(d) "Base period" means the base period defined by Section 1275.

1464. County wages shall be included as wages for the purposes of this part in the base period of a county employee. The lump sum or other payment of accrued unused vacation pay at termination from county employment shall be wages for the purposes of this chapter, and shall be allocated to the period following termination at the individual's rate of pay at termination from county employment.

1465. If the inclusion of county wages and wages in employment paid during the base period of a county employee do not result in a claim for a maximum benefit amount and a maximum weekly benefit amount under this part, the claim shall be recomputed on the basis of county wages paid to or owing but unpaid to the county employee during his county base period and wages in employment paid to him during that portion of his base period that is included in his county base period. He shall be entitled to an award for his claim for the higher of the benefit amounts so computed.

1466. (a) In lieu of the contributions required of employers, each county in the state shall pay into the Unemployment Fund in the State Treasury, at the times and in the manner provided in subdivision (b), an amount equal to the additional cost to the Unemployment Fund of the benefits (including ex-

tended duration benefits and federal-state extended benefits) paid based on base period county wages or county base period county wages with respect to employment of county employees. Benefits otherwise payable, irrespective of this chapter, shall be charged to employers' reserve accounts in accordance with other sections of this part and shall be the liability of governmental entities or nonprofit organizations pursuant to Sections 710, 711, and 713, but the additional cost to the Unemployment Fund of the benefits paid based on base period county wages or county base period county wages pursuant to this chapter shall be borne solely by the involved county.

(b) In making the payments prescribed by subdivision (a), there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from each county under this section for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall certify to the Controller the amount determined with respect to each county in the state. The Controller shall pay to the Unemployment Fund the contributions due from each county in the state.

(c) The director may require from each county such employment, wage, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this chapter, which shall be filed with the director at the time and in the manner prescribed by him.

(d) The director may tabulate and publish information obtained pursuant to this chapter in statistical form and may divulge the name of the employing county.

(e) Each county shall keep such work records as may be prescribed by the director for the proper administration of this chapter.

(f) Notwithstanding any other provision of law, no county shall be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the state.

1467. This chapter shall not apply with respect to service performed after December 31, 1971 in the employ of a county for a hospital or an institution of higher education, as defined by Section 605.1, nor shall such provisions apply to any new claim for benefits filed with an effective date beginning on or after January 1, 1972, which includes in the base period or county base period any county wages paid with respect to such service performed after December 31, 1971.

SEC. 4. Section 1464 is added to the Unemployment Insurance Code, to read:

1464. County wages shall be included as wages for the purposes of this part in the base period of a county employee.

SEC. 5. Section 1466 is added to the Unemployment Insurance Code, to read:

1466. (a) In lieu of the contributions required of employers, each county in the state shall pay into the Unemployment Fund in the State Treasury, at the times and in the manner provided in subdivision (b), an amount equal to the additional cost to the Unemployment Fund of the benefits (including extended duration benefits and federal-state extended benefits) paid based on base period county wages or county base period county wages with respect to employment of county employees. Benefits otherwise payable, irrespective of this chapter, shall be charged to employers' reserve accounts in accordance with other sections of this part and shall be the liability of governmental entities or nonprofit organizations pursuant to Section 803 but the additional cost to the Unemployment Fund of the benefits paid based on base period county wages or county base period county wages pursuant to this chapter shall be borne solely by the involved county.

(b) In making the payments prescribed by subdivision (a), there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from each county under this section for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall certify to the Controller the amount determined with respect to each county in the state. The Controller shall pay to the Unemployment Fund the contributions due from each county in the state.

(c) The director may require from each county such employment, wage, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this chapter, which shall be filed with the director at the time and in the manner prescribed by him.

(d) The director may tabulate and publish information obtained pursuant to this chapter in statistical form and may divulge the name of the employing county.

(e) Each county shall keep such work records as may be prescribed by the director for the proper administration of this chapter.

(f) Notwithstanding any other provision of law, no county shall be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the state.

SEC. 6. It is the intent of the Legislature, if this bill and Senate Bill No. 746 are both chaptered and this bill is chaptered after Senate Bill No. 746, that the amendments proposed by both bills be given effect and incorporated in Section 1464 of the Unemployment Insurance Code in the form set forth in Section 4 of this act. Therefore, Section 4 of this act shall become operative only if this bill and Senate Bill No. 746 are both chaptered and Senate Bill No. 746 is chaptered before this bill, in which case the provisions of Section 1464 as added to the Unemployment Insurance Code by Section 3 of this act shall be operative only with respect to payments of vacation pay made prior to the 61st day after final adjournment of the 1971 Regular Session, and the provisions of Section 1464 as added to the Unemployment Insurance Code by Section 4 of this act shall be operative only with respect to payments of vacation pay made on or after the 61st day after final adjournment of the 1971 Regular Session.

SEC. 7. The provisions of Section 1466 as added to the Unemployment Insurance Code by Section 3 of this act shall be operative only with respect to service performed on or before December 31, 1971, and the provisions of Section 1466 as added to the Unemployment Insurance Code by Section 5 of this act shall be operative with respect to service performed after December 31, 1971.

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:

Many counties are in financial straits and are contemplating the layoff of some of their employees. It would be very difficult for such counties to get a majority of their employees to elect disability coverage as well as unemployment compensation coverage. Therefore, it is necessary that this act go into effect as quickly as possible to permit a county's employees to elect unemployment compensation coverage only, so as to provide such dismissed employees with unemployment benefits.

---

## CHAPTER 1794

*An act to add Section 19683.7 to the Education Code, relating to school housing aid for exceptional children, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. Section 19683.7 is added to the Education Code, to read:

19683.7. The Department of Education may accept applications by school districts for the construction of facilities and the purchase of essential furniture and equipment, under a pilot project to maintain regional programs for physically exceptional children.

The Superintendent of Public Instruction shall establish standards with respect to such regional programs for the pilot project which shall include, among other things, the curriculum to be offered, the area to be served, and the supervision and instruction with respect to the programs. Of the school district applicants which meet the standards established, the Department of Education may designate not more than four school districts to receive apportionments as part of the pilot project to maintain regional programs for physically exceptional children.

The pilot project pursuant to this act shall begin with the 1972–1973 school year and shall terminate at the end of the 1974–1975 school year. The Department of Education shall provide for state evaluation of the pilot project and shall report to the Legislature on an annual basis as to the success of the project and shall make a final report on or before the fifth calendar day of the 1976 Regular Session.

With respect to school districts selected as part of the pilot project, the State Allocation Board may approve applications and make apportionments pursuant to Section 19683.5, notwithstanding that the school district is serving a district or districts with an average daily attendance in excess of 8,000.

In any school year in which 50 percent or more of the pupils in average daily attendance, as determined by the county superintendent of schools, and served by such facilities are not pupils from districts other than the applicant district, the repayment for the succeeding fiscal year shall be an amount which would have been payable if such district had been required to repay 100 percent of the apportionment over such period.

The districts participating in a pilot project may include in interdistrict attendance agreements the cost of making repayments in the same proportion to the total repayment as the number of pupils enrolled from each district bears to the total number of pupils enrolled.

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 have sufficient time to prepare the pilot project authorized by this act for the 1972–1973 school year, it is necessary that this act take effect immediately.

# CHAPTER 1795

*An act to add the heading of Article 1 (commencing with Section 15000) to Chapter 1 of Part 6 of Division 3 of Title 2 of, to add Article 2 (commencing with Section 15025), and Article 3 (commencing with Section 15050) to Chapter 1 of Part 6 of Division 3 of Title 2 of, the Government Code, and to amend Section 3 of Chapter 1357 of the Statutes of 1969, relating to organized crime.*

[Approved by Governor December 16, 1971. Filed with Secretary of State December 16, 1971.]

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

SECTION 1. An article heading is added between the heading of Chapter 1 (commencing with Section 15000) of Part 6 of Division 3 of Title 2 of the Government Code and Section 15000 of that code, to read:

Article 1. General

SEC. 2. Article 2 (commencing with Section 15025) is added to Chapter 1 of Part 6 of Division 3 of Title 2 of the Government Code, to read:

Article 2. Organized Crime

15025. The Department of Justice shall seek to control and eradicate organized crime in California by:

(a) Gathering, analyzing and storing intelligence pertaining to organized crime.

(b) Providing this intelligence to local, state and federal law enforcement units.

(c) Providing training and instruction to assist local and state law enforcement personnel in recognizing and combating organized crime.

(d) Providing a research resource of specialized equipment and personnel to assist local, state, and federal agencies in combating organized crime.

(e) Conducting continuing analyses and research of organized crime in order to determine current and projected organized crime activity in California.

(f) Initiating and participating in the prosecution of individuals and groups involved in organized crime activities.

15026. It is the intent of the Legislature that the department focus its investigative and prosecutive endeavors with regard to organized crime in controlling crime which is of a conspiratorial and organized nature and which seeks to supply illegal goods and services such as narcotics, prostitution, loan

sharking, gambling, and other forms of vice to the public or seeks to conduct continuing activities, a substantial portion of which are illegal, through planning and coordination of individual efforts. The department shall also investigate and prosecute organized criminal violations involving intrusion into legitimate business activities by the use of illegitimate methods, including, but not limited to, monopolization, terrorism, extortion, and tax evasion.

15027. The department's functions concerning organized crime shall be divided among five programs as follows:

(a) Operations and training.
(b) Intelligence.
(c) Long-range intelligence research.
(d) Investigation.
(e) Prosecution.

15028. The department shall annually report on its activities and accomplishments to the Legislature and to federal, state, and local law enforcement agencies, as well as to other interested groups. The first report to the Legislature shall be made no later than July 1, 1972, and shall specify the way in which the department's organization and positions relate to suppressing organized crime and its accomplishments as of that date.

SEC. 3. Article 3 (commencing with Section 15050) is added to Chapter 1 of Part 6 of Division 3 of Title 2 of the Government Code, to read:

Article 3. Western States Organized Crime Compact

15050. The Attorney General shall study, in conjunction with representatives of the States of Nevada, Arizona, and Oregon, the necessity and desirability of an interstate compact relative to the control and suppression of organized crime.

15051. No compact proposed pursuant to this article is binding on the State of California until it has been approved by the Legislature of this state and the Legislature of Nevada, Oregon or Arizona, and the Congress of the United States.

SEC. 4. Section 3 of Chapter 1357 of the Statutes of 1969 is amended to read:

Sec. 3. The amendment of Section 1324 of the Penal Code enacted by Section 1 of this act shall remain in effect until the 91st day after the final adjournment of the 1974 Regular Session of the Legislature and shall have no force or effect after that date. Thereafter, Section 1324 of the Penal Code shall read as it did immediately prior to the effective date of this act.

# CHAPTER 1796

*An act to add Section 15600 and to repeal Section 15600 of the Government Code, relating to State Board of Equalization.*

[Approved by Governor December 17, 1971. Filed with Secretary of State December 17, 1971.]

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

SECTION 1. Section 15600 of the Government Code is hereby repealed.

SEC. 2. Section 15600 is added to the Government Code, to read:

15600. The state is divided into four equalization districts designated and constituted as follows:

(1) The Counties of Alpine, Amador, Calaveras, El Dorado, Inyo, Madera, Mariposa, Merced, Mono, Monterey, Placer, San Benito, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Cruz, Stanislaus, Tuolumne, Ventura, and all that portion of the County of Los Angeles not in the Fourth Equalization District shall constitute the First Equalization District.

(2) The Counties of Fresno, Imperial, Kern, Kings, Orange, Riverside, San Bernardino, San Diego and Tulare shall constitute the Second Equalization District.

(3) The Counties of Alameda, Butte, Colusa, Contra Costa, Del Norte, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Plumas, Sacramento, San Joaquin, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo and Yuba shall constitute the Third Equalization District.

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

Beginning at the intersection of Santa Maria East Fork Road and the boundary common to the County of Los Angeles and the City of Los Angeles; northeasterly on Santa Maria East Fork Road to Mulholland Drive; generally easterly on Mulholland Drive to the south extension of Lankersham Boulevard; north on the south extension of Lankersham Boulevard and Lankersham Boulevard to the Los Angeles River; easterly on the Los Angeles River to the south Burbank city limits; northeast on the Burbank city limits to the Glendale city limits; generally north and east on the Glendale city limits to the boundary of the Angeles National Forest; east and south on the boundary of the Angeles National Forest to Pickins Canyon Wash; southwest on Pickins Canyon Wash to Foothill Boulevard; southeast on Foothill Boulevard to Vista Bonita Way; south and southwest on Vista Bonita Way to a north Glendale city limits; generally southeast on the Glendale city

limits to the west Pasadena city limits; generally northeast, northwest, north, east, south and east to the Southern California Edison Company transmission line; easterly and southeasterly on the Southern California Edison Company transmission line to the boundary common to the County of Los Angeles and the City of Pasadena; north, east and south on the boundary common to the County of Los Angeles and the City of Pasadena to an angle point on the boundary common to the Angeles National Forest and the City of Pasadena (in the vicinity of Wilson Road; generally east on the boundary of the Angeles National Forest to a point representing the northwest corner of the City of Sierra Madre; south, west and south on the Sierra Madre boundary to a point common to the cities of Sierra Madre, Pasadena and Arcadia; generally south and east on the boundary common to the City of Arcadia and Temple City and the County of Los Angeles (the vicinity of the intersection of Double Drive and Lynrose Street; south and generally west in varying directions along the boundary of the boundary of Temple City to a point common to Cities of Temple City, Rosemead and El Monte; south and east in varying directions along the boundary common to the Cities of Rosemead and El Monte to the San Bernardino Freeway; west on the San Bernardino Freeway to Rosemead Boulevard; southeast on Rosemead Boulevard to Garvey Avenue; west on Garvey Avenue to the Rio Hondo River; generally south and southwest on the Rio Hondo River to the City of Pico Rivera and the County of Los Angeles; generally east varying directions on the Pico Rivera boundary and the Los Angeles County boundary to U.S. Route 605; generally south on U.S. Route 605 go Beverly Boulevard; southeast on Beverly Boulevard to Mesagrove Avenue; northeast, east and southeast in various directions on the boundary common to the City of Whittier and the County of Los Angeles to a point common to the City of Whittier and to the Counties Los Angeles and Orange (the vicinity of the intersection of Janison Drive and Solejar Drive); west, south and generally southwest on the boundary common to the Counties of Los Angeles and Orange to the Pacific Ocean; west, northwest, north and northwest on the Pacific Ocean to the boundary common to the County of Los Angeles and the City of Los Angeles (in the vicinity of the intersection of the Pacific Coast Highway and Coastline Drive); generally north on the boundary common to the County of Los Angeles and the City of Los Angeles to Santa Maria East Fork Road; including the Islands of San Clemente and Santa Catalina shall constitute the Fourth Equalization District.

# CHAPTER 1797

*An act to amend and repeal Section 11391 of, and to amend, amend and renumber, and repeal Section 11655.7, as added by Chapter 1422 of the Statutes of 1970, of, the Health and Safety Code, and to amend Sections 11217 and 11482 of the Health and Safety Code, as proposed by Senate Bill No. 542 and Assembly Bill No. 2814, relating to methadone.*

[Approved by Governor December 17, 1971 Filed with Secretary of State December 17, 1971]

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

SECTION 1. Section 11391 of the Health and Safety Code is amended to read:

11391. No person shall treat an addict for addiction except in one of the following:

(a) An institution approved by the Board of Medical Examiners, and where the patient is at all times kept under restraint and control.

(b) A city or county jail.

(c) A state prison.

(d) A facility designated by a county and approved by the State Department of Mental Hygiene pursuant to Division 5 (commencing with Section 5000) of the Welfare and Institutions Code.

(e) A state hospital.

(f) A county hospital.

Methadone in the continuing treatment of narcotic addiction shall be used only in those programs approved by the Research Advisory Panel pursuant to Section 11655.7 on either an inpatient or outpatient basis, or both.

This section does not apply during emergency treatment, or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

Neither this section nor any other provision of this division shall be construed to prohibit the maintenance of a place in which persons seeking to recover from narcotic addiction reside and endeavor to aid one another and receive aid from others in recovering from such addiction, nor does this section or such division prohibit such aid, provided that no person is treated for addiction in such place by means of administering, furnishing, or prescribing of narcotics. The preceding sentence is declaratory of preexisting law. Every such place shall register with and be approved by the Board of Medical

Examiners. The board may inspect such places at reasonable times and, if it concludes that the conditions necessary for approval no longer exist, it may withdraw approval. Every person admitted to such a place shall register with the police department of the city in which it is located or, if it is outside of the city limits, with the sheriff's office. The place shall maintain its own register of all residents. It shall require all its residents to register with said police department or sheriff's office and, upon termination of the residence of any person in said place, it shall report the name of the person terminating residence to said police department or sheriff's office.

SEC. 2. Section 11391 of the Health and Safety Code is amended to read:

11391. No person shall treat an addict for addiction except in one of the following:

(a) An institution approved by the Board of Medical Examiners, and where the patient is at all times kept under restraint and control.

(b) A city or county jail.

(c) A state prison.

(d) A facility designated by a county and approved by the State Department of Mental Hygiene pursuant to Division 5 (commencing with Section 5000) of the Welfare and Institutions Code.

(e) A state hospital.

(f) A county hospital.

(g) If an addict is under the direct care of a licensed physician and surgeon, any office or medical facility which, in the professional judgment of such licensed physician and surgeon, is medically proper for the rehabilitation and treatment of such addict. Except as otherwise provided in this article, such licensed physician and surgeon may administer to an addict, under his direct care, those medications and therapeutic agents which, in such physician's and surgeon's judgment, are medically necessary.

Methadone in the continuing treatment of narcotic addiction shall be used only in those programs approved by the Research Advisory Panel pursuant to Section 11655.7 on either an inpatient or outpatient basis, or both.

This section does not apply during emergency treatment, or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

Neither this section nor any other provision of this division shall be construed to prohibit the maintenance of a place in which persons seeking to recover from narcotic addiction reside and endeavor to aid one another and receive aid from others in recovering from such addiction, nor does this section

or such division prohibit such aid, provided that no person is treated for addiction in such place by means of administering, furnishing, or prescribing of narcotics. The preceding sentence is declaratory of preexisting law. Every such place shall register with and be approved by the Board of Medical Examiners. The board may inspect such places at reasonable times and, if it concludes that the conditions necessary for approval no longer exist, it may withdraw approval. Every person admitted to such a place shall register with the police department of the city in which it is located or, if it is outside of the city limits, with the sheriff's office. The place shall maintain its own register of all residents. It shall require all its residents to register with said police department or sheriff's office and, upon termination of the residence of any person in said place, it shall report the name of the person terminating residence to said police department or sheriff's office.

SEC. 3. Section 11217 of the Health and Safety Code, as proposed by Assembly Bill No. 2814, is amended to read:

11217. No person shall treat an addict for addiction to a narcotic drug which is an opiate except in one of the following:

(a) An institution approved by the Board of Medical Examiners of the State of California, and where the patient is at all times kept under restraint and control.

(b) A city or county jail.

(c) A state prison.

(d) A facility designated by a county and approved by the State Department of Mental Hygiene pursuant to Division 5 (commencing with Section 5000) of the Welfare and Institutions Code.

(e) A state hospital.

(f) A county hospital.

Methadone in the continuing treatment of addiction to a controlled substance shall be used only in those programs approved by the Research Advisory Panel pursuant to Section 11482 on either an inpatient or outpatient basis, or both.

This section does not apply during emergency treatment, or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

Neither this section nor any other provision of this division shall be construed to prohibit the maintenance of a place in which persons seeking to recover from addiction to a controlled substance reside and endeavor to aid one another and receive aid from others in recovering from such addiction, nor does this section or such division prohibit such aid, provided that no person is treated for addiction in such place by means of administering, furnishing, or prescribing of

controlled substances. The preceding sentence is declaratory of preexisting law. Every such place shall register with and be approved by the Board of Medical Examiners of the State of California. The board may inspect such places at reasonable times and, if it concludes that the conditions necessary for approval no longer exist, it may withdraw approval. Every person admitted to such a place shall register with the police department of the city in which it is located or, if it is outside of the city limits, with the sheriff's office. The place shall maintain its own register of all residents. It shall require all its residents to register with such police department or sheriff's office and, upon termination of the residence of any person in such place, it shall report the name of the person terminating residence to such police department or sheriff's office.

SEC. 4. Section 11217 of the Health and Safety Code, as proposed by Senate Bill No. 542, is amended to read:

11217. No person shall treat an addict for addiction to a narcotic drug which is an opiate except in one of the following:

(a) An institution approved by the Board of Medical Examiners of the State of California, and where the patient is at all times kept under restraint and control.

(b) A city or county jail.

(c) A state prison.

(d) A facility designated by a county and approved by the State Department of Mental Hygiene pursuant to Division 5 (commencing with Section 5000) of the Welfare and Institutions Code.

(e) A state hospital.

(f) A county hospital.

Methadone in the continuing treatment of addiction to a controlled substance shall be used only in those programs approved by the Research Advisory Panel pursuant to Section 11482 on either an inpatient or outpatient basis, or both.

This section does not apply during emergency treatment, or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

Methadone in the continuing treatment of addiction to a controlled substance shall be used only in those programs approved by the Research Advisory Panel pursuant to Section 11482 on either an inpatient or outpatient basis, or both.

This section does not apply during emergency treatment, or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

Neither this section nor any other provision of this division shall be construed to prohibit the maintenance of a place in

which persons seeking to recover from addiction to a controlled substance reside and endeavor to aid one another and receive aid from others in recovering from such addiction, nor does this section or such division prohibit such aid, provided that no person is treated for addiction in such place by means of administering, furnishing, or prescribing of controlled substances. The preceding sentence is declaratory of preexisting law. Every such place shall register with and be approved by the Board of Medical Examiners of the State of California. The board may inspect such places at reasonable times and, if it concludes that the conditions necessary for approval no longer exist, it may withdraw approval. Every person admitted to such a place shall register with the police department of the city in which it is located or, if it is outside of the city limits, with the sheriff's office. The place shall maintain its own register of all residents. It shall require all its residents to register with such police department or sheriff's office and, upon termination of the residence of any person in such place, it shall report the name of the person terminating residence to such police department or sheriff's office.

SEC. 5. Section 11217 of the Health and Safety Code, as proposed by Assembly Bill No. 2814, is amended to read:

11217. No person shall treat an addict for addiction to a narcotic drug which is an opiate except in one of the following:

(a) An institution approved by the Board of Medical Examiners of the State of California, and where the patient is at all times kept under restraint and control.

(b) A city or county jail.

(c) A state prison.

(d) A facility designated by a county and approved by the State Department of Mental Hygiene pursuant to Division 5 (commencing with Section 5000) of the Welfare and Institutions Code.

(e) A state hospital.

(f) A county hospital.

(g) If an addict is under the direct care of a licensed physician and surgeon, any office or medical facility which, in the professional judgment of such licensed physician and surgeon, is medically proper for the rehabilitation and treatment of such addict. Except as otherwise provided in this article, such licensed physician and surgeon may administer to an addict, under his direct care, those medications and therapeutic agents which, in such physician's and surgeon's judgment, are medically necessary.

Methadone in the continuing treatment of narcotic addiction shall be used only in those programs approved by the Research Advisory Panel pursuant to Section 11655 7 on

either an inpatient or outpatient basis, or both.

This section does not apply during emergency treatment, or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

Neither this section nor any other provision of this division shall be construed to prohibit the maintenance of a place in which persons seeking to recover from narcotic addiction reside and endeavor to aid one another and receive aid from others in recovering from such addiction, nor does this section or such division prohibit such aid, provided that no person is treated for addiction in such place by means of administering, furnishing, or prescribing of narcotics. The preceding sentence is declaratory of preexisting law. Every such place shall register with and be approved by the Board of Medical Examiners. The board may inspect such places at reasonable times and, if it concludes that the conditions necessary for approval no longer exist, it may withdraw approval. Every person admitted to such a place shall register with the police department of the city in which it is located or, if it is outside of the city limits, with the sheriff's office. The place shall maintain its own register of all residents. It shall require all its residents to register with said police department or sheriff's office and, upon termination of the residence of any person in said place, it shall report the name of the person terminating residence to said police department or sheriff's office.

SEC. 6. Section 11217 of the Health and Safety Code, as proposed by S.B. 542, is amended to read:

11217. No person shall treat an addict for addiction to a narcotic drug which is an opiate except in one of the following:

(a) An institution approved by the Board of Medical Examiners of the State of California, and where the patient is at all times kept under restraint and control.

(b) A city or county jail.

(c) A state prison.

(d) A facility designated by a county and approved by the State Department of Mental Hygiene pursuant to Division 5 (commencing with Section 5000) of the Welfare and Institutions Code.

(e) A state hospital.

(f) A county hospital.

(g) If an addict is under the direct care of a licensed physician and surgeon, any office or medical facility which, in the professional judgment of such licensed physician and surgeon, is medically proper for the rehabilitation and treatment of such addict. Except as otherwise provided in this article, such licensed physician and surgeon may administer

to an addict, under his direct care, those medications and therapeutic agents which, in such physician's and surgeon's judgment, are medically necessary.

Methadone in the continuing treatment of narcotic addiction shall be used only in those programs approved by the Research Advisory Panel pursuant to Section 11655.7 on either an inpatient or outpatient basis, or both.

This section does not apply during emergency treatment, or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

Neither this section nor any other provision of this division shall be construed to prohibit the maintenance of a place in which persons seeking to recover from narcotic addiction reside and endeavor to aid one another and receive aid from others in recovering from such addiction, nor does this section or such division prohibit such aid, provided that no person is treated for addiction in such place by means of administering, furnishing, or prescribing of narcotics. The preceding sentence is declaratory of preexisting law. Every such place shall register with and be approved by the Board of Medical Examiners. The board may inspect such places at reasonable times and, if it concludes that the conditions necessary for approval no longer exist, it may withdraw approval. Every person admitted to such a place shall register with the police department of the city in which it is located or, if it is outside of the city limits, with the sheriff's office. The place shall maintain its own register of all residents. It shall require all its residents to register with said police department or sheriff's office and, upon termination of the residence of any person in said place, it shall report the name of the person terminating residence to said police department or sheriff's office.

SEC. 7. Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, is amended to read:

11655.7. In addition to the duties authorized by other provisions, the panel shall be responsible for approving methadone maintenance programs established by the county mental health program pursuant to Division 5 (commencing with Section 5000) of the Welfare and Institutions Code or established by any state hospital.

No such programs shall be established without the prior approval of the panel. The panel may approve such programs on an inpatient or outpatient basis, or both.

SEC. 8. Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, is amended and renumbered to read:

11655.12. In addition to the duties authorized by other

provisions, the panel shall be responsible until January 1, 1973, for approving methadone maintenance treatment programs established by the county mental health program pursuant to Division 5 (commencing with Section 5000) of the Welfare and Institutions Code or establishd by any state hospital. On or after January 1, 1973, the State Department of Public Health shall have the authority to approve such programs.

No such programs shall be established without the prior approval of the panel or the State Department of Public Health. The panel or the State Department of Public Health may approve such programs on an inpatient or outpatient basis, or both.

SEC. 9. Section 11482 of the Health and Safety Code, as proposed by Assembly Bill No. 2814, is amended to read:

11482. In addition to the duties authorized by other provisions, the panel shall be responsible for approving methadone maintenance programs established by the county mental health program pursuant to Division 5 (commencing with Section 5000) of the Welfare and Institutions Code or established by any state hospital, which have been registered by the Attorney General. No such programs shall be established without the prior approval of the panel. The panel may approve such programs on an inpatient or outpatient basis, or both.

SEC. 10. Section 11482 of the Health and Safety Code, as proposed by Senate Bill No. 542, is amended to read:

11482. In addition to the duties authorized by other provisions, the panel shall be responsible for approving methadone maintenance programs established by the county mental health program pursuant to Division 5 (commencing with Section 5000) of the Welfare and Institutions Code or established by any state hospital, which have been registered by the Attorney General. No such programs shall be established without the prior approval of the panel. The panel may approve such programs on an inpatient or outpatient basis, or both.

SEC. 11. Section 11482 of the Health and Safety Code, as proposed by Assembly Bill No. 2814, is amended to read:

11482. In addition to the duties authorized by other provisions, the panel shall be responsible until January 1, 1973, for approving methadone maintenance treatment programs established by the county mental health program pursuant to Division 5 (commencing with Section 5000) of the Welfare and Institutions Code or established by any state hospital which have been registered by the Attorney General On or after January 1, 1973, the State Department of Public Health shall have the authority to approve such programs.

No such programs shall be established without the prior approval of the panel or the State Department of Public

Health. The panel or the State Department of Public Health may approve such programs on an inpatient or outpatient basis, or both.

SEC. 12. Section 11482 of the Health and Safety Code, as proposed by Senate Bill No. 542, is amended to read:

11482. In addition to the duties authorized by other provisions, the panel shall be responsible until January 1, 1973, for approving methadone maintenance treatment programs established by the county mental health program pursuant to Division 5 (commencing with Section 5000) of the Welfare and Institutions Code or established by any state hospital which have been registered by the Attorney General. On or after January 1, 1973, the State Department of Public Health shall have the authority to approve such programs.

No such programs shall be established without the prior approval of the panel or the State Department of Public Health. The panel or the State Department of Public Health may approve such programs on an inpatient or outpatient basis, or both.

SEC. 13. It is the intent of the Legislature that if this bill and Assembly Bill No. 628, Assembly Bill No. 2814, or Senate Bill No. 542, or any combination thereof, are chaptered, and this bill and Assembly Bill No. 628 amend Section 11391 of the Health and Safety Code, and if either Senate Bill No. 542 or Assembly Bill No. 2814, or both of those bills, are chaptered and repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, and this bill is chaptered last, that the changes in the law proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 628 are both chaptered and amend Section 11391 of the Health and Safety Code, but Assembly Bill No. 2814 and Senate Bill No. 542 are not chaptered, or as chaptered do not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 628, the amendments proposed by both bills shall be given effect and incorporated in Section 11391 in the form set forth in Section 2 of this act. Therefore, if Assembly Bill No. 628 is chaptered before this bill, and both bills amend Section 11391 of the Health and Safety Code, and Assembly Bill No. 2814 and Senate Bill No. 542 are not chaptered, or as chaptered do not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, Section 2 of this act shall become operative, and Section 1 and Sections 3 to 6, inclusive, of this act shall not become operative.

(b) If this bill and Assembly Bill No. 2814 are both chaptered, and this bill amends Section 11391 of the Health and Safety Code, and Assembly Bill No 2814 repeals and adds Division 10 (commencing with Section 11000) of the Health

and Safety Code, but Assembly Bill No. 628 is not chaptered (or as chaptered does not amend Section 11391 of the Health and Safety Code), and Senate Bill No. 542 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, or has a lower chapter number than Assembly Bill No. 2814), and this bill is chaptered after Assembly Bill No. 2814, then Section 11391 of the Health and Safety Code, as amended by Section 1 of this act, shall remain operative only until the operative date of Assembly Bill No. 2814, and, on the operative date of Assembly Bill No. 2814 Section 11391 of the Health and Safety Code, as amended by Section 1 of this act is repealed, and Section 11217 of the Health and Safety Code, as proposed by Assembly Bill No. 2814, is amended in the form set forth in Section 3 of this act to incorporate the changes in the law proposed by this act. Therefore, Section 3 of this act shall become operative only if Assembly Bill No. 2814 is chaptered before this bill and repeals and adds Division 10 (commencing with Section 11000) of the Health and Safety Code, but Assembly Bill No. 628 is not chaptered (or as chaptered does not amend Section 11391 of the Health and Safety Code), and Senate Bill No. 542 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, or has a lower chapter number than Assembly Bill No. 2814), and in such case Section 3 of this act shall become operative on the operative date of Assembly Bill No. 2814, and Section 2 and Sections 4 to 6, inclusive, of this act shall not become operative.

(c) If this bill and Senate Bill No. 542 are both chaptered, and this bill amends Section 11391 of the Health and Safety Code, and Senate Bill No. 542 repeals and adds Division 10 (commencing with Section 11000) of the Health and Safety Code, but Assembly Bill No. 628 is not chaptered (or as chaptered does not amend Section 11391 of the Health and Safety Code), and Assembly Bill No. 2814 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, or has a lower chapter number than Senate Bill No. 542), and this bill is chaptered after Senate Bill No. 542, then Section 11391 of the Health and Safety Code, as amended by Section 1 of this act, shall remain operative only until the operative date of Senate Bill No. 542, and, on the operative date of Senate Bill No. 542 Section 11391 of the Health and Safety Code, as amended by Section 1 of this act is repealed, and Section 11217 of the Health and Safety Code, as proposed by Senate Bill No. 542, is amended in the form set forth in Section 4 of this act to incorporate the changes in the law proposed by this act. Therefore, Section 4 of this act shall

become operative only if Senate Bill No. 542 is chaptered before this bill and repeals and adds Division 10 (commencing with Section 11000) of the Health and Safety Code, but Assembly Bill No. 628 is not chaptered (or as chaptered does not amend Section 11391 of the Health and Safety Code), and Assembly Bill No. 2814 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, or has a lower chapter number than Senate Bill No. 542), and in such case Section 4 of this act shall become operative on the operative date of Senate Bill No. 542, and Sections 2, 3, 5, and 6 of this act shall not become operative.

(d) If this bill and Assembly Bill No. 628 and Assembly Bill No. 2814 are all chaptered, and this bill and Assembly Bill No. 628 amend Section 11391 of the Health and Safety Code, and Assembly Bill No. 2814 repeals and adds Division 10 (commencing with Section 11000) of the Health and Safety Code, but Senate Bill No. 542 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, or has a lower chapter number than Assembly Bill No. 2814), and this bill is chaptered after Assembly Bill No. 628 and Assembly Bill No. 2814, the amendments to Section 11391 of the Health and Safety Code proposed by this act and Assembly Bill No. 628 shall be given effect and incorporated in Section 11391 in the form set forth in Section 2 of this act, which shall remain operative only until the operative date of Assembly Bill No. 2814, and, on the operative date of Assembly Bill No. 2814 Section 11391 of the Health and Safety Code, as amended by Section 2 of this act is repealed, and Section 11217 of the Health and Safety Code, as proposed by Assembly Bill No. 2814, is amended in the form set forth in Section 5 of this act to incorporate the changes in the law proposed by this act and Assembly Bill No. 628 and Assembly Bill No. 2814. Therefore, Section 5 of this act shall become operative only if this act and Assembly Bill No. 628 and Assembly Bill No. 2814 are all chaptered, and this act and Assembly Bill No. 628 amend Section 11391 of the Health and Safety Code, and Assembly Bill No. 2814 repeals and adds Division 10 (commencing with Section 11000) of the Health and Safety Code, but Senate Bill No. 542 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, or has a lower chapter number than Assembly Bill No. 2814), and this act is chaptered after Assembly Bill No. 628 and Assembly Bill No. 2814, and in such case Section 5 of this act shall become operative on the operative date of Assembly Bill No. 2814, and Sections 1, 3, 4, and 6 of this act shall not become operative.

(e) If this bill and Assembly Bill No. 628 and Senate Bill No.

542 are all chaptered, and this bill and Assembly Bill No. 628 amend Section 11391 of the Health and Safety Code, and Senate Bill No. 542 repeals and adds Division 10 (commencing with Section 11000) of the Health and Safety Code, but Assembly Bill No. 2814 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, or has a lower chapter number than Senate Bill No. 542), and this bill is chaptered after Assembly Bill No. 628 and Senate Bill No. 542, the amendments to Section 11391 of the Health and Safety Code proposed by this act and Assembly Bill No. 628 shall be given effect and incorporated in Section 11391 in the form set forth in Section 2 of this act, which shall remain operative only until the operative date of Senate Bill No. 542, and, on the operative date of Senate Bill No. 542 Section 11391 of the Health and Safety Code, as amended by Section 2 of this act is repealed, and Section 11217 of the Health and Safety Code, as proposed by Senate Bill No. 542, is amended in the form set forth in Section 6 of this act to incorporate the changes in the law proposed by this act and Assembly Bill No. 628 and Senate Bill No. 542. Therefore, Section 6 of this act shall become operative only if this act and Assembly Bill No. 628 and Senate Bill No. 542 are all chaptered, and this act and Assembly Bill No. 628 amend Section 11391 of the Health and Safety Code, and Senate Bill No. 542 repeals and adds Division 10 (commencing with Section 11000) of the Health and Safety Code, but Assembly Bill No. 2814 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, or has a lower chapter number than Senate Bill No. 542), and this act is chaptered after Assembly Bill No. 628 and Senate Bill No. 542, and in such case Section 6 of this act shall become operative on the operative date of Senate Bill No. 542, and Section 1 and Sections 3 to 5, inclusive, of this act shall not become operative.

SEC 14. It is the intent of the Legislature that if this bill and Assembly Bill No. 561, Assembly Bill No. 2814, or Senate Bill No. 542, or any combination thereof, are chaptered, and this bill amends Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, and Assembly Bill No. 561 amends and renumbers Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, and if either Assembly Bill No. 2814 or Senate Bill No. 542, or both of those bills, are chaptered and repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, and this bill is chaptered last, that the changes in the law proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 561 are both chaptered

and this bill amends Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, and Assembly Bill No. 561 amends and renumbers Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, but Assembly Bill No. 2814 and Senate Bill No. 542 are not chaptered (or as chaptered do not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code), and this bill is chaptered after Assembly Bill No. 561, the amendments proposed by both bills shall be given effect and incorporated in Section 11655.12 of the Health and Safety Code as enacted in the form set forth in Section 8 of this act. Therefore, if Assembly Bill No. 561 is chaptered before this bill, and this bill amends Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, and Assembly Bill No. 561 amends and renumbers Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, and Assembly Bill No. 2814 and Senate Bill No. 542 are not chaptered (or as chaptered neither repeals and adds Division 10 (commencing with Section 11000) of the Health and Safety Code), Section 8 of this act shall become operative and Section 7 and Sections 9 to 12, inclusive, of this act shall not become operative.

(b) If this bill and Assembly Bill No. 2814 are both chaptered, and this bill amends Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, and Assembly Bill No. 2814 repeals and adds Division 10 (commencing with Section 11000) of the Health and Safety Code, but Assembly Bill No. 561 is not chaptered (or as chaptered does not amend and renumber Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970), and Senate Bill No. 542 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, or has a lower chapter number than Assembly Bill No. 2814), and this bill is chaptered after Assembly Bill No. 2814, then Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, as amended by Section 7 of this act, shall remain operative only until the operative date of Assembly Bill No. 2814, and, on the operative date of Assembly Bill No. 2814, Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, as amended by Section 7 of this act, is repealed, and Section 11482 of the Health and Safety Code, as proposed by Assembly Bill No. 2814, is amended in the form set forth in Section 9 of this act to incorporate the changes in the law proposed by this act. Therefore, Section 9 of this act shall become operative only if Assembly Bill No. 2814 is chaptered before this bill and repeals and adds Division 10 (commencing with Section 11000) of the Health and Safety

Code, but Assembly Bill No. 561 is not chaptered (or as chaptered does not amend Section 11655.7 and renumber of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970), and Senate Bill No. 542 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, or has a lower chapter number than Assembly Bill No. 2814), and in such case Section 9 of this act shall become operative on the operative date of Assembly Bill No. 2814, and Section 8 and Sections 10 to 12, inclusive, of this act shall not become operative.

(c) If this bill and Senate Bill No. 542 are both chaptered, and this bill amends Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, and Senate Bill No. 542 repeals and adds Division 10 (commencing with Section 11000) of the Health and Safety Code, but Assembly Bill No. 561 is not chaptered (or as chaptered does not amend and renumber Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970), and Assembly Bill No. 2814 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, or has a lower chapter number than Senate Bill No. 542), and this bill is chaptered after Senate Bill No. 542, then Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, as amended by Section 7 of this act, shall remain operative only until the operative date of Senate Bill No. 542, and, on the operative date of Senate Bill No. 542, Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, as amended by Section 7 of this act, is repealed, and Section 11482 of the Health and Safety Code, as proposed by Senate Bill No. 542, is amended in the form set forth in Section 10 of this act to incorporate the changes in the law proposed by this act. Therefore, Section 10 of this act shall become operative only if Senate Bill No. 542 is chaptered before this bill and repeals and adds Division 10 (commencing with Section 11000) of the Health and Safety Code, but Assembly Bill No. 561 is not chaptered (or as chaptered does not amend and renumber Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970), and Assembly Bill No. 2814 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, or has a lower chapter number than Senate Bill No. 542), and in such case Section 10 of this act shall become operative on the operative date of Senate Bill No. 542, and Sections 8, 9, 11, and 12 of this act shall not become operative.

(d) If this bill and Assembly Bill No. 561 and Assembly Bill No. 2814 are all chaptered, and this bill amends Section

11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, and Assembly Bill No. 561 amends and renumbers Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, and Assembly Bill No. 2814 repeals and adds Division 10 (commencing with Section 11000) of the Health and Safety Code, but Senate Bill No. 542 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, or has a lower chapter number than Assembly Bill No. 2814), and this bill is chaptered after Assembly Bill No. 561 and Assembly Bill No. 2814, the amendment and renumbering of Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, proposed by this act and Assembly Bill No. 561 shall be given effect and incorporated in Section 11655.12 of the Health and Safety Code as enacted in the form set forth in Section 8 of this act, which shall remain operative only until the operative date of Assembly Bill No. 2814, and, on the operative date of Assembly Bill No. 2814, Section 11655.12 of the Health and Safety Code, as enacted by Section 8 of this act is repealed, and Section 11482 of the Health and Safety Code, as proposed by Assembly Bill No. 2814, is amended in the form set forth in Section 11 of this act to incorporate the changes in the law proposed by this act and Assembly Bill No. 561 and Assembly Bill No. 2814. Therefore, Section 11 of this act shall become operative only if this act and Assembly Bill No. 561 and Assembly Bill No. 2814 are all chaptered, and this act amends Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, and Assembly Bill No. 561 amends and renumbers Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, and Assembly Bill No. 2814 repeals and adds Division 10 (commencing with Section 11000) of the Health and Safety Code, but Senate Bill No. 542 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, or has a lower chapter number than Assembly Bill No. 2814), and this act is chaptered after Assembly Bill No. 561 and Assembly Bill No. 2814, and in such case Section 11 of this act shall become operative on the operative date of Assembly Bill No. 2814, and Sections 7, 9, 10, and 12 of this act shall not become operative.

(e) If this bill and Assembly Bill No. 561 and Senate Bill No. 542 are all chaptered, and this bill amends Section 11655.7 of the Health and Safety Code, as amended by Chapter 1422 of the Statutes of 1970, and Assembly Bill No. 561 amends and renumbers Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, and Senate Bill No. 542 repeals and adds Division 10 (commencing with

Section 11000) of the Health and Safety Code, but Assembly Bill No. 2814 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, or has a lower chapter number than Senate Bill No. 542), and this bill is chaptered after Assembly Bill No. 561 and Senate Bill No. 542, the amendment and renumbering of Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, proposed by this act and Assembly Bill No. 561 shall be given effect and incorporated in Section 11655.12 of the Health and Safety Code as enacted in the form set forth in Section 8 of this act, which shall remain operative only until the operative date of Senate Bill No. 542, and, on the operative date of Senate Bill No. 542, Section 11655.12 of the Health and Safety Code, as enacted by Section 8 of this act is repealed, and Section 11482 of the Health and Safety Code, as proposed by Senate Bill No. 542, is amended in the form set forth in Section 12 of this act to incorporate the changes in the law proposed by this act and Assembly Bill No. 561 and Senate Bill No. 542. Therefore, Section 12 of this act shall become operative only if this act and Assembly Bill No. 561 and Senate Bill No. 542 are all chaptered, and this act amends Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, and Assembly Bill No. 561 amends and renumbers Section 11655.7 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, and Senate Bill No. 542 repeals and adds Division 10 (commencing with Section 11000) of the Health and Safety Code, but Assembly Bill No. 2814 is not chaptered (or as chaptered does not repeal and add Division 10 (commencing with Section 11000) to the Health and Safety Code, or has a lower chapter number than Senate Bill No. 542), and this act is chaptered after Assembly Bill No. 561 and Senate Bill No. 542, and in such case Section 12 of this act shall become operative on the operative date of Senate Bill No. 542, and Section 7 and Sections 9 to 11, inclusive, of this act shall not become operative.

## CHAPTER 1798

*An act to amend Section 190 of the Streets and Highways Code, relating to the financing of grade separation projects, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 17, 1971 Filed with Secretary of State December 17, 1971]

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

SECTION 1. Section 190 of the Streets and Highways Code is amended to read:

190. In each annual budget report prepared by the commission and the department under Section 143.1, commencing with the 1972–1973 fiscal year, the sum of ten million dollars ($10,000,000) shall be set aside for allocations to grade separation projects, including the elimination of grade crossings, the elimination of grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of grade separations, of separation of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189 to 191, inclusive. An allocation shall be made of one-half of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of those sections, except that in no event shall allocations be made to projects for the alteration or reconstruction of grade separations unless the affected railroad or railroads have agreed, or have been required by decision of the Public Utilities Commission, to contribute not less than 10 percent of the cost of such alteration or reconstruction project. In no event shall an allocation for a project effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing alignment of the street and railroad tracks and result in the removal or relocation of more than 6,000 feet of railroad tracks. An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have been executed, that sufficient funds from the local agency or agencies are available and that all other matters prerequisite

to awarding the construction contract within a period of six months have been or can be taken care of within that time. Funds of a local agency shall be deemed available for purposes of this section to the extent of the amount of any general obligation bonds authorized but unsold if all proceedings prior to the issuance and sale of the bonds have been validly taken and if the bonds may be validly issued and sold by the local agency at any time, even though at the time of allocation under this section the bonds have not been issued or sold. Where such bond proceedings have been taken, if the bonds are not issued and sold within six months after the time of such allocation, the commission may order the allocation canceled, and shall thereupon revert the amount thereof to the fund set aside by this section, for reallocation to another eligible project. In any event, regardless of the method proposed by the local agency for the financing of its share of the project cost, if after an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the fund set aside by this section. In financing its share of the project cost, the local agency may use any funds available to it. Notwithstanding any other provision of law, when the local agency uses funds derived from the TOPICS Program, pursuant to Chapter 6 (commencing with Section 2300) of Division 3 of the Streets and Highways Code in financing its share of the project cost, the allocation to be made pursuant to this section shall be computed as though such local agency contribution was derived from nonfederal sources and shall be computed as though the railroad had made its contribution pursuant to state law rather than pursuant to federal law.

The department and the commission may make allocations from a succeeding fiscal year's sum set aside for purposes of this section on and after January 1st preceding the beginning of such fiscal year. Engineering, right-of-way acquired for the project and utility relocation costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds.

The first five million dollars ($5,000,000) of the fund set aside by this section each fiscal year shall be available for allocation and expenditure without regard to fiscal year.

The department and the commission shall revert as of October 1st of each fiscal year any unallocated amount of the balance of the annual sum of ten million dollars ($10,000,000) set aside by this section for that fiscal year. Any other funds that may be set aside for the purposes of this section shall be allocated prior to the allocation of the above ten million dollars ($10,000,000) and shall be available for allocation and

expenditure without regard to fiscal years.

A local agency that furnishes evidence to the department that it has complied with all requirements for an allocation pursuant to this section may, if it has sufficient funds available for that purpose, proceed with the advertising for bids and the construction without prejudice to its right to receive an allocation if an allocation becomes available for that local agency before the termination of the priority list established for the year during which the construction commenced.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If, after completion of the project, the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission. If more projects comply with the requirements hereof than can be financed from the fund set aside by this section, allocations shall be made only to those highest on the priority list submitted by the Public Utilities Commission, except for those allocations made for projects which exceed the estimated costs. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

SEC. 2. Section 190 of the Streets and Highways Code is amended to read:

190. In each annual budget report prepared by the commission and the department under Section 143.1, commencing with the 1972–1973 fiscal year, the sum of ten million dollars ($10,000,000) shall be set aside for allocations to grade separation projects, including the elimination of existing or proposed grade crossings, the elimination of grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of existing grade separations, of separations of grade districts, cities, cities and counties, and counties on county roads or city streets as

provided in Sections 189 to 191, inclusive. An allocation shall be made of one-half of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of those sections, except that in no event shall allocations be made to projects for the alteration or reconstruction of grade separations unless the affected railroad or railroads have agreed, or have been required by decision of the Public Utilities Commission, to contribute not less than 10 percent of the cost of such alteration or reconstruction project. In no event shall an allocation for a project effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing alignment of the street and railroad tracks and result in the removal or relocation of more than 6,000 feet of railroad tracks. An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have been executed, that sufficient funds from the local agency or agencies are available and that all other matters prerequisite to awarding the construction contract within a period of six months have been or can be taken care of within that time. Funds of a local agency shall be deemed available for purposes of this section to the extent of the amount of any general obligation bonds authorized but unsold if all proceedings prior to the issuance and sale of the bonds have been validly taken and if the bonds may be validly issued and sold by the local agency at any time, even though at the time of allocation under this section the bonds have not been issued or sold. Where such bond proceedings have been taken, if the bonds are not issued and sold within six months after the time of such allocation, the commission may order the allocation canceled, and shall thereupon revert the amount thereof to the fund set aside by this section, for reallocation to another eligible project. In any event, regardless of the method proposed by the local agency for the financing of its share of the project cost, if after an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the fund set aside by this section. In financing its share of the project cost, the local agency may use any funds available to it. Notwithstanding any other provision of law, when the local agency uses funds derived from the TOPICS Program, pursuant to Chapter 6 (commencing with Section 2300) of Division 3 of the Streets

and Highways Code in financing its share of the project cost, the allocation to be made pursuant to this section shall be computed as though such local agency contribution was derived from nonfederal sources and shall be computed as though the railroad had made its contribution pursuant to state law rather than pursuant to federal law.

The department and the commission may make allocations from a succeeding fiscal year's sum set aside for purposes of this section on and after January 1st preceding the beginning of such fiscal year. Engineering, right-of-way acquired for the project and utility relocation costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds.

The first five million dollars ($5,000,000) of the fund set aside by this section each fiscal year shall be available for allocation and expenditure without regard to fiscal year.

The department and the commission shall revert as of October 1st of each fiscal year any unallocated amount of the balance of the annual sum of ten million dollars ($10,000,000) set aside by this section for that fiscal year. Any other funds that may be set aside for the purposes of this section shall be allocated prior to the allocation of the above ten million dollars ($10,000,000) and shall be available for allocation and expenditure without regard to fiscal years.

A local agency that furnishes evidence to the department that it has complied with all requirements for an allocation pursuant to this section may, if it has sufficient funds available for that purpose, proceed with the advertising for bids and the construction without prejudice to its right to receive an allocation if an allocation becomes available for that local agency before the termination of the priority list established for the year during which the construction commenced.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If, after completion of

the project, the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission. If more projects comply with the requirements hereof than can be financed from the fund set aside by this section, allocations shall be made only to those highest on the priority list submitted by the Public Utilities Commission, except for those allocations made for projects which exceed the estimated costs. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1587 are both chaptered and amend Section 190 of the Streets and Highways Code, and this bill is chaptered after Assembly Bill No. 1587, that Section 190 of the Streets and Highways Code, as amended by Section 1 of this act shall remain operative only until the operative date of Assembly Bill No. 1587, and that on the operative date of Assembly Bill No. 1587 Section 190 of the Streets and Highways Code as amended by Section 1 of this act be further amended in the form set forth in Section 2 of this act to incorporate the changes in Section 190 proposed by Assembly Bill No. 1587. Therefore, Section 2 of this act shall become operative only if Assembly Bill No. 1587 is chaptered before this bill and amends Section 190, and in such case Section 2 of this act shall become operative on the operative date of Assembly Bill No. 1587.

SEC. 4. 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:

Funds for the elimination of an extremely dangerous highway railroad crossing will be lost if the provisions of this bill are not made operative at once. In order that this hazardous crossing may be eliminated immediately, it is necessary that this act take effect immediately.

---

## CHAPTER 1799

*An act to amend Section 18860 of the Government Code, relating to state civil service.*

[Approved by Governor December 17, 1971 Filed with Secretary of State December 17, 1971.]

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

SECTION 1. Section 18860 of the Government Code is amended to read:

18860. Employees in a class shall receive a salary within the limits established for that class; provided, that when a position has been allocated to a lower class or the salary range or rate of pay of the class is reduced, the board may authorize the payment of a rate above the maximum of the class; and provided further, that when an employee is moved to a position in a lower class because of reductions in force or other management-initiated changes, the board may, when recommended by the appointing power, authorize the payment of a rate above the maximum of the class for such time as the board may designate to the employee whose service has been fully satisfactory, who has completed a minimum of 10 years of state service, and who meets other eligibility standards established by the board.

The board may, upon recommendation of the appointing power, apply the provisions of this section to employees who, prior to the effective date of the amendments to this section made at the 1971 Regular Session of the Legislature, moved to a position in a lower class because of reductions in force or other management-initiated changes, provided such employees have more than 30 years state service prior to the effective date of such amendments and were so demoted on July 1, 1968.

During such time as an employee's salary remains above the maximum rate of pay for his class, he shall not receive further salary increases.

---

## CHAPTER 1800

*An act to amend Section 27706 of the Government Code, and to amend Sections 686, 859, and 987 of, and to add Section 686.1 to, the Penal Code, relating to criminal procedure.*

[Approved by Governor December 17, 1971. Filed with Secretary of State December 17, 1971.]

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

SECTION 1. Section 27706 of the Government Code is amended to read:

27706. The public defender shall perform the following duties:

(a) Upon request of the defendant or upon order of the court, he shall defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior, municipal or justice courts at all stages of the proceedings, including the preliminary examination. The public defender shall, upon request, give counsel and

advice to such person about any charge against him upon which the public defender is conducting the defense, and shall prosecute all appeals to a higher court or courts of any person who has been convicted, where, in his opinion, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

(b) Upon request, he shall prosecute actions for the collection of wages and other demands of any person who is not financially able to employ counsel, where the sum involved does not exceed one hundred dollars ($100), and where, in the judgment of the public defender, the claim urged is valid and enforceable in the courts.

(c) Upon request, he shall defend any person who is not financially able to employ counsel in any civil litigation in which, in the judgment of the public defender, the person is being persecuted or unjustly harassed.

(d) Upon request, or upon order of the court, he shall represent any person who is not financially able to employ counsel in proceedings under Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code.

(e) Upon order of the court, he shall represent any person who is entitled to be represented by counsel but is not financially able to employ counsel in proceedings under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code.

SEC. 1.5. Section 27706 of the Government Code is amended to read:

27706. The public defender shall perform the following duties:

(a) Upon request of the defendant or upon order of the court, he shall defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior, municipal or justice courts at all stages of the proceedings, including the preliminary examination. The public defender shall, upon request, give counsel and advice to such person about any charge against him upon which the public defender is conducting the defense, and shall prosecute all appeals to a higher court or courts of any person who has been convicted, where, in his opinion, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

(b) Upon request, he shall prosecute actions for the collection of wages and other demands of any person who is not financially able to employ counsel, where the sum involved does not exceed one hundred dollars ($100), and where, in the judgment of the public defender, the claim urged is valid and enforceable in the courts.

(c) Upon request, he shall defend any person who is not financially able to employ counsel in any civil litigation in which, in the judgment of the public defender, the person is being persecuted or unjustly harassed.

(d) Upon request, or upon order of the court, he shall represent any person who is not financially able to employ counsel in proceedings under Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code.

(e) Upon order of the court, he shall represent any person who is entitled to be represented by counsel but is not financially able to employ counsel in proceedings under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code.

(f) Upon order of the court he shall represent any person who is required to have counsel pursuant to Section 686.1 of the Penal Code.

SEC. 2. Section 686 of the Penal Code is amended to read:

686. In a criminal action the defendant is entitled:

1. To a speedy and public trial.

2. To be allowed counsel as in civil actions, or to appear and defend in person and with counsel, except that in a capital case he shall be represented in court by counsel at all stages of the preliminary and trial proceedings.

3. To produce witnesses on his behalf and to be confronted with the witnesses against him, in the presence of the court, except that:

(a) Hearsay evidence may be admitted to the extent that it is otherwise admissible in a criminal action under the law of this state.

(b) The deposition of a witness taken in the action may be read to the extent that it is otherwise admissible under the law of this state.

SEC. 3. Section 859 of the Penal Code is amended to read:

859. When the defendant is charged with the commission of a public offense over which the superior court has original jurisdiction, by a written complaint subscribed under oath and on file in a court within the county in which the public offense is triable, he shall, without unnecessary delay, be taken before a magistrate of the court in which such complaint is on file. The magistrate shall immediately deliver to him a copy of the complaint, inform him that he has the right to have the assistance of counsel, ask him if he desires the assistance of counsel, and allow him reasonable time to send for counsel. However, in a capital case, the court shall inform the defendant that he must be represented in court by counsel at all stages of the preliminary and trial proceeedings and that such representation will be at his expense if he is able to employ counsel or at public expense if he is unable to employ counsel, inquire of him whether he is able to employ counsel and, if so, whether he desires to employ counsel of his choice or to have counsel assigned for him, and allow him a reasonable time to send for his chosen or assigned counsel. The magistrate must, upon the request of the defendant, require a peace officer to take a message to any counsel whom the defendant may name,

in the judicial district in which the court is situated. The officer shall, without delay and without a fee, perform that duty. If the defendant desires and is unable to employ counsel, the court shall assign counsel to defend him; in a capital case, if the defendant is able to employ counsel and either refuses to employ counsel or appears without counsel after having had a reasonable time to employ counsel, the court shall assign counsel to defend him. If it appears that the defendant may be a minor, the magistrate shall ascertain whether such is the case, and if the magistrate concludes that it is probable that the defendant is a minor, he shall immediately either notify the parent or guardian of the minor, by telephone or messenger, of the arrest, or appoint counsel to represent the minor.

SEC. 4. Section 686.1 is added to the Penal Code, to read:

686.1. Notwithstanding any other provision of law, the defendant in a capital case shall be represented in court by counsel at all stages of the preliminary and trial proceedings.

SEC. 5. Section 987 of the Penal Code is amended to read:

987. (a) In a noncapital case, if the defendant appears for arraignment without counsel, he shall be informed by the court that it is his right to have counsel before being arraigned, and shall be asked if he desires the assistance of counsel. If he desires and is unable to employ counsel the court shall assign counsel to defend him.

(b) In a capital case, if the defendant appears for arraignment without counsel, the court shall inform him that he must be represented by counsel at all stages of the preliminary and trial proceedings and that such representation will be at his expense if he is able to employ counsel or at public expense if he is unable to employ counsel, inquire of him whether he is able to employ counsel and, if so, whether he desires to employ counsel of his choice or to have counsel assigned to him, and allow him a reasonable time to send for his chosen or assigned counsel. If the defendant is unable to employ counsel, the court shall assign counsel to defend him. If the defendant is able to employ counsel and either refuses to employ counsel or appears without counsel after having had a reasonable time to employ counsel, the court shall assign counsel to him.

SEC. 6. The Legislature finds that persons representing themselves cause unnecessary delays in the trials of charges against them; that trials are extended by such persons representing themselves; and that orderly trial procedures are disrupted. Self-representation places a heavy burden upon the administration of criminal justice without any advantages accruing to those persons who desire to represent themselves.

SEC. 7. It is the intent of the Legislature that Section 1 of this act become operative on the effective date of this act, and shall become inoperative upon the adoption by the people of Senate Constitutional Amendment No. 42 of the 1971 Regular Session of the Legislature, and that Sections 1.5, 2, 3, 4, 5 and 6 shall become operative only if Senate Constitutional Amendment No. 42 of the 1971 Regular Session of the Legis-

lature is adopted by the people, and at that time Section 27706 of the Government Code as amended by Section 1 of this act is repealed.

## CHAPTER 1801

*An act to add Section 5653.1 to the Welfare and Institutions Code, relating to mental health.*

[Approved by Governor December 17, 1971 Filed with Secretary of State December 17, 1971.]

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

SECTION 1. Section 5653.1 is added to the Welfare and Institutions Code, to read:

5653.1. In conducting evaluation, planning, and research activities to develop and implement the county Short-Doyle plan, counties may contract with public or private agencies.

## CHAPTER 1802

*An act to add Chapter 10 (commencing with Section 3500) to Division 4 of the Health and Safety Code, relating to treatment of pupil's teeth.*

[Approved by Governor December 17, 1971. Filed with Secretary of State December 17, 1971.]

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

SECTION 1. Chapter 10 (commencing with Section 3500) is added to Division 4 of the Health and Safety Code, to read:

### CHAPTER 10. TOPICAL APPLICATION OF FLUORIDE OR OTHER DECAY-INHIBITING AGENT TO TEETH

3500. Pupils of public and private elementary and secondary schools, except pupils of community colleges, shall be provided the opportunity to receive within the school year the topical application of fluoride or other decay-inhibiting agent to the teeth in the manner approved by the State Department of Public Health. The program of topical application shall be under the general direction of a dentist licensed in the state and may include self-application.

3501. Annual treatment as specified in this chapter shall be evidenced by a written record made on a form prescribed by the department. A copy of the record shall be given to the parent or guardian of the child, or if the person receiving the treatment is an adult, the copy shall be given to him.

3502. The county health officer of each county shall organize and have in operation by September, 1972, a program so

that annual treatment is made available to all persons specified in Section 3500. He shall also determine how the cost of such a program is to be recovered. To the extent that the cost to the county is in excess of that sum recovered from persons treated, the cost shall be paid by the county in the same manner as other expenses of the county are paid.

3503. The governing board of each school district and the governing authority of each private school shall cooperate with the county health officer in carrying out the program in any school under its jurisdiction. The governing board of any school district may use any funds, property, and personnel of the district for that purpose.

3504. Treatment shall be provided for a person only if the parent or guardian or responsible relative or adult who has assumed responsibility for his care and custody (in the case of a minor), or the person (if an adult), files with the governing board of the school district or the governing authority of the private school, as the case may be, a letter provided by the district or authority pursuant to Section 3505, stating that such treatment is desired.

3505. The governing board of each school district and the governing authority of each private school shall distribute to each pupil's parent or guardian or responsible relative or adult who has assumed responsibility for his care and custody (in the case of a minor), or the pupil (if an adult), a letter which may be returned to such district or authority in which the person to receive the letter may indicate that the treatment is desired and the pupil is to receive the treatment or that the pupil is not to receive the treatment for one of the following reasons: (i) the pupil has received the treatment from a dentist, or (ii) the treatment is not desired.

3506. The department shall adopt and enforce all rules and regulations necessary to carry out the provisions of this chapter.

3507. In enacting this chapter, it is the intent of the Legislature to provide a means for the eventual achievement of the annual topical application of fluoride or other decay-inhibiting agent to the teeth of all school pupils in this state. However, it is understood that this treatment is not a substitute for regular professional dental care. This chapter is designed to provide for the keeping of adequate records of treatment so that appropriate public agencies and the persons treated will be able to ascertain that a person has been so treated.

---

## CHAPTER 1803

*An act to amend Sections 65302 and 65700 of the Government Code, relating to local planning.*

[Approved by Governor December 17, 1971. Filed with Secretary of State December 17, 1971.]

*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, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land-use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land-use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to 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, to be developed pursuant to regulations established under Section 37041 of the Health and Safety Code, consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall make adequate provision for the housing needs of all economic segments of the community.

(d) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any county-wide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. The conservation element may also cover:

(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.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560) of this chapter.

(f) A seismic safety element consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking, to ground failures, or to effects of seismically induced waves such as tsunamis and seiches.

(g) A noise element in quantitative, numerical terms, showing contours of present and projected noise levels associated with all existing and proposed major transportation elements. These include but are not limited to the following:

(1) Highways and freeways,

(2) Ground rapid transit systems,

(3) Ground facilities associated with all airports operating under a permit from the State Department of Aeronautics.

These noise contours may be expressed in any standard acoustical scale which includes both the magnitude of noise and frequency of its occurrence. The recommended scale is sound level A, as measured with A-weighting network of a standard sound level meter, with corrections added for the time duration per event and the total number of events per 24-hour period.

Noise contours shall be shown in minimum increments of five decibels and shall be continued down to 65 db(A). For regions involving hospitals, rest homes, long-term medical or mental care, or outdoor recreational areas, the contours shall be continued down to 45 db(A).

Conclusions regarding appropriate site or route selection alternatives or noise impact upon compatible land uses shall be included in the general plan.

The state, local, or private agency responsible for the construction or maintenance of such transportation facilities shall provide to the local agency producing the general plan, a statement of the present and projected noise levels of the facility, and any information which was used in the development of such levels.

The requirements of this section shall apply to charter cities.

SEC. 1.5. 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, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land-use element shall

include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land-use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to 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, to be developed pursuant to regulations established under Section 37041 of the Health and Safety Code, consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall make adequate provision for the housing needs of all economic segments of the community.

(d) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. The conservation element may also cover:

(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.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560) of this chapter.

(f) A seismic safety element consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking, to ground failures, or to effects of seismically induced waves such as tsunamis and seiches.

(g) A noise element in quantitative, numerical terms, showing contours of present and projected noise levels associated with all existing and proposed major transportation elements.

These include but are not limited to the following:

(1) Highways and freeways,

(2) Ground rapid transit systems,

(3) Ground facilities associated with all airports operating under a permit from the State Department of Aeronautics.

These noise contours may be expressed in any standard acoustical scale which includes both the magnitude of noise and frequency of its occurrence. The recommended scale is sound level A, as measured with A-weighting network of a standard sound level meter, with corrections added for the time duration per event and the total number of events per 24-hour period.

Noise contours shall be shown in minimum increments of five decibels and shall be continued down to 65 db(A). For regions involving hospitals, rest homes, long-term medical or mental care, or outdoor recreational areas, the contours shall to be continued down to 45 db(A).

Conclusions regarding appropriate site or route selection alternatives or noise impact upon compatible land uses shall be included in the general plan.

The state, local, or private agency responsible for the construction or maintenance of such transportation facilities shall provide to the local agency producing the general plan, a statement of the present and projected noise levels of the facility, and any information which was used in the development of such levels.

(h) A scenic highway element for the development, establishment, and protection of scenic highways pursuant to the provisions of Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.

The requirements of this section shall apply to charter cities.

SEC. 2. Section 65700 of the Government Code is amended to read:

65700. The provisions of this chapter shall not apply to a charter city, except to the extent that the same may be adopted by charter or ordinance of the city; except that charter cities shall adopt general plans in any case, and such plans shall be adopted by resolution of the legislative body of the city, or the planning commission if the charter so provides, and such plans shall contain the elements specified in Section 65302.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1378 are both chaptered and amend Section 65302 of the Government Code, and this bill is chaptered after Assembly Bill No. 1378, that the amendments to Section 65302 proposed by both bills be given effect and incorporated in Section 65302 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 1378 are both chaptered, both amend Section 65302, and Assembly Bill No. 1378 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

## CHAPTER 1804

*An act to amend Section 22054 of the Public Resources Code, relating to regional planning.*

[Approved by Governor December 17, 1971. Filed with Secretary of State December 17, 1971.]

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

SECTION 1. Section 22054 of the Public Resources Code is amended to read:

22054. A final report of the activities of the commission, including its recommendations for legislative and administrative action, shall be filed with the Governor and the Legislature not later than March 8, 1972.

---

## CHAPTER 1805

*An act to amend Section 11160 of the Penal Code, to add Section 11217.5 to, and to add and repeal Section 11391.5 of, the Health and Safety Code, and to amend Section 2391 of the Business and Professions Code, relating to narcotics and dangerous drugs.*

[Approved by Governor December 17, 1971. Filed with Secretary of State December 17, 1971.]

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

SECTION 1. Section 11160 of the Penal Code is amended to read:

11160. Every person, firm or corporation conducting any hospital or pharmacy in the state, or the managing agent thereof, or the person managing or in charge of such hospital or pharmacy, or in charge of any ward or part of such hospital to which any person suffering from any wound or other injury inflicted by his own act or by the act of another by means of a knife, gun, pistol or other deadly weapon, or in cases where injuries have been inflicted upon any person in violation of any penal law of this state shall come or be brought, shall report the same immediately, both by telephone and in writing, to the chief of police, city marshal, town marshal or other head of the police department of any city, city and county, town or municipal corporation of this state, or to the sheriff, if such hospital or pharmacy is located outside the incorporated limits of a city, town or other municipal corporation. The report shall state the name of the injured person, if known, his whereabouts and the character and extent of his injuries.

For the purposes of this section "injury" shall not include any psychological or physical condition brought about solely

through the voluntary administration of a narcotic or restricted dangerous drug.

SEC. 2. Section 11217.5 is added to the Health and Safety Code, to read:

11217.5. Notwithstanding the provisions of Section 11217, a licensed physician and surgeon may treat an addict for addiction in any office or medical facility which, in the professional judgment of such physician and surgeon, is medically proper for the rehabilitation and treatment of such addict. Such licensed physician and surgeon may administer to an addict, under his direct care, those medications and therapeutic agents which, in the judgment of such physician and surgeon, are medically necessary, provided that nothing in this section shall authorize the administration of any narcotic drug.

SEC. 3. Section 11391.5 is added to the Health and Safety Code, to read:

11391.5. Notwithstanding the provisions of Section 11391, a licensed physician and surgeon may treat an addict for addiction in any office or medical facility which, in the professional judgment of such physician and surgeon, is medically proper for the rehabilitation and treatment of such addict. Such licensed physician and surgeon may administer to an addict, under his direct care, those medications and therapeutic agents which, in the judgment of such physician and surgeon, are medically necessary, provided that nothing in this section shall authorize the administration of any substance specified in Sections 11001 and 11002.

SEC. 4. Section 2391 of the Business and Professions Code is amended to read:

2391. Unless otherwise provided by this section, the prescribing, selling, furnishing, giving away or administering or offering to prescribe, sell, furnish, give away or administer any of the drugs or compounds mentioned in Section 2390 to a habitué or addict constitutes unprofessional conduct within the meaning of this chapter.

If the drugs or compounds are administered or applied by a licensed physician and surgeon of this state or by a registered nurse acting under his instructions and supervision, this section shall not apply to any of the following cases:

(a) Emergency treatment of a patient whose addiction is complicated by the presence of incurable disease, serious accident or injury, or the infirmities attendant upon age.

(b) Treatment of habitués or addicts in institutions approved by the board where the patient is kept under restraint and control, or in city or county jails or state prisons.

(c) Treatment of addicts as provided for by Section 11391.5 of the Health and Safety Code.

SEC. 5. Section 2391 of the Business and Professions Code, as proposed by Section 4 of this act, is amended to read:

2391. Unless otherwise provided by this section, the prescribing, selling, furnishing, giving away or administering or

offering to prescribe, sell, furnish, give away or administer any of the drugs or compounds mentioned in Section 2390 to a habitué or addict constitutes unprofessional conduct within the meaning of this chapter.

If the drugs or compounds are administered or applied by a licensed physician and surgeon of this state or by a registered nurse acting under his instructions and supervision, this section shall not apply to any of the following cases:

(a) Emergency treatment of a patient whose addiction is complicated by the presence of incurable disease, serious accident or injury, or the infirmities attendant upon age.

(b) Treatment of habitués or addicts in institutions approved by the board where the patient is kept under restraint and control, or in city or county jails or state prisons.

(c) Treatment of addicts as provided for by Section 11217.5 of the Health and Safety Code.

SEC. 6. It is the intent of the Legislature that, if this bill and Assembly Bill No. 2814 or Senate Bill No. 542, or both, are chaptered, and Division 10 (commencing with Section 11000) of the Health and Safety Code is repealed and added by Assembly Bill No. 2814 or Senate Bill No. 542, or both, and this bill is chaptered last, then Section 11391.5 of the Health and Safety Code, as proposed by Section 3 of this act, shall remain operative only until the operative date of Division 10 (commencing with Section 11000) of the Health and Safety Code, as added by Assembly Bill No. 2814 or Senate Bill No. 542, or if both are chaptered, as added by whichever bill has the higher chapter number, and on such operative date Section 11391.5 of the Health and Safety Code, as proposed by Section 3 of this act, is repealed and Section 11217.5 is added to the Health and Safety Code in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if Assembly Bill No. 2814 or Senate Bill No. 542, or both, are chaptered and repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, and this bill is chaptered last, and in such case, Section 2 of this act shall become operative on the operative date of Division 10 (commencing with Section 11000) of the Health and Safety Code, as added by Assembly Bill No. 2814 or Senate Bill No. 542, or, if both are chaptered, as added by whichever bill has the higher chapter number.

SEC. 7. It is the intent of the Legislature that, if this bill and Senate Bill No. 542 or Assembly Bill No. 2814, or both, are chaptered, and Division 10 (commencing with Section 11000) of the Health and Safety Code is repealed and added by Assembly Bill No. 2814 or Senate Bill No. 542, and this bill is chaptered last, Section 2391 of the Business and Professions Code, as amended by Section 4 of this act, shall remain operative only until the operative date of Division 10 (commencing with Section 11000) of the Health and Safety Code, as added

by Assembly Bill No. 2814 or Senate Bill No. 542, or if both are chaptered, as added by whichever bill has the higher chapter number, and on such operative date Section 2391 of the Business and Professions Code, as amended by Section 4 of this act, is further amended in the form set forth in Section 5 of this act. Therefore, Section 5 of this act shall become operative only if Senate Bill No. 542 or Assembly Bill No. 2814, or both, are chaptered and repeal and add Division 10 (commencing with Section 11000) of the Health and Safety Code, and this bill is chaptered last, and in such case Section 5 of this act shall become operative on the operative date of Division 10 (commencing with Section 11000) of the Health and Safety Code, as added by Senate Bill No. 542 or Assembly Bill No. 2814, or if both bills are chaptered, as added by whichever bill has the higher chapter number.

---

## CHAPTER 1806

*An act to add Section 6424 to the Labor Code, relating to trenches and excavations.*

[Approved by Governor December 17, 1971. Filed with Secretary of State December 17, 1971.]

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

SECTION 1. Section 6424 is added to the Labor Code, to read:

6424. When the State of California, a county, city and county, or city requires the issuance of a permit as a condition precedent to the construction of a pipeline, sewer, private sewage disposal system, boring and jacking pits, or similar trenches, or open excavations which are five feet or deeper, and the entity issuing the permit conducts onsite inspections during construction of such trenches or excavations, such entity issuing the permit shall submit to each applicant for such permit in writing the division's safety orders relating to trenches and excavations for the purpose of informing the applicant of his responsibility to provide adequate sheeting, shoring, and bracing for the protection of life or limb.

Where the state, county, city and county, or city requires a permit for construction of such a trench or excavation five feet or deeper, but where no inspection with respect to construction of trenches or excavations is provided for by the entity requiring the permit, or where the state, county, city and county, or city does not require a permit for such construction, the employer who plans to construct a trench or excavation five feet or deeper shall, prior to beginning construction, obtain from the division a permit authorizing such construction. Where a project involves several trenches or

excavations, only one permit shall be required for all such trenches and excavations. The application for a permit shall contain such information as the division may deem necessary to evaluate the safety of the proposed construction. The division shall set a fee to be charged for such permits in an amount reasonably necessary to cover the costs involved in investigating and issuing such permit.

The division shall attach to each such permit issued by it a copy of the division's safety orders relating to excavations and trenches.

The provisions of this section shall not be applicable to the State of California, a city, city and county, county, district, or public utility subject to the jurisdiction of the Public Utilities Commission, or to any employer who has entered a public works contract with and is subject to regulations (other than the regulations specified by this section) of the State of California, a city, city and county, county, or district which require a permit and provide for inspections with respect to construction of a trench or excavation, or to the construction of trenches or excavations for the purpose of performing emergency repair work to underground facilities or the construction of "graves" as defined in Section 7014 of the Health and Safety Code or to the construction or final use of excavations or trenches where the construction or final use does not require a person to descend into the excavations or trenches.

---

## CHAPTER 1807

*An act to amend Section 6363.6 of the Revenue and Taxation Code, relating to sales and use taxes, to take effect immediately, tax levy.*

[Approved by Governor December 17, 1971. Filed with Secretary of State December 17, 1971.]

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

SECTION 1. Section 6363.6 of the Revenue and Taxation Code is amended to read:

6363.6. There are exempted from the taxes imposed by this part the gross receipts from the sale of, and the storage, use or other consumption in this state of, meals for human consumption served to and consumed—

(a) By patients or inmates of any institution which is:

(1) A hospital as defined in Section 1401 of the Health and Safety Code, which either holds the license required pursuant to Section 1400, or is exempt from the license requirement pursuant to Section 1415 of that code.

(2) A place for the reception or care of children holding the license or permit required pursuant to Section 16000 of the Welfare and Institutions Code.

(3) A place for the reception and care of aged persons holding the license or permit required pursuant to Section 16200 of the Welfare and Institutions Code.

(4) An establishment for the care, custody, or treatment of incompetent persons holding the license required of private institutions pursuant to Section 7001 of the Welfare and Institutions Code, or county or state hospitals for the mentally ill established pursuant to Division 7 (commencing with Section 7000) of the same code.

(b) By patients released from state hospitals when the meals are served by homes certificated pursuant to Section 16200.5 of the Welfare and Institutions Code (as added by Chapter 360, Statutes of 1967).

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect; however, it shall become operative on November 1, 1971.

---

## CHAPTER 1808

*An act to add Section 1081.5 to, and to repeal Sections 1081.5, 1081.6, 16857, 16859, 16860, 16861, and 16866 of, the Education Code, relating to school trips.*

[Approved by Governor December 17, 1971. Filed with Secretary of State December 17, 1971.]

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

SECTION 1. Section 1081.5 of the Education Code is repealed.

SEC. 2. Section 1081.5 is added to the Education Code, to read:

1081.5. The governing board of any school district or the county superintendent of schools of any county may: (a) Conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, or athletic activities to and from places in the state, any other state, or a foreign country adjoining the United States for pupils enrolled in elementary or secondary schools. A field trip or excursion to and from a foreign country adjoining the United States may be permitted to familiarize students with the language, history, geography, natural sciences, and other studies, relative to the district's course of study for such pupils.

(b) Engage such instructors, supervisors, and other personnel as desire to contribute their services over and above the normal period for which they are employed by the district, if necessary, and provide equipment and supplies for such field trip or excursion.

(c) Transport by use of district equipment, contract to provide transportation, or arrange transportation by the use

of other equipment, of pupils, instructors, supervisors or other personnel to and from places in the state, any other state, or a foreign country where such excursions and field trips are being conducted; provided that, when district equipment is used, the governing board shall secure liability insurance, and if travel is to and from a foreign country, such liability insurance shall be secured from a carrier licensed to transact insurance business in such foreign country.

(d) Provide supervision of pupils involved in field trips or excursions by certificated employees of the district.

No pupil shall be prevented from making the field trip because of lack of sufficient funds. To this end, the governing board shall coordinate efforts of community service groups to supply funds for pupils in need of them.

The attendance or participation of a pupil in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from such field trip shall be limited to the amount of attendance which would have accrued had the students not been engaged in the field trip, but shall not exceed 10 school days. The Superintendent of Public Instruction shall advise the Legislature of the total amount of attendance credits which resulted from all field trips or excursions during the 1972–1973 fiscal year and the 1973–1974 fiscal year.

All persons making the field trip shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip. All adults taking out-of-state field trips and all parents or guardians of pupils taking out-of-state field trips shall sign a statement waiving such claims.

No transportation allowances shall be made by the Superintendent of Public Instruction for expenses incurred with respect to field trips which have an out-of-state destination. Any school district which transports pupils, teachers or other employees of the district in schoolbuses within the state and to destinations within the state, pursuant to the provisions of this section, shall report to the Superintendent of Public Instruction on forms prescribed by him the total mileage of schoolbuses used in connection with such educational excursions. In computing the allowance to such school district for regular transportation there shall be deducted therefrom an amount equal to the depreciation of schoolbuses used for such transportation in accordance with rules and regulations adopted by the Superintendent of Public Instruction.

SEC. 3. Section 1081.6 of the Education Code is repealed.

SEC. 4. Section 16857 of the Education Code is repealed.

SEC. 5. Section 16859 of the Education Code is repealed.

SEC. 6. Section 16860 of the Education Code is repealed.

SEC. 7. Section 16861 of the Education Code is repealed.

SEC. 8. Section 16866 of the Education Code is repealed.

## CHAPTER 1809

*An act to add Sections 3261 and 3262 to the Education Code, relating to school district organization, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 17, 1971 Filed with Secretary of State December 17, 1971.]

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

SECTION 1. Section 3261 is added to the Education Code, to read:

3261. Whenever the county committee on school district organization has adopted plans and recommendations for the formation of two or more unified school districts from the territory of one or more high school or unified districts or any combination thereof, it may also provide that the plans and recommendations shall be voted on as a single proposition. If a majority vote is cast in favor of the proposition, the proposed districts shall become effective as provided in Section 1704.

SEC. 2. Section 3262 is added to the Education Code, to read:

3262. Whenever the county committee on school district organization has adopted plans and recommendations for the formation of two or more unified school districts from the territory of one or more high school or unified districts or any combination thereof, the county committee may also provide that if the election to form the districts is held pursuant to Section 3261, the provisions of Article 2.5 (commencing with Section 17680) and Article 3 (commencing with Section 17701) of Chapter 3 of Division 14 of, and Chapter 3.5 (commencing with Section 20910) of Division 16 of, the Education Code relating to areawide taxes, shall apply to the territory included in the proposition; provided that the county committee may fix the rate of the areawide tax, which rate shall not exceed the maximum tax rate computed under Section 3255 nor be less than that provided in Article 1 (commencing with Section 20910) of Chapter 3.5 of Division 16.

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:

School district territories which have been subject to master plan unification elections, but which plans have been defeated by electors, are required by Section 3100.7 of the Education Code to conduct another election on the date of the 1972 presidential primary election. This act will provide an alternative method for county committees on school district organization

to meet the criteria for unified school districts prescribed in Section 3100 of the Education Code. Because of the proximity of the required unification election, it is essential that this act take effect immediately in order that school districts be able to implement provisions of this act.

## CHAPTER 1810

*An act to add Article 7.5 (commencing with Section 5749) to Chapter 5.5 of Division 6 of the Education Code, relating to special schools and classes.*

[Approved by Governor December 20, 1971 Filed with Secretary of State December 20, 1971.]

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

SECTION 1. Article 7.5 (commencing with Section 5749) is added to Chapter 5.5 of Division 6 of the Education Code, to read:

### Article 7.5. Education of Prisoners

5749. The county superintendent of schools, with the approval of the county board of education and the board of supervisors, shall have power to establish and maintain classes or schools for prisoners in any county jail, or any county industrial farm or county or joint county road camp, for the purpose of providing instruction in civic, vocational, literacy, health, homemaking, technical, and general education.

5749.2. The county board of education shall have the authority to award diplomas or certificates to prisoners enrolled in classes or schools in any county jail, or any county industrial farm or county or joint county road camp upon successful completion of a prescribed course of study.

5749.4. The county board of education may provide for the maintenance on Saturday of classes for prisoners in any county jail, or any county industrial farm or county or joint county road camp.

5749.6. For purposes of attendance, "adult" means any prisoner confined in any county jail, or any county industrial farm or county or joint county road camp and who has enrolled in classes or schools authorized by Section 5749.

5749.8. For all schools or classes maintained by the county superintendent of schools as authorized by Section 5750.2 in any county jail, or any county industrial farm or county or joint county road camp, the Superintendent of Public Instruction shall allow the same amount as he would compute for the foundation program of a high school district under Section 17665.

For purposes of this section, the Superintendent of Public Instruction shall, by rules and regulations, establish minimum standards for the conduct of the schools or classes, including, but not necessarily limited to, class size, attendance requirements, and requirements concerning records to be kept and reports to be submitted.

5750. The sheriff or other official in charge of county correctional facilities may, subject to the approval of the board of supervisors, provide for the rehabilitation of prisoners confined in the county jail, or any county industrial farm or county or joint county road camp. Such rehabilitation shall emphasize education and vocational training.

5750.2. The board of supervisors may, by ordinance, direct the county superintendent of schools to establish and maintain classes or schools for prisoners in any county jail, or any county industrial farm or county or joint county road camp established by the county. The county board of education shall have the same powers and duties with respect to such schools, including the establishment of the budget deemed necessary for the operation of the school programs, as the governing board of a school district would have were such schools maintained by a school district.

5750.4. The board of supervisors, in lieu of proceeding under Section 5750.2, may provide for the establishment and maintenance of classes or schools in connection with the jail facilities for the education and vocational training of the prisoners. The board, by ordinance, may provide for the establishment and maintenance of school facilities in the county jail, or any county industrial farm or county or joint county road camp, and such schools may be maintained by the governing board of any school district maintaining secondary schools.

5750.6. (a) The board of supervisors of the county shall transfer from the general fund of the county to the county school service fund of the county superintendent of schools such sums, in excess of the amount of money received from the state by the county superintendent of schools, as the county board of education has deemed necessary to maintain the school programs in the county jail, county industrial farm or county or joint county road camps as described in Section 5750.2.

(b) The board of supervisors, in lieu of proceeding under subdivision (a), shall agree with the governing board of the school district providing classes or schools for prisoners, to transfer from the general fund of the county to the general fund of the district such sums, in excess of the amount of money received from the state by the district, as is necessary to maintain its school programs in the county jail, county industrial farm or county or joint county road camps as described in Section 5750.4.

5750.8. The county superintendent of schools shall report to the Legislature and the Superintendent of Public Instruction on the classes or schools conducted pursuant to the provisions of this article. The report shall be filed by the fifth calendar day of the 1974 Regular Session of the Legislature.

5750.9. The provisions of this article shall be applicable only to Santa Clara County.

5750.10. The provisions of this article shall remain in effect until December 31, 1974, and shall have no force or effect after that date.

---

## CHAPTER 1811

*An act to amend Section 250.5 of the Health and Safety Code, relating to physically handicapped children, and making an appropriation therefor.*

[Approved by Governor December 21, 1971 Filed with Secretary of State December 21, 1971 ]

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

SECTION 1. Section 250.5 of the Health and Safety Code is amended to read:

250.5. "Handicapped child" as used in this article, means a physically defective or handicapped person under the age of 21 years who is in need of services. The director shall establish those conditions coming within a definition of "handicapped child" except as the Legislature may otherwise include in the definition. Phenylketonuria, hyaline membrane disease, cystic fibrosis, and hemophilia shall be among such conditions.

SEC. 2. The sum of eight hundred thousand dollars ($800,000) is hereby appropriated from the General Fund to the State Department of Public Health for expenditure, in augmentation of Item No. 248 of the Budget Act of 1971, for services to children afflicted with hyaline membrane disease.

---

## CHAPTER 1812

*An act to add Chapter 8 (commencing with Section 4475) to Division 5 of Title 1 of the Government Code, relating to public purchases.*

[Approved by Governor December 21, 1971 Filed with Secretary of State December 21, 1971 ]

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

SECTION 1. Chapter 8 (commencing with Section 4475) is added to Division 5 of Title 1 of the Government Code, to read:

## CHAPTER 8. PURCHASES

4475. "State agency" as used in this chapter means any state agency defined in Section 11000, which is authorized to enter into contracts and shall include but not be limited to the Department of Public Works, the Department of Water Resources, Department of General Services, Trustees of the California State Colleges, and the Board of Regents of the University of California.

4476. "Person," as used in this chapter means any individual, corporation, association, or any other entity organized for the purpose of conducting business.

4477. No state agency shall enter into any contract for the purchase of supplies, equipment, or services from any person who is in violation of any order or resolution not subject to review, promulgated by the Air Resources Board, a county air pollution control district, the Bay Area Air Pollution Control District, or a regional air pollution control district, or is subject to a cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions, or is finally determined to be in violation of provisions of federal law relating to air or water pollution.

4478. The provisions of this chapter shall not apply to contracts of less than five thousand dollars ($5,000).

4479. Each state agency shall exercise due diligence in determining whether or not one or more persons have divided a contract to avoid the five-thousand-dollar ($5,000) limitation of Section 4478.

4480. The provisions of this chapter shall not apply when a person otherwise prohibited from contracting with the state under this chapter is the sole source of a product or services required by the state.

4481. Each local agency or board set forth in Section 4477 shall notify within seven days after determination thereof, the Water Resources Control Board or Air Resources Board of noncompliance with any final order, rule, or regulation or cease and desist order issued by them or of any violation reported pursuant to this section which has been cured and any action taken by the local agency or board The Water Resources Control Board and the Air Resources Board shall also provide such notification as to finally determined violators of federal law relating to air or water pollution. The Water Resources Control Board and Air Resources Board shall provide a list of persons finally determined to be in violation of such laws, orders, rules, or regulations to state agencies on a monthly basis.

4482. The provisions of this chapter shall not apply to contracts executed prior to the effective date of this chapter.

# CHAPTER 1813

*An act to add Section 5665 to, to add Article 11 (commencing with Section 9760) to Chapter 2 of Division 8 of, and to add Article 2 (commencing with Section 10310) to Chapter 5 of Division 8 of, the Education Code, relating to aid to students enrolled in nonpublic schools.*

[Approved by Governor December 21, 1971. Filed with Secretary of State December 21, 1971.]

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

SECTION 1. In order to promote the intellectual and scientific growth and the safety of all citizens, including those children who are entitled to attend the public schools of California but who are in attendance at a school other than a public school under the provisions of Section 12154 of the Education Code, the people of the State of California do enact this statute.

SEC. 2. Section 5665 is added to the Education Code, to read:

5665. The governing board of every district maintaining a high school shall, subject to space being available, admit pupils regularly enrolled in nonpublic schools to enroll in vocational and shop classes and in classes relating to the natural and physical sciences.

The attendance for each pupil so enrolled shall be credited to the district on the same proportion as the number of minutes of the pupils' attendance bears to the minimum schoolday.

The attendance of such pupils shall be computed by dividing the total number of minutes of actual attendance by 240. Such attendance shall be included in the computation of apportionments to the district from the State School Fund.

SEC. 3. Article 11 (commencing with Section 9760) is added to Chapter 2 of Division 8 of the Education Code, to read:

## Article 11. Nonpublic Schools

9760. The State Board of Education shall make available to pupils entitled to attend the public elementary schools of the district, but in attendance at a school other than a public school under the provisions of Section 12154, basic textbooks, other textbooks, and supplementary textbooks adopted by the board for use in the public elementary schools. No charge shall be made to any pupil for the use of such adopted basic textbooks, other textbooks, and supplementary textbooks.

Textbooks shall be made available pursuant to this section only to the same extent that textbooks are made available to students in attendance in public elementary schools.

Textbooks shall be made available for the use of nonpublic elementary school students after the nonpublic school certifies

to the State Superintendent of Public Instruction that such textbooks are desired and will be used by the elementary school students.

SEC. 4. Article 2 (commencing with Section 10310) is added to Chapter 5 of Division 8 of the Education Code, to read:

Article 2. Nonpublic Schools

10310. The Superintendent of Public Instruction shall make available to pupils entitled to attend the public schools of California, but in attendance at a school other than a public school under the provisions of Section 12154, the items specified in Section 10301, without cost to the pupils or to the nonpublic school which they attend.

SEC. 5. For purposes of this act, "nonpublic school" means a school satisfying the requirements of Section 12154 of the Education Code, if such school is exempt from taxation under Section 214 of the Revenue and Taxation Code.

SEC. 6. If any provision of this act, including, but not specifically limited to Section 5, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act, including Section 5 hereof, are severable.

SEC. 7. This act shall become operative commencing with the 1972–1973 school year.

---

## CHAPTER 1814

*An act to amend Sections 1419 and 1431 of the Labor Code, relating to fair employment practices.*

[Approved by Governor December 22, 1971. Filed with Secretary of State December 22, 1971.]

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

SECTION 1. Section 1419 of the Labor Code is amended to read:

1419. The commission shall have the following functions, powers and duties:

(a) To establish and maintain a principal office and such other offices within the state as the Legislature authorizes.

(b) To meet and function at any place within the state.

(c) To appoint an attorney, and such clerks and other employees as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(d) To obtain upon request and utilize the services of all governmental departments and agencies.

(e) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this part.

(f) To receive, investigate and pass upon complaints alleging discrimination in employment because of race, religious creed, color, national origin, ancestry, or sex.

(g) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath and, in connection therewith, to require the production of any books or papers relating to any matter under investigation or in question before the commission.

(h) To create such advisory agencies and conciliation councils, local or otherwise, as in its judgment will aid in effectuating the purposes of this part, and may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, religious creed, color, national origin, ancestry, or sex, and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state and to make recommendations to the commission for the development of policies and procedures in general. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay.

(i) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religious creed, color, national origin, ancestry, or sex.

(j) To investigate, approve, and certify equal employment opportunity programs proposed by a contractor to be engaged in pursuant to subdivision (b) of Section 1431, and to fix and collect such fees as are necessary for the cost of the investigation, approval or certification. The fees collected shall be paid into the General Fund of the State Treasury.

(k) To render annually to the Governor and biennially to the Legislature a written report of its activities and of its recommendations.

SEC. 2. Section 1431 of the Labor Code is amended to read:

1431. (a) The Division of Fair Employment Practices may engage in affirmative actions with employers, employment agencies, and labor organizations in furtherance of the purposes of this part as expressed in Section 1411.

(b) Every contractor performing a public work contract in excess of two hundred thousand dollars ($200,000) awarded by the state under Chapter 3 (commencing with Section 14250) of Part 5 of Division 3 of Title 2 of the Government Code or Chapter 14 (commencing with Section 25200) of Division 18 of the Education Code shall submit to the commission an equal employment opportunity program for approval and certification by the commission. Every such contractor whose program is approved and certified by the commission shall immediately effectuate it.

# CHAPTER 1815

*An act to add Sections 135.7 and 633.1 to, and to add Chapter 5.7 (commencing with Section 1471), Part 1, Division 1, to, the Unemployment Insurance Code, relating to unemployment benefits, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 22, 1971. Filed with Secretary of State December 22, 1971.]

I am deleting the $350,000 appropriation contained in Section 4 of Assembly Bill No. 1455.
The unemployment insurance benefits provided by AB 1455 can be funded from existing appropriations.
With this deletion I have approved the bill.
RONALD REAGAN, Governor

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

SECTION 1. Section 135.7 is added to the Unemployment Insurance Code, to read:

135.7. "Employing unit" also means the Regents of the University of California and the Trustees of the State Colleges for the purpose of Chapter 5.7 (commencing with Section 1471) of this part.

SEC. 2. Section 633.1 is added to the Unemployment Insurance Code, to read:

633.1. Notwithstanding the provisions of Section 633, "employment" includes service for the Regents of the University of California and the Trustees of the State Colleges as specified in Chapter 5.7 (commencing with Section 1471) of this part.

SEC. 3. Chapter 5.7 (commencing with Section 1471) is added to Part 1 of Division 1 of the Unemployment Insurance Code, to read:

## CHAPTER 5.7. UNEMPLOYMENT COMPENSATION FOR STATE HIGHER EDUCATION EMPLOYEES

1471. Except as provided in this chapter, no state employee shall be eligible for unemployment compensation benefits based upon state wages earned prior to January 1, 1972. Except as inconsistent with the provisions of this chapter, the provisions of this division and authorized regulations shall apply to any matter pursuant to this chapter. A state employee shall have no rights, based on state wages, to disability benefits under this division.

1472. A state employee may use state wages for benefits under this chapter only with respect to the benefit year established by the first new claim for benefits after his termination from employment with the state. No new claim for benefits under this chapter shall have an effective date beginning earlier than the effective date of this chapter or later than December 31, 1971.

1473. As used in this chapter.

(a) "State employee" means an individual who has been employed full time for the previous six consecutive months by the Regents of the University of California or the Trustees of the State Colleges and who (1) receives a notice of permanent layoff, or a notice of layoff of more than 120 days in duration, with an effective date on or after March 1, 1971, or (2) terminates his employment or has terminated his employment on or after March 1, 1971, within 30 days after being notified in writing by his appointing power that he is subject to such layoff, due to a reduction in staff arising from reductions in any budget act, or any other source of funds, other than by scheduled termination. However, nothing in this subdivision shall permit a state employee to receive unemployment compensation benefits if he would be ineligible for or disqualified to receive such benefits under Article 1 (commencing with Section 1251) of Chapter 5 of this part.

(b) "State wages" means all remuneration payable to a state employee for personal services performed as a state employee prior to (1) the effective date of such notice of layoff or (2) 30 days after such employee is notified in writing by his appointing power, as described in subdivision (a), including the reasonable cash value of all remuneration payable in any medium other than cash. Such term shall only include all such remuneration paid on and after January 1, 1970, for new claims filed with an effective date on or before December 31, 1971.

(c) "Base period" means the base period defined by Section 1275.

1474. State wages shall be included as wages for the purposes of this part in the base period of a state employee. The lump sum or other payment of accrued unused vacation pay or severance pay, or both, at termination from state employment shall be wages for the purposes of this chapter and shall be allocated to the period following termination at the individual's rate of pay at termination from state employment.

1475. (a) In lieu of the contributions required of employers, the State of California shall pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (b), an amount equal to the additional cost to the Unemployment Fund of the benefits (including extended duration benefits and federal-state extended benefits) paid based on base period state wages with respect to employment of state employees. Benefits otherwise payable, irrespective of this chapter, shall be charged to employers' reserve accounts in accordance with other sections of this part and shall be the liability of governmental entities or nonprofit organizations pursuant to Sections 710, 711, and 713, but the additional cost to the Unemployment Fund of the benefits paid based on base period state wages pursuant to this chapter shall be borne solely by the State of California.

(b) In making the payments prescribed by subdivision (a), there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from the State of California for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall certify to the Controller or other responsible disbursing officer the amount determined with respect to the State of California. The Controller or other responsible disbursing officer shall pay to the Unemployment Fund the contributions due from the State of California. The director shall charge to any special fund, which is responsible for the salary of any employee, the amount of additional cost to the Unemployment Fund of the benefits paid with respect to that state employee.

(c) The director may require from each employing unit subject to this chapter employment, wage, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this chapter, which shall be filed with the director at the time and in the manner prescribed by him.

(d) The director may tabulate and publish information obtained pursuant to this chapter in statistical form and may divulge the name of the employing unit.

(e) Each employing unit shall keep such work records as may be prescribed by the director for the proper administration of this chapter.

(f) Notwithstanding any other provision of this section, the State of California shall not be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

1476. This chapter shall not apply with respect to service performed after December 31, 1971.

SEC. 4. There is appropriated from the General Fund to the Director of the Department of Human Resources Development the sum of three hundred fifty thousand dollars ($350,000) to be used to pay the benefits provided by this act.

SEC. 5. This act shall become effective only if General Fund revenues are increased by statutes enacted at the 1971 Regular Session of the Legislature above the amounts necessary to maintain programs in dollar amounts allocated by Chapter 266 of the Statutes of 1971, as determined by the State Controller.

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:

Layoffs in state institutions of higher education are imminent. The lack of unemployment benefits for state higher education employees is detrimental to morale, causes a deterioration in the quality and quantity of services, and is a deterrent to the recruitment of qualified candidates for employment. Unless there is prompt adjustment of this serious inequity this area of public service will suffer serious and irreparable harm.

---

## CHAPTER 1816

*An act to amend Sections 6272, 6275, 6281, 6283, 6285, and 6291 of, and to add Section 6293 to, the Revenue and Taxation Code, and to amend Section 27150 of, and to add Division 16.5 (commencing with Section 38000) and Section 42204 to, the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 22, 1971. Filed with Secretary of State December 22, 1971.]

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

SECTION 1. Section 6272 of the Revenue and Taxation Code is amended to read:

6272. "Vehicle" is as defined in Section 670 of the Vehicle Code and shall include off-highway motor vehicles subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code.

SEC. 2. Section 6275 of the Revenue and Taxation Code is amended to read:

6275. Every person making any retail sale of a vehicle required to be registered under the Vehicle Code or subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code or of a vessel or an aircraft as defined in this article, is a retailer for the purposes of this part of the vehicle, vessel or aircraft, regardless of whether he is a retailer by reason of other provisions of this part.

SEC. 3. 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 subject to identification under Division 16.5 (commencing with Section 38000) of 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.

SEC. 4. Section 6283 of the Revenue and Taxation Code is amended to read:

6283. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of a vehicle subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code or of a vessel or of an aircraft when the retailer is other than a person required to hold a seller's permit pursuant to Article 2 of Chapter 2 of this part by reason of the number, scope, and character of his sales of such vehicles, vessels or of aircraft, as the case may be.

SEC. 5. 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 vehicle subject to identification under Division 16.5 (commencing with Section 38000) of 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.

SEC. 6. Section 6291 of the Revenue and Taxation Code is amended to read:

6291. Notwithstanding Section 6451, the use taxes imposed by this part with respect to the storage, use or other consumption in this state of vehicles required to be registered under the Vehicle Code, or of a vehicle subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code, and of vessels and aircraft as defined in this chapter are due and payable by the purchaser at the time the storage, use or other consumption of the property first becomes taxable. Delinquency penalties and interest with respect to use tax for vehicles registered with the Department of Motor Vehicles shall be as provided in Section 6292. Delinquency penalties and interest with respect to use tax for vehicles subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code shall be as provided in Section 6293. Delinquency penalties and interest with respect to use tax for vessels and aircraft shall be imposed as if the due date of the tax were fixed by Section 6451.

SEC. 7. Section 6293 is added to the Revenue and Taxation Code, to read:

6293. (a) Except when the sale is by lease, when a vehicle subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code is sold at retail by other than a person holding a seller's permit issued under Section 6067, the retailer is not required or authorized to collect the use tax from the purchaser, but the purchaser of the vehicle shall pay the use tax to the Department of Motor Vehicles acting for an on behalf of the board pursuant to Section 38211 of the Vehicle Code.

(b) If the purchaser does not make timely application to that department, but is subject to penalty because of delinquency in effecting identification or transfer of ownership of the vehicle, he then becomes liable also for penalty as specified in Section 6591 of this code, but no interest shall accrue.

(c) Application to that department by the purchaser shall relieve the purchaser of the obligation to file a return with the board under Section 6452.

SEC. 8. Section 27150 of the Vehicle Code is amended to read:

27150. (a) Every motor vehicle subject to registration shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.

(b) Every passenger vehicle operated off the highways shall at all times be equipped with an adequate muffler in constant operation and properly maintained so as to meet the requirements of Section 27160, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.

(c) The provisions of subdivision (b) shall not be applicable to passenger vehicles being operated off the highways in an organized racing or competitive event conducted under the auspices of a recognized sanctioning body or by permit issued by the local governmental authority having jurisdiction.

SEC. 9. Division 16.5 (commencing with Section 38000) is added to the Vehicle Code, to read:

## DIVISION 16.5. OFF-HIGHWAY VEHICLES

### CHAPTER 1. GENERAL PROVISIONS

38000. This division may be cited as the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971.

### CHAPTER 2. REGISTRATION OF OFF-HIGHWAY VEHICLES; ORIGINAL AND RENEWAL OF IDENTIFICATION; ISSUANCE OF CERTIFICATES OF OWNERSHIP

#### Article 1. Motor Vehicles Subject to Identification

38010. (a) Except as otherwise provided in subdivision (b), every new motor vehicle, sold for the first time on or after

July 1, 1972, which is not registered under this code, because it is to be operated or used exclusively off the highways, except as provided in this division, and every other motor vehicle on and after July 1, 1972, which is not registered under this code, because it is to be operated or used exclusively off the highways, except as provided in this division, shall be issued and display an identification plate or device issued by the department.

(b) The provisions of subdivision (a) shall not apply to any of the following:

(1) Motor vehicles operated solely on the private property of their owner or on the private property of another, with the express consent of the owner or tenant of such property or used solely upon commercially operated facilities for such use.

(2) Motor vehicles specifically exempted from registration under this code, including but not limited to motor vehicles exempted pursuant to Sections 4006, 4010, 4011, 4012, 4013, 4015, 4018, 4019, and 4020.

(3) Motor vehicles being operated off the highways in an organized racing or competitive event upon a closed course and which is conducted under the auspices of a recognized sanctioning body, or by permit issued by the local governmental authority having jurisdiction.

(4) Implements of husbandry.

(5) Motor vehicles owned by the state, or any county, city, district, or political subdivision of the state, or the United States.

(6) Motor vehicles owned or operated by, or operated under contract with a utility, whether privately or publicly owned, when used as specified in Section 22512.

(7) Special construction equipment described in Section 565, regardless of whether such motor vehicles are used in connection with highway or railroad work.

38012. As used in this division, "off-highway motor vehicle subject to identification" means a motor vehicle subject to the provisions of subdivision (a) of Section 38010.

38013. Unless otherwise provided, the terms "identification" and "identification certificate" shall have the same meaning as the terms "registration" and "registration card," respectively, as used in Division 3 (commencing with Section 4000).

38020. No person shall drive, move or leave standing any off-highway motor vehicle subject to identification on private or public property which is not registered under the provisions of Division 3 (commencing with Section 4000), unless it is identified under the provisions of this chapter.

38025. Motor vehicles issued a plate or device pursuant to Section 38160 may be operated or driven upon a highway only for the purpose of crossing the highway.

38027. Motor-driven cycles issued a plate or device pursuant to Section 38160 may be moved, by nonmechanical means only, adjacent to a highway, in such a manner so as to not

interfere with traffic upon the highway, only for the purpose of gaining access to, or returning from, areas designed for the operation of off-highway vehicles, when no other route is available.

38030. Notwithstanding the provisions of Sections 38015 and 38020, an unidentified off-highway motor vehicle subject to identification may be left standing upon a highway or public or private property adjacent to the place of business of a dealer of such motor vehicles when done so in connection with the loading and unloading or storage of such vehicles to be used in the dealer's business, unless already prohibited by law.

## Article 2. Original Identification

38040. Application for the original identification of a motor vehicle required to be identified pursuant to this division shall be made by the owner to the department upon the appropriate form furnished by it and shall contain:

(a) The true full name and business or residence address of the owner, and legal owner, if any.

(b) The name of the county in which the owner resides.

(c) A description of the vehicle, including the following, insofar as it may exist:

The make, model, and type of body.

The vehicle identification number or any other number as may be required by the department.

(d) Such information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to identification.

38045. Ownership of title to an off-highway motor vehicle subject to identification under this division may be held by two (or more) coowners as provided in Section 682 of the Civil Code, except that:

(a) A vehicle may be identified in the names of two (or more) persons as coowners in the alternative by the use of the word "or." A vehicle so identified in the alternative shall be deemed to be held in joint tenancy. Each coowner shall be deemed to have granted to the other coowners the absolute right to dispose of the title and interest in the vehicle. Upon the death of a coowner, the interest of the decedent shall pass to the survivor as though title or interest in the vehicle was held in joint tenancy, unless a contrary intention is set forth in writing upon the application for identification.

(b) A vehicle may be identified in the names of two (or more) persons as coowners in the alternative by the use of the word "or" and if declared in writing upon the application for identification by the applicants to be community property, or tenancy in common, shall grant to each coowner the absolute power to transfer the title or interest of the other coowners only during the lifetime of such coowners.

(c) A vehicle may be identified in the names of two (or more) persons as coowners in the conjunctive by the use of the

word "and" and shall thereafter require the signature of each coowner or his personal representative to transfer title to the vehicle, except where title to the vehicle is set forth in joint tenancy, the signature of each coowner or his personal representative shall be required only during the lifetime of the coowners, and upon death of a coowner title shall pass to the surviving coowner.

(d) The department may adopt suitable abbreviations to appear upon the certificate of identification and certificate of ownership to designate the manner in which title to the vehicle is held if set forth by the coowners upon the application for identification.

38050. In the absence of the regularly required supporting evidence of ownership upon application for identification or transfer of a vehicle, the department may accept an undertaking or bond which shall be conditioned to protect the department and all officers and employees thereof and any subsequent purchaser of the vehicle, 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 vehicle.

38055. 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 aggregate liability of the surety to all such persons shall in no event exceed the amount of the bond. In the event the vehicle is no longer identified in this state and the currently valid certificate of ownership is surrendered to the department, the bond or undertaking shall be returned and surrendered at the end of three years or prior thereto.

38060. (a) Whenever any person after making application for identification of an off-highway motor vehicle subject to identification, or after the identification either as owner or legal owner, moves or acquires a new address different from the address shown in the application or upon the certificate of ownership or identification certificate, such person shall, within 10 days thereafter, notify the department in writing of his old and new address.

(b) Any owner having notified the department as required in subdivision (a) of this section, shall immediately mark out the former address on the face of the certificate and write with pen and ink or type the new address on the face of the certificate immediately below the former address and initial the entry.

### Article 3. Evidences of Identification

38070. The department upon identifying an off-highway motor vehicle subject to identification shall issue a certificate of ownership to the legal owner and an identification certificate to the owner, or both to the owner if there is no legal owner.

38075. (a) The identification certificate shall contain upon the face thereof the date issued, the name and residence or business address of the owner and of the legal owner, if any, the identification number to the vehicle, and a description of the vehicle as complete as that required in the application for the identification of a vehicle.

(b) The director may modify the form, arrangement, and information appearing on the face of the identification certificate and may provide for standardization and abbreviation of fictitious or firm names thereon whenever he finds that the efficiency of the department will be promoted thereby, except that general delivery or post office box numbers shall not be permitted as the address of the identified owner unless there is no other address.

38076. The certificate of ownership shall contain:

(a) Not less than the information required upon the face of the identification certificate.

(b) Provision for notice to the department of a transfer of the title or interest of the owner or legal owner.

(c) Provision for application for transfer of identification by the transferee.

38080. (a) The department may authorize, under the provisions of Sections 4456 and 4456.5, dealers licensed under Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 to use numbered copies of the report of sale form and corresponding temporary identification devices upon off-highway motor vehicles subject to identification which they sell.

(b) Off-highway motor vehicles subject to identification that are purchased from dealers not required to be licensed under Article 1 (commencing with Section 11700) of Chapter 4 of Division 5, or that are specially constructed by the owner or owners, may be operated off-highway, as provided by this division, without an identification plate or device or identification certificate, provided a receipt or other suitable device issued by the department is displayed upon the vehicle evidencing an application has been made and appropriate fees paid pursuant to this division, until the identification plate or device and identification certificate are received from the department.

38085. (a) Every owner upon receipt of an identification certificate shall maintain the same or a facsimile copy thereof with the vehicle for which it is issued.

(b) The provisions of this section do not apply when an identification certificate is necessarily removed from the vehicle for the purpose of application for renewal or transfer of identification.

38090. If any identification certificate or identification plate or device is stolen, lost, mutilated or illegible, the owner of the vehicle for which the same was issued, as shown by the records of the department, shall immediately make application for and may, upon furnishing information satisfactory to the

department, obtain a duplicate or substitute or a new identification under a new number, as determined to be most advisable by the department.

38095. If any certificate of ownership is stolen, lost, mutilated or illegible, the legal owner or, if none, the owner of the vehicle for which the same was issued as shown by the records of the department shall immediately make application for and may, upon furnishing information satisfactory to the department, obtain a duplicate.

38100. The provisions of Sections 4458, 4460, 4461, 4462, and 4463 shall be fully applicable to motor vehicles identified under this division and the terms "identification" and "identification certificate" shall have the same meaning as the terms "registration" and "registration card," respectively, as used in those sections.

### Article 4. Renewal of Identification

38110. Certificates of ownership shall not be renewed but shall remain valid until suspended, revoked, or canceled by the department for cause or upon transfer of any interest shown therein.

38115. Every motor vehicle identification and identification certificate issued pursuant to this division shall expire at midnight on the 30th day of June of the even-numbered year next following the date of issuance of such certificate. The department may upon payment of the proper fees renew such identification.

38120. (a) Application for renewal of identification of off-highway motor vehicles subject to identification shall be made by the owner not later than midnight of the 31st day of July of the expiration year.

(b) Whenever any application for identification or transfer of ownership of an off-highway motor vehicle subject to identification is filed with the department between June 1 and July 31 of the year of expiration, the application shall be accompanied by the full renewal fees in addition to any other fees then due and payable.

38125. Whenever by reason of the theft or embezzlement of an off-highway motor vehicle subject to identification the owner or legal owner is not in possession of the vehicle at the time penalties accrue for failure to obtain identification, or renewal thereof, the owner or legal owner may secure the identification or renewal of the identification of the vehicle within 30 days after its recovery upon filing an affidavit setting forth the circumstances of the theft or embezzlement, if the theft or embezzlement of the vehicle has been reported pursuant to provisions of this code, without penalty for delinquent payment of fees imposed under this division.

38130. When application for identification of an off-highway motor vehicle subject to identification has been made as required by this division, the vehicle may be operated pursu-

ant to this division until the new indicia of current identification have been received from the department on condition that there be displayed on the vehicle the identification plate or device and validating device, if any, issued to the vehicle for the previous identification term.

38135. The department may, upon renewing of an identification of off-highway motor vehicles subject to identification, issue a new identification certificate or may endorse or authorize the endorsement of a receipt or validation upon payment of the required fees. The receipt or validation to be stamped upon the identification certificate last issued for the vehicle during the preceding period, or upon a potential identification certificate issued near the close of the preceding period, which identification certificate so endorsed or validated shall constitute the identification certificate for the ensuing two-year period.

### Article 5. Refusal of Identification

38145. The department shall refuse the identification or renewal or transfer of identification of an off-highway motor vehicle subject to identification upon any of the following grounds:

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

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

38150. The department may refuse the identification or renewal or transfer of identification of an off-highway motor vehicle subject to identification in any of the following events:

(a) If the department is satisfied that the applicant is not entitled thereto under this code.

(b) If the applicant has failed to furnish the department with information required in the application or reasonable additional information required by the department.

(c) If the department determines that the applicant has made or permitted unlawful use of any identification certificate, certificate of ownership, or identification plates.

### Article 6. Identification Plate or Device

38160. The department, upon identifying an off-highway motor vehicle subject to identification, shall issue to the owner a suitable identification plate or device which is capable of being attached to the vehicle in such a manner so as to not endanger the operator or passengers of the vehicle, and which shall identify the vehicle for which it is issued for the period of its validity.

38165. The department shall determine the size, color, and letters or number of the plate or device issued pursuant to this division and the life of the series of plate or device issued, but in no event less than six years. During the intervening identification periods for which the plate or device is issued, the department shall issue a tab, sticker, or other suitable device to indicate the term for which such plate or device will be valid.

38170. (a) Every off-highway motor vehicle subject to identification shall have displayed upon it the identification number assigned to the vehicle for which it is issued, together with the word "California" or the abbreviation "CAL" and the year number for which it is issued or a suitable device issued by the department for validation purposes, which device shall contain the year for which issued.

(b) The identification plate or device shall at all times be securely fastened to the rear of the vehicle for which it is issued so as to prevent the plate from swinging and shall be mounted in a position to be clearly visible, and shall be maintained in a condition so as to be clearly legible. No covering shall be used on the identification plate or device.

### Article 7. Dismantling of Off-Highway Motor Vehicles

38180. Chapter 3 (commencing with Section 11500) of Division 5 shall be applicable to off-highway motor vehicles subject to identification, except as provided in this article.

38185. No off-highway motor vehicle subject to identification which has been reported dismantled or sold as salvage may be subsequently identified until it has been inspected by the department.

## CHAPTER 3. TRANSFERS OF TITLE OR INTEREST

38195. The provisions of Chapter 2 (commencing with Section 5600) of Division 3 shall be applicable to off-highway motor vehicles subject to identification, and the terms "registration," "registration card," and "registered" as used therein, shall apply to the terms "identification," "identification certificate," and "identified," respectively, except that Sections 5901, 5902, 5903, 5904, 5906, and 6052 shall not apply.

38200. (a) Every licensed dealer upon transferring by sale, lease, or otherwise any off-highway motor vehicle subject to identification, whether new or used, of a type subject to identification under this division, shall, not later than the third business day thereafter of the dealer, give written notice of the transfer to the department upon an appropriate form provided by it, but a dealer need not give the notice when selling or transferring a new unidentified off-highway motor vehicle subject to identification to another dealer.

A "sale" shall be deemed completed and consummated when the purchaser of that vehicle has paid the purchase price, or, in lieu thereof, has signed a purchase contract or security agreement, and taken physical possession or delivery of that vehicle.

(b) Every dealer of off-highway motor vehicles subject to identification who is not licensed with the department, and who engages only in the sale of vehicles of a type not properly equipped for operation upon the highway and that are restricted to off-highway operation or use, shall comply with the provisions of Section 5900, or such regulations as the director

determines are necessary to carry out the provisions of this division.

38205. (a) Whenever any person has received as transferee a properly endorsed certificate of ownership and the identification certificate of the vehicle described in the certificates, he shall within 10 days thereafter endorse the ownership certificate as required and forward the ownership certificate and the identification certificate with the proper transfer fee and, if required under Section 38120, any other fee due and thereby make application for transfer of identification.

(b) Whenever any person applies for transfer of identification on a certificate of ownership issued for the current identification period, the identification certificate need not be surrendered.

38210. When the transferee of an off-highway motor vehicle subject to identification is a dealer who holds such vehicle for resale, the dealer is not required to make application for transfer, but upon transferring his title or interest to another person he shall comply with this division.

38211. (a) The department shall withhold identification of or the transfer of ownership of any vehicle subject to identification under this division until the applicant pays to the department the use tax measured by the sales price of the vehicle as required by the Sales and Use Tax Law, together with penalty, if any, unless the purchaser presents evidence on a form prescribed by the State Board of Equalization that sales tax will be paid by the seller or that use tax has been collected by the seller or that the State Board of Equalization finds that no use tax is due. If the applicant so desires, he may pay the use tax and penalty, if any, to the department so as to secure immediate action upon his application for identification or transfer of ownership, and thereafter he may apply through the Department of Motor Vehicles to the State Board of Equalization under the provisions of the Sales and Use Tax Law for a refund of the amount so paid.

(b) The department shall transmit to the State Board of Equalization all collections of use tax and penalty made under this section. This transmittal shall be made at least monthly, accompanied by a schedule in such form as the department and board may prescribe.

(c) The State Board of Equalization shall reimburse the department for its costs incurred in carrying out the provisions of this section. Such reimbursement shall be effected under agreement between the agencies, approved by the Department of Finance.

(d) In computing any use tax or penalty thereon under the provisions of this section dollar fractions shall be disregarded in the manner specified in Section 9559 of this code. Payment of tax and penalty on this basis shall be deemed full compliance with the requirements of the Sales and Use Tax Law insofar as they are applicable to the use of vehicles to which this section relates.

## CHAPTER 4. IDENTIFICATION FEES

38225. (a) A service fee of five dollars ($5) shall be paid to the department for the issuance or renewal of identification of off-highway motor vehicles subject to identification, except as expressly exempted under this division.

(b) In addition to the service fee specified in subdivision (a), special fee of six dollars ($6) shall be paid at the time of payment of the service fee for the issuance or renewal of an identification plate or device. All fees received by the department pursuant to this subdivision shall be deposited in the Off-Highway Vehicle Fund, which is hereby created. There shall be a separate reporting of these revenues by vehicle type, including four-wheeled vehicles and motorcycles. All money in the Off-Highway Vehicle Fund is continuously appropriated for expenditure by the Department of Parks and Recreation for the purposes specified in Section 38300.

38230. In addition to the fees imposed by Section 38225, there shall be paid a four-dollar ($4) fee for the issuance or renewal of identification for every off-highway motor vehicle subject to identification. The fee imposed by this section is in lieu of all taxes according to value levied for state or local purposes.

38235. All money collected by the department under Section 38230 shall be reported monthly to the State Controller and at the same time be deposited in the State Treasury to the credit of the Off-Highway License Fee Fund, which is hereby created.

38240. (a) The State Controller shall allocate the fees collected under Section 38230 in the same manner fees are allocated under Section 11005 of the Revenue and Taxation Code.

(b) It is the intent of the Legislature that funds collected under Section 38230 be used for any one or more of the following purposes:

(1) Planning, acquiring, developing, constructing, maintaining, or administering, for the use of off-highway vehicles, trails, areas, or other facilities.

(2) Controlling the operation of motor vehicles in areas off the highways where the operation of motor vehicles is restricted or prohibited.

(3) Otherwise carrying out the provisions of this division.

38245. Whenever an off-highway motor vehicle subject to identification is operated in this state without the fees required by this division having first been paid, the fee is delinquent.

38250. Whenever any person has received as transferee a properly endorsed certificate of ownership and identification certificate of the vehicle described on the certificates and the transfer fee has not been paid as required by this division within 10 days, the fee is delinquent.

38255. Upon application for transfer of ownership or any interest of an owner, or legal owner in or to any off-highway

motor vehicle identified under this division, there shall be paid the following fees:

(a) For a transfer by the owner ---------- $3
(b) For a transfer by the legal owner ---------- $3
(c) When application is presented showing a transfer by both the owner and legal owner ---------- $3

38260. Upon application for duplicate ownership certificate, identification certificate, duplicate or substitute identification plate or device, tabs, stickers or device, there shall be paid a three-dollar ($3) fee.

38265. (a) The penalty for delinquency in respect to any transfer shall be three dollars ($3), and shall apply only to the last transfer.

(b) The penalty for delinquency in respect to the fees imposed by subdivision (b) of Section 38225 and Section 38230, shall be equal to the fee after the same has been computed.

(c) If the fee due and delinquent and the amount of the penalty prescribed in this section is paid within 30 days of the date the penalty becomes due, the amount of the penalty on such fee or portion thereof due under subdivision (b) of Section 38225 and Section 38230 shall be reduced to one dollar ($1).

## CHAPTER 5. EQUIPMENT OF OFF-HIGHWAY VEHICLES

38275. (a) Every off-highway motor vehicle subject to identification shall at all times be equipped with an adequate muffler in constant operation and properly maintained so as to meet the requirements of Section 38280, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.

(b) The provisions of subdivision (a) shall not be applicable to vehicles being operated off the highways in an organized racing or competitive event upon a closed course and which is conducted under the auspices of a recognized sanctioning body or by permit issued by the local governmental authority having jurisdiction.

38280. (a) Notwithstanding the provisions of Section 27160, no person shall sell or offer for sale a new off-highway motor vehicle subject to identification which produces a maximum noise exceeding the following noise limit at a distance of 50 feet from the centerline of travel under test procedures established by the Department of the California Highway Patrol:

(1) Any such vehicle manufactured on or after January 1, 1972, and before January 1, 1973-- 92 dbA
(2) Any such vehicle manufactured on or after January 1, 1973, and before January 1, 1975-- 88 dbA
(3) Any such vehicle manufactured on or after January 1, 1975 ---------- 86 dbA

(b) Test procedures for compliance with this section shall be established by the Department of the California Highway Patrol, taking into consideration the test procedures of the Society of Automotive Engineers.

CHAPTER 6. OFF-HIGHWAY VEHICLE FUND EXPENDITURES

38300. The Department of Parks and Recreation shall, utilizing funds in the Off-Highway Vehicle Fund created by subdivision (b) of Section 38225, carry out programs of planning, acquisition, development, construction, maintenance, administration, and conservation of trails and areas for the use of off-highway vehicles. These funds shall be allocated as follows:

(a) An amount, not to exceed 50 percent of the total revenues of the Off-Highway Vehicle Fund, shall be made available for grants to cities, counties, and appropriate special-purpose districts for recreation projects for off-highway vehicles in accordance with local government planning and the statewide plans for trails for recreational motor vehicles developed by the Department of Parks and Recreation. Local governments, to be eligible for these funds, shall provide matching funds in an amount of not less than 25 percent of the total expense of the off-highway vehicle facility.

(b) The remainder of the funds contained in the Off-Highway Vehicle Fund shall be used by the Department of Parks and Recreation for purposes of funding recreational areas for the use of such vehicles and trails for the use of such vehicles.

SEC. 10. Section 42204 is added to the Vehicle Code, to read:

42204. Notwithstanding any other provisions of law, all fines and forfeitures collected for violations of Division 16.5 (commencing with Section 38000) shall be deposited in the Off-Highway Vehicle Fund for use and disbursement pursuant to Section 38300.

SEC. 11. The Secretary of the Resources Agency shall, in cooperation with the Department of the California Highway Patrol and the Department of Motor Vehicles, prepare and submit to the Legislature no later than July 1, 1972, suggested provisions for an "Off-Highway Vehicle Code," to govern the operation of motor vehicles when they are being operated off the highways. Such provisions shall include, but not be limited to, safety rules, equipment requirements, and registration requirements for such vehicles. In addition, such provisions shall provide a clear indication to persons using motor vehicles off the highway as to their responsibilities and obligations. The Secretary of the Resources Agency shall also, with the cooperation of the Department of the California Highway Patrol and the Department of Motor Vehicles, submit to the Legislature no later than July 1, 1972, suggested revisions of the Vehicle Code and the Public Resources Code,

consistent with the development of an "Off-Highway Vehicle Code."

SEC. 12. The Legislative Analyst shall study the matter of fees and charges imposed upon off-highway vehicles by this act and submit his findings and recommendations to the Legisture by January 1, 1975.

SEC. 13. The provisions of Sections 1 to 7, inclusive, and Sections 9 and 10 of this act shall become operative on July 1, 1972.

SEC. 14. The sum of five hundred thousand dollars ($500,000) is hereby appropriated from the Motor Vehicle Fund to the Department of Motor Vehicles for expenditures in the 1971–1972 fiscal year for the purpose of this act.

The Motor Vehicle Fund shall be reimbursed for the appropriation made under this section from identification fees collected pursuant to subdivision (a) of Section 38225 and Sections 38255, 38260, and 38265 of the Vehicle Code.

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:

There has been a tremendous growth in the number of off-highway vehicles used as a source of recreation. Legislation is urgently needed to satisfy the demand for adequate recreational facilities for such off-highway vehicles and to provide the restraints which are necessary to ensure recreational compatibility on public lands between the various user groups. Thus, it is necessary that this act, which is sponsored by the off-highway vehicle enthusiasts, go into immediate effect.

---

## CHAPTER 1817

*An act to add Section 1370.1 to the Penal Code, relating to mentally retarded persons.*

[Approved by Governor December 22, 1971. Filed with Secretary of State December 22, 1971.]

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

SECTION 1. Section 1370.1 is added to the Penal Code, to read:

1370.1. Notwithstanding the provisions of Section 1370, if the court has reason to believe that the defendant's inability to understand the nature and purpose of the criminal proceedings taken against him so as to be able to conduct, or assist in, his own defense in a rational manner is a result of mental retardation, the trial or judgment shall be suspended, and the court shall order the regional center for the mentally retarded, which serves the counties in which the court is situ-

ated, and which is established under the Lanterman Mental Retardation Services Act of 1969, Division 25 (commencing with Section 38000) of the Health and Safety Code, to examine the defendant and within 90 days report to the court the results of the examination and its recommendation for the care and treatment of the defendant. The court may make such orders as may be necessary to provide for the examination of such person by the regional center and for the safekeeping, necessary medical treatment, care or restraint of the defendant pending further orders of the court following receipt of the regional center's report, in the county hospital, his own home, in a state hospital, or in such other place, excluding a jail, as will afford access to personnel of the regional center for the purpose of examination and suitable provisions for the safety and comfort of the defendant. If the regional center reports that the defendant is not mentally retarded, the court shall make the appropriate order under Section 1370. If the regional center reports that the defendant is mentally retarded and is a danger to himself or others and therefore subject to commitment to a state hospital pursuant to Article 5 (commencing with Section 6500), Chapter 2, Part 2, Division 6, of the Welfare and Institutions Code, the regional center shall recommend the initiation of proceedings to commit the defendant to a state hospital pursuant to Article 5. If the regional center reports that the defendant is mentally retarded but is not subject to commitment to a state hospital pursuant to Article 5, the regional center shall make such recommendations as it deems best for the care and treatment of the defendant. Upon receiving the report and recommendations of the regional center, the court shall order that commitment proceedings pursuant to Article 5 be instituted if such defendant is subject to commitment thereunder, or, if not so subject to commitment, it shall order the defendant placed in a home or facility, or state hospital recommended by the regional center for care and treatment or in some other home, facility, or state hospital approved by the regional center for the care and treatment of the defendant. The regional center shall reexamine each defendant placed in a home or facility or state hospital, or committed to a state hospital, at least once each year to ascertain whether the mental retardation of the defendant has changed to such an extent that defendant is able to understand the nature and purpose of the criminal proceedings taken against him so as to be able to conduct, or assist in, his own defense in a rational manner. If the regional center ascertains that the mental retardation of the defendant has changed to such an extent, it shall certify the finding to the sheriff and district attorney of the county, and the court wherein the defendant's case is pending. The sheriff shall thereupon, without delay, bring the defendant from the home, facility, or state hospital, as the case may be, and place him in proper custody until he is brought to trial or judgment,

as the case may be, or is legally discharged. In event of dismissal of the criminal charges before such certification is made, the person shall be re-referred to the appropriate regional center for services under the Lanterman Mental Retardation Services Act of 1969, Division 25 (commencing with Section 38000) of the Health and Safety Code.

SEC. 2. The provisions of this act apply to pending proceedings. A "pending proceeding" for the purposes of this section includes any proceeding under Section 1368 of the Penal Code in which prior to the effective date of this act the court has ordered the question of the defendant's sanity to be determined by the court with or without a jury and in which the order committing the defendant to a state hospital has not been made prior to such effective date.

If any person committed to a state hospital under Section 1370 of the Penal Code prior to the effective date of this act is determined by the medical director of the state hospital to be mentally retarded, the medical director shall certify such determination to the court which committed the person and thereupon the provisions of Section 1370.1 of the Penal Code shall apply to such person.

## CHAPTER 1818

*An act making an appropriation for the Drug Abuse Information Project.*

[Approved by Governor December 22, 1971 Filed with Secretary of State December 22, 1971.]

I am reducing the appropriation contained in Assembly Bill No 3004 from $80,000 to $10,000.

The University of California reports that all funds appropriated for the drug abuse information project have been expended and that $10,000 is necessary to continue the program in 1971–72 The balance of the appropriation contained in AB 3004 is intended to implement the evaluation phases of the project during the current fiscal year Financial support for the evaluation phase of the project can come from funds already appropriated for public service or organized research programs of the university.

With the above deletion, I have approved AB 3004.

RONALD REAGAN, Governor

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

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury to the Regents of the University of California the sum of eighty thousand dollars ($80,000), seventy thousand dollars ($70,000) to be expended in the fiscal year 1971–72 for the purpose of implementing the evaluation phase of the drug abuse information project pursuant to Chapter 1618 of the Statutes of 1969 and ten thousand dollars ($10,000) to be expended in the fiscal year 1971–72, for purposes of the current drug abuse information project pursuant to Chapter 1618 of the Statutes of 1969.

# CHAPTER 1819

*An act to amend Section 5251 of, and to add Part 2 (commencing with Section 11500) to Division 3 of, the Unemployment Insurance Code, relating to human resources development, and making an appropriation therefor.*

[Approved by Governor December 30, 1971 Filed with Secretary of State December 30, 1971 ]

I am reducing the appropriation contained in Section 5 of Assembly Bill No 1527 from $4,750,000 to $150,000 in the following manner

The appropriation contained in Section 5(a) is reduced from $350,000 to $50,000
The appropriation contained in Section 5(b) is reduced from $2,200,000 to $100,000
The appropriation contained in Section 5(c) is deleted.

Approximately $180 million is being allocated to California for the purposes of the Public Employment Program under the Federal Emergency Employment Act The $150,000 will allow the Coordinating Council to perform the coordinating, evaluating and planning functions

RONALD REAGAN, Governor

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

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

5251. In order to carry out the purposes of this chapter the board may pay to the department the amount necessary to provide the employer with up to 100 percent of the wages to be paid to individuals employed under the Work Incentive Program. This amount shall augment any funds available to the department to reimburse the said employer pursuant to Section 402(a) (19) (E) or other provisions of Part C of Title IV of the Social Security Act.

SEC. 2. Part 2 (commencing with Section 11500) is added to Division 3 of the Unemployment Insurance Code, to read:

## PART 2. EMPLOYMENT OPPORTUNITIES ACT OF 1971

### CHAPTER 1. LEGISLATIVE INTENT AND DEFINITIONS

11500. This act shall be known and may be cited as the Employment Opportunities Act of 1971.

11501. The Legislature finds that the burdens of California's acute unemployment are falling most heavily on

Vietnam veterans, welfare recipients, residents of low-income urban and rural areas, the young, older workers, workers displaced by changing technology and shifting public expenditures, and other isolated groups and that such groups will be the last to benefit when economic recovery occurs

The Legislature, therefore, finds and declares that government must take the responsibility for creating meaningful employment opportunities in public service to help relieve the worst effects of unemployment, but that such opportunities must be created without imposing further burdens on property taxpayers, and without leading to permanent increases in the size of government.

11502. It is the intent of the Legislature in enacting the Employment Opportunities Act of 1971 to establish a program reflecting the necessary cooperative involvement of California's manpower and educational agencies, state, city, and county governments, experts in the field of public personnel management, and consumers to develop public service employment programs which may serve as national models and which, with related planning activities, will prepare for successful implementation in California of public service employment programs in the event that such programs are established as part of national welfare and manpower reform legislation.

11503. It is the specific intent of the Legislature that demonstration projects and planning activities supported under this part shall be directed toward the development of public service employment programs reflecting at least the following goals:

(a) Creation of jobs in the highest priority public service fields such as education, child care, health services, community mental health services, juvenile delinquency prevention, law enforcement and crime prevention, recreation, community economic development, resource conservation, ecology and environmental quality.

(b) Creation of jobs in specific occupations which are most likely to expand within the public and private sectors as the unemployment rate declines and which have the greatest prospect for leading to permanent employment which is not subsidized by public service employment programs Identification of jobs which will lead to permanent, nonsubsidized employment requires accurate manpower projections based upon turnover, retirement, and realistic growth estimates.

(c) Employment of persons from segments of the population identifiable by geographic location, sex, age, ethnic background, and occupation experiencing unemployment at rates in excess of the statewide seasonally adjusted unemployment rate and persons individually from

such segments of the population who experience heavy family dependence responsibilities, extended unemployment, and low income even during periods of employment and who, because of insufficient or inappropriate skills and lack of relevant work experience, are least likely to benefit from other employment opportunities.

(d) Selection of employees based upon the minimum job-related qualifications which would indicate that the employee, when provided with relevant work experience and suitable training and education, would eventually be able to qualify for permanent employment in an occupation related to his or her period of employment in a public service employment program.

(e) Provision of orientation to public service employees, as well as to such persons' supervisors and coworkers, to provide them with a clear understanding of the program and their respective roles, responsibilities, and benefits.

(f) Provision of career education and training programs which may consist of on-the-job, in-service, apprenticeship training, or institutional training and education having as specific minimum objectives the acquisition by the employees of the skills necessary to perform the tasks required for permanent employment, either in public service or private enterprise.

(g) Provision of entrance requirements for permanent employment based primarily on ability to perform the duties of the position.

11504. The ultimate objective of public service employment programs shall be to obtain permanent public or private employment for each employee in a job which has adequate career advancement opportunities, but which is supported by funds from sources other than public service employment programs.

11505. As used in this part "council" means the Advisory Coordinating Council on Public Personnel Management created by Governor's Executive Order No. R-30-71, dated May 20, 1971.

## CHAPTER 2. PLANNING, ASSESSMENT, AND PROGRAM DEVELOPMENT

11525. To establish a coordinated procedure for planning for public service employment, the Advisory Coordinating Council on Public Personnel Management created by the Governor's Executive Order No. R-30-71, dated May 20, 1971, shall do all of the following with the participation of the Department of Human Resources Development, through its Office of Manpower Utilization, and the State Personnel Board:

(a) Monitor and assess the experience in California under the federal Emergency Employment Act of 1971 to identify problems which limit the success of programs supported by such act and which must be solved for future public service employment programs to be more successful

(b) Develop a comprehensive state plan for public service employment programs considering the likelihood that additional programs may be established under federal welfare and manpower reform legislation. Among the issues to be considered in developing the comprehensive plan, the council shall:

(1) Analyze the role which private agencies and institutions, such as those which now provide public mental health, mental retardation, and alcoholism services, can play in public service employment programs.

(2) Analyze the relationship between various public service employment classifications and existing civil service and merit systems.

(3) Assess the requirements and methods for finding private employment for public service employees who are not expected to be absorbed into permanent public service jobs.

(c) Consistent with the intent of this part, prepare a plan of expenditures indicating projects which should be carried out to:

(1) Serve unemployed population groups whose needs are not being met relative to other such groups by existing public service employment programs.

(2) Solve problems identified in the early experience under the federal Emergency Employment Act of 1971, or under other federal or state programs such as Career Opportunities Development and Public Service Careers.

(3) Develop techniques, materials, or information which will be necessary for the state, the cities, and counties and other agencies in California to successfully operate large-scale public service employment programs likely to be established under federal welfare and manpower reform legislation.

(d) Develop performance criteria for measuring the success of public service employment programs in meeting the ultimate goal set forth in Section 11504.

11526. The council may, with the advice of the Department of Human Resources Development through its Office of Manpower Utilization and the State Personnel Board, from funds made available for such purposes, make grants to eligible agencies, as described in Section 11527 to pay all or part of the cost of demonstration public service projects specifically designed to meet the needs identified pursuant to Section 11525.

11527. Agencies eligible to receive grants for

demonstration public service employment programs shall include all of the following:

(a) State agencies, the California State Colleges, and the Regents of the University of California.

(b) Cities, counties, and any city and county.

(c) School districts, including California Community Colleges and other special purpose districts.

(d) Indian tribes on reservations.

(e) Public and private nonprofit agencies and institutions including community development corporations or other corporations, partnerships, or other business entities organized to operate a public service employment program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served.

11528. Assistance for demonstration public service employment programs shall be provided to an eligible agency on the basis of an application submitted to the council by the eligible agency's chief executive which has the approval of the agency's policymaking body, other than state agencies whose policymaking body is the Legislature, and the agency's central personnel officer.

11529. The council shall adopt all rules and regulations necessary to achieve the intent and carry out the provisions of this part.

11530. The jobs provided under demonstration public service employment programs shall not substitute for existing jobs.

11531. All persons employed in demonstration public service jobs under this part will be assured of workmen's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent (neither more nor less favorable) as other employees of the employer and to working conditions neither more nor less favorable than such other employees enjoy.

11532. Persons employed in jobs under this part shall be paid wages which shall not be lower than the higher of the minimum wage which would be applicable to the employment under the federal Fair Labor Standards Act of 1938, as amended, if Section 6(a) (1) of such act applied to the participant and if he were not exempt under Section 13 thereof, or the prevailing rates of pay for persons employed in similar public occupations by the same employer.

11533. The council shall not provide assistance for any demonstration program under this part unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate against any person because of race, creed, color, national origin, sex, age, political

affiliation, or beliefs.

11534. The council shall not provide assistance for any program under this part which involves political activities. Neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of Chapter 15 of Title 5, United States Code.

11535. The council shall not provide assistance for any demonstration program under this part unless it determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

11536. The council shall make maximum efforts to obtain or assist eligible agencies to obtain federal funds to support demonstration programs under this division.

11537. The council, in carrying out its responsibilities under this chapter, shall, in addition to the participation of the Department of Human Resources Development and the State Personnel Board, provide for the participation of those which represent low-income and minority persons, including a welfare recipient and a participant in a federal New Careers or Public Service Careers program.

11538. The council shall make an annual report to the Governor and the Legislature on its responsibilities under this part.

11539. Nothing contained in this part shall be construed to affect the responsibilities of any state or local government under the Emergency Employment Act of 1971.

11540. No public service employment program shall be instituted pursuant to this part after June 30, 1974. This section shall have no application to any such program instituted prior to such date.

SEC. 3. In enacting this statute, the Legislature recognizes that the Department of Human Resources Development is the state agency with primary responsibility for state manpower programs and manpower planning.

SEC. 4. It is the intent of the Legislature to review the public service employment programs established by this act during the 1974 Regular Session to determine whether, in light of possible changes and developments in the manpower field, such programs should continue.

SEC. 5. There is hereby appropriated to the Advisory Coordinating Council on Public Personnel Management from the General Fund, for the purposes of Part 2 (commencing with Section 11500) of Division 3 of the Unemployment Insurance Code, the sum of four million seven hundred fifty thousand dollars ($4,750,000), which shall be made available

for expenditure as follows:

(a) For the fiscal year 1971–1972, three hundred fifty thousand dollars ($350,000).

(b) For the fiscal year 1972–1973, two million two hundred thousand dollars ($2,200,000).

(c) For the fiscal year 1973–1974, two million two hundred thousand dollars ($2,200,000).

Any moneys made available for expenditure in any such fiscal year which are not expended may be carried over into the next succeeding fiscal year, and shall be available for expenditure in such fiscal year in addition to those funds otherwise made available by this section for such year.

---

## CHAPTER 1820

*An act to add Sections 9357.01 and 9359.04 to the Government Code, relating to the Legislature.*

[Approved by Governor December 30, 1971. Filed with Secretary of State December 30, 1971.]

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

SECTION 1. Section 9357.01 is added to the Government Code, to read:

9357.01. Notwithstanding the provisions of Section 9357 or 9357.05, the rate of contribution for a member of the system first elected after the date this section becomes operative shall be 8 percent.

SEC. 2. Section 9359.04 is added to the Government Code, to read:

9359.04. In lieu of retirement pursuant to Section 9359.01, a Member of the Senate or Assembly who is not returned to office, or who chooses not to run, or who resigns his office upon election or appointment to another public office during, or at any time after, the term in which the boundaries of the Senate or Assembly district which he represents, respectively, are altered pursuant to a reapportionment of legislative districts, may be retired upon his written application to the board, provided the member is credited with a minimum of four years service and was first elected to the Senate or Assembly prior to December 31, 1969.

If a member does not retire at the conclusion of the term of office during which the boundaries of his district were altered pursuant to a reapportionment of legislative districts he shall notify the board in writing within 30 days after the

conclusion of that term of his intention to retire pursuant to the provisions of this section at some unspecified future date.

Service after the term in which a member's district was altered pursuant to a reapportionment of legislative districts shall be disregarded for purposes of computing any retirement allowance received as a result of qualifying for retirement pursuant to this section. However, such service shall be credited for purposes of computing the member's retirement allowance received after qualifying for retirement pursuant to provisions other than this section.

A member who notifies the board of his intention to retire pursuant to the provisions of this section shall pay his contribution rate of 8 percent of gross salary to the Legislators' Retirement System during service after the term in which the boundaries of his district were altered pursuant to a reapportionment of legislative districts.

SEC. 3. It is the intent of the Legislature in enacting this act to provide for the retention in public service of experienced legislative leadership.

Section 9359.01 of the Government Code was enacted during the 1965 reapportionment term. The Legislature recognizes that this section would be activated by the 1971 reapportionment. Therefore, the state is faced with the possibility of a mass retirement in the Legislature on January 1, 1973, and the consequent state retirement costs and the loss of experienced legislative leadership.

SEC. 4. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

# CHAPTER 1821

*An act to add Section 6002 to, and Chapter 1.5 (commencing with Section 6300) to Division 5 of, the Elections Code, relating to presidential primary elections and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor December 30, 1971 Filed with Secretary of State December 30, 1971.]

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

SECTION 1. Section 6002 is added to the elections Code, to read:

6002. Notwithstanding any other provision of law, this chapter shall not apply to the Democratic Party.

SEC. 2. Chapter 1.5 (commencing with Section 6300) is added to Division 5 of the Elections Code, to read:

## CHAPTER 1.5. DEMOCRATIC PRESIDENTIAL PRIMARY

### Article 1. General Provisions

6300. The provisions of this chapter apply to the Democratic Party.

6301. The provisions of this code relating to the direct primary apply to the presidential primary insofar as the former do not conflict with the latter.

6302. This chapter applies both to the nomination of a slate of delegates and alternates pledged to the candidacy of a particular candidate and to the nomination of a slate of delegates and alternates not expressing a preference for a particular candidate.

### Article 2. Number and Certification of Delegates and Alternates

6304. The Chairman of the Democratic State Central Committee shall notify the Secretary of State on or before the 15th day of January immediately preceding the presidential primary as to the number of delegates and alternates to represent the state in the next national convention of the Democratic Party.

6305. The notification of the number of delegates and alternates shall be in substantially the following form:

Statement of Number of Delegates and Alternates to Democratic National Convention

To the Secretary of State
Sacramento, California

You are hereby notified that the number of delegates and alternates to represent the State of California in the next national convention of the Democratic Party is _____.
Dated this _____ day of _____, 19____.

_____
Chairman of the State Central Committee of the Democratic Party.

6306. If the Chairman of the Democratic State Central Committee fails to file a notice as to the number of delegates and alternates the Secretary of State shall ascertain the number from the call for the national convention issued by the National Committee of the Democratic Party.

6307. The Secretary of State shall, on or before the 25th day of January of the year of the presidential primary, certify to the county clerk of each county the number of delegates and alternates to be elected.

The Secretary of State shall also notify the county clerk of each county of the total number of delegates and alternates apportioned to each congressional district pursuant to Section 6383.

6308. The certification to the county clerk of the number of delegates and alternates shall be in substantially the following form:

Certificate of Secretary of State as to Number of Delegates and Alternates to Democratic National Convention

To the County Clerk of _____ County:

I hereby certify to you that the number of delegates and alternates to be elected by the Democratic Party on the _____ day of _____, 19____, to represent the State of California in its next national convention is as follows: Number of delegates _____. Number of alternates _____.

Dated at Sacramento, California, this _____ day of _____, 19____.

_____
(SEAL) Secretary of State

## Article 3. Selection of Delegates and Alternates Preferring a Candidate

6309. District caucuses shall be held in each congressional district for the purpose of proposing the names of registered Democrats as delegates and alternates pledged to each candidate for presidential nominee. Such caucuses shall be held on the second Saturday in February, during the year of the presidential primary, at a time specified by the chairman of the state central committee. Separate caucuses for each candidate shall be held in each district on the same date and commencing at the same time. Each candidate shall designate a registered Democrat in each congressional district to preside over his caucus in such district.

6309.5. Public notice of each district caucus shall be given to all voters registered as affiliated with the party and residing in the congressional district by publication in a newspaper of general circulation. Caucuses may be held in public buildings.

6310. Such caucuses shall be open to all registered Democrats; provided, that a registered Democrat must sign a statement of support for the candidate for whom the meeting is being held in order to participate in the proceedings of the caucus. The statement of support shall be in substantially the following form:

I _____, a registered Democrat and resident of the _____ Congressional District hereby favor _____ as candidate for presidential nominee.

_____
Signed

6311. The first order of business at each caucus shall be the ratification of a registered Democrat designated from the district by the candidate pursuant to Section 6313 to serve on the candidate's statewide organizing committee.

6312. Each caucus shall recommend to the statewide organizing committee names of registered Democrats residing in the congressional district not to exceed twice the minimum number of delegates allocated to the congressional district according to the apportionment formula set forth in Section 6383.

6313. Each candidate shall designate at least 43 but no more than 64 registered Democrats to serve on a statewide organizing committee. The committee shall be composed of at least one Democrat from each congressional district in the state.

The committee shall have the responsibility for proposing the nomination of the candidate for presidential nominee and shall constitute the candidate's slatemaking body.

6314. Each candidate's statewide organizing committee

shall meet not later than the third Saturday in February for the purpose of selecting the candidate's slate of delegates and alternates.

The first order of business at such meeting shall be the ratification of those persons designated as committee members by the candidate who were not ratified by a district caucus.

6315. After consultation with the candidate or his representatives, and after giving due consideration to the names recommended by the district caucuses, the committee shall select 88 percent of the delegates and 88 percent of the alternates from among the names of registered Democrats submitted by the district caucuses, or the names of any other registered Democrats the committee may wish to consider.

6316. All delegates and alternates shall sign a pledge of support to the candidate until released by the candidate or until the candidate fails to receive at least 15 percent of the vote on any ballot wherein his name is placed before the convention for nomination. Such pledge shall not be binding in the event the candidate dies or becomes unable to accept or hold office if nominated and elected.

The pledge of support shall be in substantially the following form:

"I personally prefer _____ as nominee of the Democratic Party for President of the United States, and hereby declare to the voters of the Democratic Party in the State of California that if elected as delegate or alternate to their national party convention, I shall support _____ as nominee of my party for President of the United States until released by him or until he fails to receive at least 15 percent of the vote on any ballot wherein his name is placed before the convention in nomination."

_____

Signed

6317. The statewide organizing committee may elect its officers, select the chairman of the committee, arrange for the appointment of verification deputies, secure the endorsement of the person preferred by the committee as candidate for presidential nominee, assemble and file all necessary papers, and take all other action which may be necessary for the organization and election of the candidate. The committee in performing its functions may act through its officers or designated representatives.

6318. The committee, on or before the first day for filing the nomination papers of the group, shall file with the Secretary of State a statement containing the name of the committee and the names of its officers.

6319. Each committee shall file with the Secretary of State, before the circulation of nomination papers, an affidavit

which shall state that the endorsement of the person preferred by the committee as candidate for presidential nominee has been secured.

The name of a candidate for presidential nominee shall not be placed on the ballot unless this affidavit has been properly filed.

### Article 4. Selection of Delegates and Alternates Expressing No Preference

6330. At least 43 but no more than 64 voters of the state who are registered Democrats may join as a statewide organizing committee in proposing the nomination of a group of candidates for delegates and alternates expressing no preference for a candidate for President. The committee shall be composed of at least one Democrat from each congressional district in the state. Each committee shall have the responsibility of organizing congressional district caucuses for proposing delegates and alternates, and shall constitute the slatemaking body.

6331. The committee may elect its officers, select the chairman of the committee, arrange for the appointment of verification deputies, assemble and file all necessary papers, and take all other action which may be necessary for the organization and election of the delegates and alternates. The committee in performing its functions may act through its officers or designated representatives.

6332. The committee, on or before the first day for filing the nomination papers of the group, shall file with the Secretary of State a statement containing the name of the committee and the names of its officers.

6333. A district caucus shall be held in each congressional district for the purpose of proposing the names of registered Democrats as delegates and alternates expressing no preference for a candidate for President. Such caucuses shall be held on the second Saturday in February during the year of the presidential primary at a time specified by the chairman of the state central committee. Separate caucuses shall be held in a district for each such committee on the same date and commencing at the same time.

6334. Public notice of each district caucus shall be given to all voters registered as affiliated with the Democratic Party and residing in the congressional district by publication in a newspaper of general circulation. Caucuses may be held in public buildings.

6335. Such caucuses shall be open to all registered Democrats; provided, that each participant must sign a statement of support for the principle that the delegation from California to the Democratic Party National Convention

not express a preference for any candidate prior to the convention. The statement of support shall be in substantially the following form:

I, _____, a registered Democrat and resident of the _____ Congressional District hereby favor the principle that the delegation from California to the Democratic Party National Convention not express a preference for any candidate prior to the convention.

_____
Signed

6336. The committee shall be responsible for the procedural aspects of the district caucuses. The committee shall designate a registered Democrat in each district to preside over the caucus.

6337. Each caucus shall recommend to the committee names of registered Democrats not to exceed twice the maximum number of delegates allocated to the congressional district according to the apportionment formula set forth in Section 6383.

6338. The committee shall meet no later than the third Saturday in February following the district caucuses for the purpose of selecting the slate of delegates and alternates. The committee shall select 88 percent of the delegates and 88 percent of the alternates from among the names of registered Democrats submitted by the district caucuses, or the names of any other registered Democrats the committee may wish to consider.

## Article 5. Nomination Papers

6343. Each candidate for delegate or alternate to the Democratic Party National Convention shall file with the Secretary of State, before the circulation of the nomination papers of the group of candidates of which he is a member, an affidavit which shall state:

(a) His residence, with street and number, if any.

(b) His election precinct.

(c) That he is a voter registered as affiliated with the Democratic Party in the precinct in which he resides.

(d) That he is a candidate for office of delegate or alternate.

(e) That he will not withdraw as a candidate before the presidential primary.

(f) That he will qualify as a delegate or alternate if elected.

(g) In the case of a candidate for delegate or alternate on a slate of delegates and alternates preferring the candidacy of a particular candidate for presidential nominee, the following statement: "I personally prefer _____ as nominee of the

Democratic Party for President of the United States, and hereby declare to the voters of the Democratic Party in the State of California that if elected as delegate or alternate to their national party convention, I shall support _____ as nominee of my party for President of the United States until released by him or until he fails to receive at least 15 percent of the vote on any ballot wherein his name is placed before the convention in nomination."

(h) In the case of a candidate for delegate or alternate on a slate of delegates and alternates expressing no preference the following statement: "I express no preference as to a particular candidate. The chairman of my group is _____."

The name of a candidate for presidential nominee shall not be placed on the ballot unless this affidavit has been properly filed by each candidate for delegate and each candidate for alternate of the group pledged to supporting the candidate.

6344. The affidavit of a candidate for delegate or alternate shall be in substantially the following form:

Affidavit of Candidate for Delegate or Alternate

State of California }
County of _____ } ss.

I, _____, reside at No. _____ Street, in the City (or Town) of _____, in the County of _____ in the _____ Congressional District, State of California; my election precinct is _____ Assembly District and I reside and am a voter therein, my post office address is _____, County of _____.

I desire to be a candidate, at the presidential primary to be held on the _____ day of _____, 19____, for delegate or alternate to the next national convention of the Democratic Party, and if elected as delegate or alternate I will qualify.

I personally prefer _____ as nominee of my political party for President of the United States, and hereby declare to the voters of the Democratic Party in the State of California that if elected as delegate or alternate to their national party convention, I shall support _____ as nominee of my party for President of the United States until released by him or until he fails to receive at least 15 percent of the vote on any ballot wherein his name is placed before the convention in nomination. (This statement of preference shall be omitted where the candidate for delegate or alternate is part of a group expressing no preference as to a particular candidate.)

I express no preference as to a particular candidate. The chairman of my group is _____. (This statement shall be omitted where the candidate for delegate or alternate is part of a group preferring a particular candidate.)

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____.

_____

(SEAL) Notary public (or other official)

6345. As used in this chapter, "basis of percentage" means the vote polled for the Democratic Party's candidate for Governor at the last preceding general election at which a Governor was elected.

6346. Nomination papers properly prepared, circulated, signed and verified shall be left, for examination, with the county clerk of the county in which they are circulated, at least 74 days prior to the presidential primary. Upon the filing of nomination papers pursuant to this chapter, the persons named in such papers shall be voted upon as delegates or alternates to the national convention, but their names shall not be printed upon the ballot of the party.

6347. Nomination papers for candidates for delegates or alternates of the party shall be signed by not less than one-half of 1 percent and not more than 2 percent of the vote constituting the basis of percentage.

6348. Upon receipt of a sufficient number of signatures for the nomination of a delegation, the Secretary of State shall notify the chairman of the committee of that fact and advise him that no more signatures will be received.

6349. Each signer of a nomination paper may sign only one paper. He shall declare his intention to support the delegation, add his place of residence, and give his street and number if any. He shall write the date of his signature at the end of the line just after his residence.

6350. Any nomination paper may be presented in sections. Each section shall contain the names of candidates comprising the group and state that they are candidates for delegates or alternates, and, if such be the case, that they have expressed a preference for a named person as candidate for presidential nominee of the party. Each section shall bear the name of the county in which it is circulated. Only voters of the county registered as intending to affiliate with the Democratic Party are competent to sign.

6351. Each section shall be prepared with the lines for signatures numbered, and shall have attached the affidavit of the verification deputy who obtained signatures to it, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be. No other affidavit is required. The affidavit of any verification deputy shall be verified free of charge by any officer authorized to administer

oaths.

6352. A verified nomination paper is prima facie evidence that the signatures are genuine and that the persons signing it are voters, until it is otherwise proved by comparison of the signatures with the affidavits of registration in the office of the county clerk.

6353. The nomination paper for a group of candidates for election as delegates or alternates shall be in substantially the following form:

Section of Nomination Paper Signed by Voter on Behalf of Group of Candidates

Section _____ Page _____

County of _____. Nomination paper of group of candidates for election as delegates or alternates preferring the candidacy of _____ as presidential nominee or expressing no preference, as the case may be.

State of California }
County of _____ } ss.

Signer's Statement

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the Democratic Party. I hereby nominate the following:

Delegates

| Number | Name | Residence city or town | County |
|---|---|---|---|
| 1 | ..... | | |
| 2 | ..... | | |
| 3 | ..... | | |

Alternates

| Number | Name | Residence city or town | County |
|---|---|---|---|
| 1 | ..... | | |
| 2 | ..... | | |
| 3 | ..... | | |

(to such number as may be required.) etc., as candidates for delegates or alternates to the Democratic Party National Convention, to be voted for at the presidential primary to be held on the _____ day of _____, 19___. I have not signed the nomination paper of any other candidates for the same office, and I further declare that I intend to support for nomination the candidates named herein.

| Number | Signature | Residence | Date |
|---|---|---|---|
| 1 | ..... | | |
| 2 | ..... | | |
| 3 | ..... | | |
| Etc. | ..... | | |

Verification Deputy's Affidavit

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the Democratic Party as delegates or alternates to represent the State of California in the party's next national convention; that all the signatures on this section of the nomination paper numbered from 1 to ____, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

(Signed)_____
Verification deputy

Subscribed and sworn to before me this _____ day of _____, 19__

(SEAL)

_____
Notary public (or other official)

6354. Any candidate whose nomination paper is filed in more than one group is disqualified from running as a member of any group.

Article 6. Verification Deputies

6355. The committee organized pursuant to this chapter, or its duly authorized representatives, may arrange for the appointment of verification deputies to serve within the county in which the deputies reside in securing signatures to the nomination paper proposed by the committee. The verification deputies thus appointed are the duly authorized verification deputies to secure signatures to the nomination paper in that county. The form on which the verification deputies are appointed shall be filed with the county clerk of the county in which the verification deputies reside, at or before the time the nomination paper is left with the county clerk for examination. Additional verification deputies may be appointed in the same manner as the original verification deputies were appointed.

6356. The verification deputies may be appointed by the committee, or its duly authorized representatives, on a form which shall be substantially as follows:

Appointment of Verification Deputies by Committee, or Its Duly Authorized Representatives

We, the undersigned, members of the _____ committee (or duly authorized representatives of the _____ committee), do hereby appoint the following voters of the County of _____ as verification deputies to obtain signatures, in that county, to nomination papers placing in nomination as a group of candidates for election as delegates or alternates to represent the State of California in the next national convention of the Democratic Party that group of candidates organized by us (by the committee of which we are duly authorized representatives);

Verification Deputies

| Name | Residence |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| Etc. | Etc. |

22723235 50

Committee or its Duly Authorized Representatives

(Signed)

| Name | Residence |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| Etc. | Etc. |

Filed in the office of the County Clerk of _____ County, this _____ day of _____, 19__.

_____, County Clerk

By _____, Deputy

6357. Verification deputies may obtain signatures to the nomination paper for which they were appointed, at any time not more than 104 nor less than 74 days prior to the presidential primary.

6358. 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.

## Article 7. Arrangement and Examination of Nomination Papers

6365. Each section of a nomination paper, after being verified, shall be returned by the verification deputy who circulated it to the committee, or to its duly authorized representatives, by whom the verification deputy was appointed. All the sections circulated in any county shall be collected by the committee, or its duly authorized representatives, and they shall arrange and leave the sections with the county clerk for examination.

6366. Prior to filing, the sections of a nomination paper shall be numbered in order.

6367. Nomination papers, properly assembled, may be consolidated and fastened together by counties, but nomination papers signed by voters in different counties shall not be thus fastened together.

6368. The county clerk shall examine all nomination papers left with him for examination and shall disregard and mark "not sufficient" the name of any voter of his county which does not appear in the same handwriting on an affidavit of registration in the office of the county clerk. He shall also disregard and mark "not sufficient" the name of any voter of his county who has not stated his intention to affiliate with the Democratic Party.

6369. Within five days after any nomination papers are left

with him for examination, the county clerk shall:

(a) Examine and affix to them a certificate reciting that he has examined them and stating the number of names which have not been marked "not sufficient."

(b) Transmit the papers with the certificate of examination to the Secretary of State, who shall file the papers.

6370. The county clerk's certificate to nomination papers of a group of candidates shall be in substantially the following form:

County Clerk's Certificate to Nomination Papers of Group of Candidates

To the Secretary of State:

I, County Clerk of the County of _____, hereby certify that I have examined the nomination papers, to which this certificate is attached, of the group of candidates for election as delegates or alternates at the ensuing presidential primary, and that the number of names which I have not marked "not sufficient" is _____.

Dated this _____ day of _____, 19__.

(SEAL) _____, County Clerk

By _____, Deputy

6371. No filing fee is required from any person to be voted for at a presidential primary.

Article 8. Certified List of Candidates, Notice of Election

6375. At least 59 days before a presidential primary, the Secretary of State shall transmit to each county clerk a certified list containing the names and addresses of the candidates for whom nomination papers have been filed and who are entitled to be voted for at the presidential primary.

The certified list shall be in substantially the following form:

Certified List of Candidates for Delegate and Alternate

To the County Clerk of _____ County:

I, _____, Secretary of State, do hereby certify that the following list contains the name and post office address of each person for whom nomination papers have been filed in my office and who is entitled to be voted for as candidate for delegate or alternate of the Democratic Party at the presidential primary to be held on the _____ day of _____, 19__.

I further certify that under the name of the candidate whom a delegation prefers or under the name of the

chairman of a delegation expressing no preference, there is stated the name of each candidate for delegate or alternate who has filed a statement pursuant to Section 6343 of the Elections Code, and who may be voted for as one of a group.

List of Candidates

Democratic Party

| Candidates pledged to | Candidates pledged to | Unpledged candidates (Name of chairman) |
|---|---|---|

Delegates

| Name Address | Name Address | Name Address |
|---|---|---|
| Top of group | Top of group | Top of group |
| 1..... | 1..... | 1..... |
| 2..... | 2..... | 2..... |
| 3..... | 3..... | 3..... |
| etc. | etc. | etc. |

Alternates

| Name Address | Name Address | Name Address |
|---|---|---|
| Top of group | Top of group | Top of group |
| 1..... | 1..... | 1..... |
| 2..... | 2..... | 2..... |
| 3..... | 3..... | 3..... |
| etc. | etc. | etc. |

Dated at Sacramento, California, this _____ day of _____, 19__

(SEAL) Secretary of State

6376. Immediately after the county clerk receives the certified list of candidates from the Secretary of State, he shall publish it in a presidential primary notice, under the proper party designation. The notice shall also contain:

(a) The date of the election.

(b) The hours during which the polls will be open.

6377. The publication of the presidential primary notice shall be made in the county pursuant to Section 6061 of the Government Code.

6378. A list of the names and cities or towns of residence of the delegates and alternates shall be included with each sample ballot for the presidential primary.

22733305 64

6379. The notice of the list of candidates published by the county clerk shall be in substantially the following form:

Notice by County Clerk of Time and Place of Presidential Primary Election, and Names and Addresses of Democratic Candidates.

Notice is hereby given that a presidential primary election is to be held in the County of _____ on the _____ day of _____, 19____, and that hereinafter there is stated the name and address of each person for whom nomination papers have been filed in the office of the Secretary of State and who is entitled to be voted for, at the election, as candidate for delegate or alternate of the Democratic Party; and that under the name of the candidate whom a delegation prefers or under the name of the chairman of a delegation expressing no preference, there is stated the name of each of those candidates for delegate or alternate who has filed a statement pursuant to Section 6343 of the Elections Code, and who may be voted for as one of a group:

List of Candidates

Democratic Party

| Candidates pledged to | Candidates pledged to | Unpledged candidates (Name of chairman) |
|---|---|---|
| ..... | ..... | ..... |

Delegates

| Name Address | Name Address | Name Address |
|---|---|---|
| Top of group | Top of group | Top of group |
| 1..... | 1..... | 1..... |
| 2..... | 2..... | 2..... |
| 3..... | 3..... | 3..... |
| etc. | etc. | etc. |

22723335 70

Alternates

| Name Address | Name Address | Name Address |
|---|---|---|
| Top of group | Top of group | Top of group |
| 1..... | 1..... | 1..... |
| 2..... | 2..... | 2..... |
| 3..... | 3..... | 3..... |
| etc. | etc. | etc. |

Notice is also hereby given that at the presidential primary the polls will be open from the hour of 7 o'clock a.m. to the hour of 8 o'clock p.m. on the day thereof.

Dated this _____ day of _____, 19____.

_____, County Clerk

## Article 9. Postprimary Selection and Apportionment of Delegation

6380. On the first Saturday following the statewide presidential primary election, the winning group of delegates and alternates shall meet in convention at a time and place specified by the chairman of the statewide organizing committee of such group, to select the remaining delegates and alternates. The delegation so formed shall then select a chairman of the delegation and proceed with such other business as they may choose to conduct.

6381. No more than 10 days following the presidential primary, the chairman of the delegation shall notify the Secretary of State of the names and addresses of the delegates and alternates who were added to the delegation after the presidential primary pursuant to Section 6380, and he shall file with the Secretary of State affidavits executed by all such delegates and alternates in substantially the following form:

Affidavit of Delegate or Alternate

State of California
County of _____ } ss.

I, _____, reside at No. _____ Street, in the City (or Town) of _____, in the County of _____ in the ____ Congressional District, State of California; my election precinct is ____ Assembly District and I reside and am a voter therein, my post office address is _____, County of _____.

I personally prefer _____ as nominee of my political party for President of the United States, and hereby declare to the voters of the Democratic Party in the State of California that as delegate or alternate to their national party

convention, I shall support _____ as nominee of my party for President of the United States, until released by him or until he fails to receive at least 15 percent of the vote on any ballot wherein his name is placed before the convention in nomination. Such a pledge shall not be binding in the event the candidate dies or becomes unable to accept or hold office if nominated and elected. (This statement of preference shall be omitted where the candidate for delegate or alternate is part of a group expressing no preference as to a particular candidate.)

I express no preference as to a particular candidate. The chairman of my group is _____. (This statement shall be omitted where the candidate for delegate or alternate is part of a group preferring a particular candidate.)

(Signed) _____

Subscribed and sworn to before me this ____ day of _____, 19__.

_____

Notary public (or other official)

6382. Vacancies occurring on the delegation, including alternates, shall be filled by the delegation.

6383. (a) The entire delegation shall be so selected that the smallest number of delegates who reside in any one congressional district shall be not less than the integer of the sum of the following two calculations:

(1) Multiply the total number of delegates to be elected by the party by one-half of the population in the congressional district, and divide the product by the total population in the state; and

(2) Multiply the total number of delegates to be elected by the party by one-half of the number of votes cast for the nominee of the party in the last presidential election within the territory comprising the congressional district, and divide the product by the total number of votes cast in the state for the nominee of the party in the last presidential election. The largest number of delegates who reside in any one congressional district shall not be greater than twice that integer

(b) Alternates shall be selected in the same manner as delegates.

6384. The alternate of any delegate who is unable to attend the convention shall attend the convention in his place and shall otherwise discharge the duties of that delegate. An alternate shall not vote in place of the delegate whom he represents when the delegate is occupying his seat at the convention.

22723385 80

## Article 10. Canvass of Returns and Certificate of Election

6385. The Secretary of State shall, not later than the 21st day after the election, compile and file in his office a statement of the canvassed returns filed with him by the county clerks.

The compiled statement shall show for each candidate the total of the votes received, and the votes received in each county.

6386. The Secretary of State shall issue a certificate of election to each person who is a member of the delegation which received the largest vote cast for any delegation of the Democratic Party, such person thereby being elected as delegate or alternate to the Democratic Party National Convention.

6387. The certificate of election shall be in substantially the following form:

CERTIFICATE OF ELECTION ISSUED TO DELEGATE OR ALTERNATE

Office of Secretary of State
Sacramento, California

I, _____, Secretary of State of the State of California, do hereby certify that at the presidential primary election held in this state on the _____ day of _____, 19__, or at a convention held thereafter pursuant to Section 6380 of the Elections Code, _____ was elected a delegate or alternate (circle one) of the Democratic Party to represent the State of California in that party's next national convention, as appears by the official returns of the primary election and statement thereof on file in my office.

Witness my hand and official seal this _____ day of _____, 19__.

_____

Secretary of State

## Article 11. Write-In Candidates

6390. Notwithstanding any other provisions of law, a space shall be provided on the presidential primary ballot for a voter to write in the name of a candidate for President of the United States.

6391. Any person who believes his name may be used as a write-in candidate for President of the United States shall, not later than eight days before the primary election, file for endorsement of his write-in candidacy with the Secretary of

State, or no votes shall be counted for him.

6392. Any person who receives, by write-in vote, a plurality of the votes cast for President of the United States shall, within 10 days after the primary election, file a list of delegates to the Democratic National Convention with the Secretary of State. The delegates and alternates shall be selected in the manner provided by the rules of the Democratic Party.

6393. If the candidate fails to file a list of delegates and alternates, the Democratic State Central Committee shall, within 10 days of the end of the 10-day period required in Section 6392, file a list of delegates and alternates with the Secretary of State. The delegates and aternates shall be selected in the manner provided by the rules of the Democratic Party. The delegation shall go to the convention unpledged to any candidate.

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 must go into immediate effect in order to avoid serious confusion regarding the law applicable to the 1972 presidential primary.

22723405 84

# CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

# REGULAR SESSION

## 1971

125—3935

# CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

Adopted at the 1971 Regular Session of the Legislature

## RESOLUTION CHAPTER 1

*Assembly Concurrent Resolution No. 1—Relative to the selection of the Legislative Counsel of California.*

[Filed with Secretary of State January 11, 1971.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That pursuant to Section 10201 of the Government Code, George H. Murphy is selected Legislative Counsel of California.

---

## RESOLUTION CHAPTER 2

*Assembly Concurrent Resolution No. 2—Approving amendments to the Charter of the City of Richmond, State of California, ratified by the qualified electors of the city at a special municipal election consolidated with state general election held therein on the third day of November, 1970.*

[Filed with Secretary of State January 11, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF RICHMOND OF A CHARTER AMENDMENT

State of California
County of Contra Costa } ss
City of Richmond

We, the undersigned, Don Wagerman, Mayor of the City of Richmond, California, and Harlan J. Heydon, City Clerk of said City, hereby certify and declare as follows:

That the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500) inhabitants,

and has been, ever since the year 1909, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the 9th day of February, 1909, and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the 4th day of March, 1909, (Statutes of 1909, Chap. 18).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Richmond, being the legislative body thereof, submitted to the qualified electors of the City a proposal hereinafter referred to as Amendment-M to amend the Charter of the City to be voted upon at a special election called for such purpose and consolidated with the State General election to be held on the 3rd day of November, 1970.

That Amendment-M was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and provisions of the Charter of the City of Richmond on the 23rd day of September, 1970 in The Independent, a newspaper of general circulation published daily except Sunday in the City of Richmond and the official newspaper of the City, and in each edition thereof during the day of publication.

That copies of Amendment-M were printed in convenient pamphlet form and in type of not less than 10-point, and were mailed to each of the qualified electors of the City, and, beginning on the 23rd day of September, 1970, a notice was advertised in The Independent daily, except Sunday, up to and including the day fixed for the election, and that during such period copies of the proposal could be had on application therefor at the office of the City Clerk.

That thereafter, the election was held November 3, 1970, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the proposed amendment.

That at the election, a majority of the qualified electors voting on the proposal to amend the Charter of the City of Richmond voted in favor of the amendment.

That all of the proceedings in connection with the submission and ratification of the amendment was had in accordance with Section 8 of Article XI of the Constitution of the State of California, the laws of California, and the Charter of the City of Richmond.

That the amendment to the Charter so ratified is as follows:

Amendment-M

First: To amend Section 2 of Article XI to read as follows:

Sec. 2 (Amended at election May 11, 1965 (a) The term "salary," for the purpose of this article, shall be defined as the basic rate of pay as set forth in the salary ordinance adopted

by the Council and does not include overtime, acting or extra-hazardous duty pay, or other salary differential.

(b) Any member of the police or fire departments who shall have served in either such department for a minimum period of twenty-five (25) years in the aggregate in any capacity or rank whatsoever, shall, on his petition as hereinafter prescribed or by order of the Pension Board if it be deemed for the good of the department, be retired from further service in such department, and shall thereafter, during his lifetime, be paid in equal monthly installments from said Fund, a yearly pension equal to one-half ($\frac{1}{2}$) of the annual salary attached to the rank or position held by him in such department one (1) year prior to the date of such petition, or such order of said Board: provided, that in case of any change in salary at any time after such retirement for such rank or position, the pension shall after each and every such change be one-half ($\frac{1}{2}$) of such salary as changed. No involuntary removal of a member from the department shall deprive him of the benefits of this section after said twenty-five (25) years' service except such removal be for habitual drunkenness, notorious insubordination, conviction of a felony, or crime involving moral turpitude, and then only if the Pension Board shall in its discretion order that such removal operate to deprive such member of said benefits.

(c) In addition to the full retirement allowance hereinabove provided, any member retiring for full service retirement as provided in paragraph (b) hereof, after the effective date of this section, shall receive an additional bonus allowance at the rate of one and two-thirds per cent ($1\frac{2}{3}\%$) of said compensation for each year of service rendered after the effective date of this section and after qualifying for full service retirement as provided in paragraph (b) hereof, such additional bonus allowance not to exceed ten (10) years service, provided that if he, after 25 years of credited service, is then under 52 years of age, he continues in service for at least 5 more years; if between 52 and 54 he continues in service for at least 4 more years; and between 54 and 56 he continues in service for at least 3 more years; if between 56 and 58 he continues in service for at least 2 more years; and if 58 or over he continues in service for at least 1 more year.

Should a member, after 25 years of service and after the effective date of this section, and after having earned a bonus allowance of 1 or more years, become incapacitated for the performance of duty, service or non-service connected, and is thereafter retired from service, he shall not in such event, forfeit any bonus allowance that he may then have conditionally credited to him.

The bonus allowance provided for herein shall not be transferable to or utilized in the computation of the amount of pension benefit provided for dependents of eligible employees as provided in Section 9 of this Article. All bonus allowances granted herein shall be on a fixed and not on a fluctuating basis; said bonus allowance shall be based on one-half ($\frac{1}{2}$) of

the annual salary attached to the rank or position held by him in such department one (1) year prior to the date of his retirement.

(d) Notwithstanding any provision contained in this Article retirement under Section 2(b) shall be compulsory upon such member reaching the age of sixty-six (66) years.

(e) Notwithstanding any other provision of this Section 2 to the contrary, at any time after a member of the Police or Fire Departments becomes eligible for a full service retirement as provided in paragraph (b) hereof, he shall have the option to file with the Director of Finance of the City of Richmond a written affidavit, on a form provided by said Director, which declares that rather than receive any bonus allowance whatsoever to which he may be entitled otherwise under paragraph (c) of this Section 2, he thereby chooses to have the City no longer deduct from his salary the amount which would otherwise be deducted therefrom for pension purposes pursuant to Article XI of this Charter as such Article XI is now or hereafter worded.

Following the receipt of such affidavit by said Director of Finance, he shall stamp the date of its receipt thereon and such action shall be deemed to constitute the filing of such affidavit with said Director. After the filing of such affidavit there shall no longer be any deduction made from such member's salary by the City for pension purposes under Article XI of this Charter nor any contribution by the City for pension purposes under said Article XI, as such Article is now or hereafter worded, in relation to such member's salary during the remainder of such member's employment with the City of Richmond as a member of the Police or Fire Department. The exercise of such option through the filing of such affidavit with said Director of Finance shall be irrevocable and such member shall be deemed to have thereby permanently waived each and every right to any bonus allowance to which he may have been entitled otherwise under paragraph (c) of this Section 2.

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Richmond with the original proposal submitted to the electors of the City, and find that the foregoing is a full, true and correct copy of the amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Richmond to be affixed this 10th day of December, 1970.

DON WAGERMAN
(SEAL) Mayor of the City of Richmond

Attest:
HARLAN J. HEYDON
Clerk of the City of Richmond

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth have been and

now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Richmond, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Richmond.

## RESOLUTION CHAPTER 3

*Assembly Concurrent Resolution No. 7—Approving amendments to the Charter of the City of Burbank, County of Los Angeles, State of California, ratified by the qualified electors of the city at a special election consolidated with the state general election held therein on the third day of November, 1970.*

[Filed with Secretary of State January 13, 1971 ]

WHEREAS, Proceedings have been taken and had for the proposed adoption and ratification of certain amendments to the Charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

### CERTIFICATE OF RATIFICATION

State of California }
County of Los Angeles } ss
City of Burbank }

We, the undersigned, Jarvey Gilbert, Mayor of the City of Burbank, State of California, and Marion W. Marshall, City Clerk of said City, do hereby certify and declare as follows:

The City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, now is and was at all times mentioned herein a City of the State of California containing a population of over fifty thousand inhabitants, and existing and acting under a Charter duly adopted and approved under and by virtue of Section 3 (formerly Section 8) of Article XI of the Constitution of the State of California.

In accordance with the provisions of said Section 3 of Article XI of the Constitution of the State of California, and the provisions of Title 4, Division 2, Part 1, Chapter 3 of the Government Code of the State of California, the City Council of said City, being the legislative body thereof, on its own motion

duly and regularly submitted to the qualified electors of said City, at a special municipal election called for that purpose, certain proposed amendments to the Charter of said City, which amendments were designated on the Ballot as City of Burbank Charter Amendments No. 1. (Ballot Measure F), No. 2 (Ballot Measure G), No. 3 (Ballot Measure H), No. 4 (Ballot Measure J), No. 5, (Ballot Measure K), No. 6 (Ballot Measure L), No. 7 (Ballot Measure M) and No. 8 (Ballot Measure N).

Said proposed amendments were published once in accordance with Section 3, Article XI of the Constitution of the State of California and Title 4, Division 2, Part 1, Chapter 3 of the Government Code of said State, on the 4th day of September, 1970, in the Burbank Daily Review, the official newspaper of said City, and in each edition thereof during the day of publication.

Said proposed charter amendments were also printed in convenient pamphlet form and in type of not less than ten-point, and copies thereof were mailed, postage prepaid, to each of the qualified electors of the City of Burbank.

The City Clerk of the City of Burbank did, commencing September 30, 1970 and continuing through November 3, 1970, advertise in said Burbank Daily Review, a newspaper of general circulation in said City, a notice that copies of said proposed charter amendments might be had upon application therefor.

That said special municipal election, consolidated with the State of California general election, was held in the said City of Burbank on the 3rd day of November, 1970, which said day was not less than forty, nor more than sixty days after the completion of the advertising of said proposed charter amendments in the Burbank Daily Review, the official newspaper of the City of Burbank, as hereinabove stated.

At said election, a majority of the qualified voters of the City voting thereon voted in favor of proposed Charter Amendments Nos. 4, 5, 6, 7 and 8 and duly ratified the same. Proposed Charter Amendments Nos. 1, 2 and 3 failed to receive the necessary votes for ratification and were rejected.

Said proposed Charter Amendments Nos. 4, 5, 6, 7 and 8 of the Charter of the City of Burbank, ratified as aforesaid by the electors of said City, are as follows:

Charter Amendment No. 4

The first sentence of the first paragraph of subsection (a) of Section 54 of the Charter of the City of Burbank is amended to read as follows:

"Every contract, involving an expenditure of more than Ten Thousand Dollars ($10,000.00), for the erection or construction of public buildings and structures, for streets, drainage and sewer work, for the installation of pipe (other than water pipe), fire hydrants, wells, pumping plants, power plants, gas mains and generators, and works for protection against over-

flow, and each separate purchase of materials or supplies for the same where the expenditures required for such purchase shall exceed the sum of Ten Thousand Dollars ($10,000.00), shall be let by the City Manager, subject to the approval of the Council, to the lowest responsible bidder, after notice by publication in the official newspaper by two insertions, the first of which shall be at least ten (10) days before the time for opening bids; provided that the Council may order rejected any and all bids presented and may order readvertisement in its discretion."

Charter Amendment No. 5

The first paragraph of Section 55 of the Charter of the City of Burbank is amended to read as follows:

"No officer or employee of the City shall have an interest in any contract or be the purchaser at any sale or the vendor at any purchase to which the City is a party, except to the extent permitted by State law as now or hereafter provided. Violation of this provision shall constitute a misdemeanor and shall void the contract or transaction at the election of the Council. Any officer convicted therefor shall forfeit his office."

Charter Amendment No. 6

Sections 15A and 39 and the last paragraph of Section 55 of the Charter of the City of Burbank are repealed and a new section numbered 8A is added thereto to read as follows:

"Sec. 8A. Adoption of Codes By Reference.

"The duly adopted and effective ordinances of the City, when compiled, arranged and codified or recodified, may be adopted by reference by passage of an ordinance for such purpose. Detailed regulations not embodied in any ordinance, such as fire, building, plumbing, electrical, and heating and cooling codes, as well as codes on other subjects, may be enacted in the same manner. Amendments to such codes shall be adopted by the same procedure as amendments to ordinances generally. Copies of all codes adopted by reference shall be made available to the public at a reasonable price."

Charter Amendment No. 7

The Charter of the City of Burbank is amended as follows:

1. The second sentence of subsection (a) of Section 4 is amended to read:

"The Council may provide for such additional boards, commissions, committees, officers and employees as may be deemed necessary and prescribe their respective powers and duties."

2. The last paragraph of Section 6 is amended to read:

"All meetings of the Council shall be open to the public and held in the City Hall or such other place as may be prescribed by ordinance, unless the Council is compelled to meet elsewhere by reason of fire, flood, earthquake or other emergency. The Council shall adopt rules for conducting its proceedings."

3. The first sentence of subsection (b) of Section 11 is deleted.

4. The second sentence of the first paragraph of Section 12 is deleted.

5. Section 20 is amended to read:

"Sec. 20. Official Bonds.

"The Council shall, by ordinance, determine which officers and employees shall be subject to group or individual bonds to insure faithful performance of their official and ex-officio duties, shall fix the amount of such bonds, and provide for payment of premiums by the City."

6. The second sentence of the first paragraph of Section 24 is deleted.

7. The first sentence of the second paragraph of Section 27 is amended to read:

"Primary nominating elections shall be held in said City on the last Tuesday in February in every odd-numbered year, and general municipal elections shall be held in said City on the first Tuesday in April in every odd-numbered year, except that if either of said days is a legal holiday such election shall be held on the following day."

8. The first and second paragraphs of Section 57 are deleted and the following paragraph is substituted in their place:

"The right to inspect public records of the City and to obtain copies thereof or information therefrom shall be governed by the laws of the State of California."

9. Section 59 is amended by changing the word "State" to "Public" and the word "Act" to "Law" wherever they appear and deleting from subsection (a) thereof the following words, figures and commas:

"and shall set and fix the attainment of 55 years as the age for optional, voluntary retirement of city firemen and city policemen, and 60 years as the age for the optional, voluntary retirement of all other employees and officers, upon the completion of twenty (20) years of service with the City of Burbank,"

10. Section 60 is amended to read:

"Sec. 60. General Laws and Procedures.

"The City shall have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by the general laws of the State or by other lawful authority and shall have the power to act pursuant to procedure established by any law of the State unless a different procedure is required by this Charter or by ordinance."

Charter Amendment No. 8

The Charter of the City of Burbank is amended as follows:

1. The Second paragraph of Section 5 is amended to read:

"The members of the Council shall be elected by the qualified voters of the City in the manner and for the term provided in Section 27 of this Charter, except that at the first

election to be held all five members of the Council shall be elected and their respective terms shall be as follows: the two persons elected by the highest number of votes shall hold office for four years, and the three persons elected by the lowest number of votes shall hold office for two years."

2. The first sentence of the first paragraph of Section 6 is amended to read:

"The Council shall meet at 10 a.m. on the first day of May next succeeding their election, or if such day be a Sunday or holiday, then upon the next regular working day."

3. The second paragraph of Section 6 is amended to read:

"Special meetings may be called as provided by the laws of the State of California, except that written notice of such meetings shall be delivered personally to each member of the Council."

4. The word "board" at the end of the second paragraph of Section 8 is changed to "Council."

5. The second paragraph of subsection (c) of Section 31 is amended to read:

"The members of the Board of Education shall be elected by the qualified voters of the City in the manner provided by Section 27 of this Charter."

6. The second paragraph of Section 35 is deleted.

7. Section 36 is amended to read:

"Sec. 36. Park and Recreation Department.

"There shall be a Park and Recreation Department and a Park and Recreation Board, the number and terms of the members of which and the powers and duties of which shall be prescribed by ordinance."

8. The second and third paragraphs of Section 37 are deleted.

9. The first sentence of the first paragraph of Section 38 is deleted.

10. Subsection (b) of Section 54 is amended to read:

"(b) Purchase of Supplies, Materials, Equipment and Services Generally.

"Before making any purchase of, or contract for, supplies, materials, equipment, or services (other than professional or contractual services which are, in their nature, unique and not subject to competitive bidding), the City Manager or his designated representative shall provide for competitive bidding under such definitions, conditions, terms, rules and regulations and with such exceptions as the Council shall prescribe by ordinance to be adopted by, and only amended by, the unanimous vote of all members of the Council."

11. The last paragraph of Section 58 is amended to read:

"Contracts for advertising or printing, as the case may be, shall be awarded to the lowest responsible bidder, provided no contract for advertising shall be awarded to any newspaper except a newspaper of general circulation as defined by the laws of the State of California."

12. The last paragraph of Section 61 is deleted.

13. Section 62 is amended to read:

"The Council may by ordinance adopt a seal for the City."

We further certify that we have compared the text of the aforesaid ratified charter amendments of the Charter of the City with the original proposed amendments submitted to the qualified electors of the said City, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble of this certificate preceding said amendments to said Charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Burbank to be attached on this 9th day of December, 1970.

JARVEY GILBERT
(SEAL) Jarvey Gilbert, Mayor of the City of Burbank, California
MARION W. MARSHALL
Marion W. Marshall, City Clerk of the City of Burbank, California

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Burbank.

---

## RESOLUTION CHAPTER 4

*Senate Concurrent Resolution No. 5—Approving certain amendments to the Charter of the City of Mountain View, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special municipal election consolidated with the statewide general election held therein on November 3, 1970.*

[Filed with Secretary of State January 13, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the amendments herein-

after set forth to the Charter of the City of Mountain View, a municipal corporation in the County of Santa Clara, State of California, as set out in the certificate of the mayor and the city clerk of said city as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF MOUNTAIN VIEW OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF MOUNTAIN VIEW

State of California }
County of Santa Clara } ss.
City of Mountain View }

We, the undersigned, William L. Herfurth, Mayor of the City of Mountain View, and Jean Hixson, City Clerk of the City of Mountain View, do hereby certify and declare as follows:

That the City of Mountain View, a municipal corporation, in the County of Santa Clara, State of California, now is and at all times herein mentioned was a city containing a population of more than fifty thousand and ever since the sixth day of March, 1952, has been and is now organized, existing and acting under a Freeholders Charter adopted under and by virtue of Section 3 of Article XI of the Constitution of the State of California, which Charter was duly ratified by qualified electors of said City of Mountain View at an election held for that purpose on the 15th day of January, 1952, and approved by the Legislature of the State of California by Concurrent Resolution No. 3, on March 3, 1952, and filed with the Secretary of State on March 6, 1952.

That in accordance with the provisions of Section 3 of said Article XI of the Constitution of the State of California, the City Council of the City of Mountain View by its Resolution No. 8760, adopted on the 14th day of August, 1970, duly and regularly submitted to the qualified electors of said City of Mountain View certain proposals to amend the Charter of the City of Mountain View and to be voted upon by said qualified electors at a special municipal charter amendment election by said resolution called for said purpose in said City on the 3rd day of November, 1970, and consolidated with the Statewide General Election to be held in said City of Mountain View on said 3rd day of November, 1970.

That said proposals were published and advertised, in accordance with law on the 8th day of September, 1970, in the Palo Alto Times, the official newspaper of the City of Mountain View, and in each edition thereof during said day of publication, and a summary of said proposals was published in said Palo Alto Times daily from September 8, 1970 to November 3, 1970.

That said special municipal charter amendment election consolidated with the Statewide General Election of the City of

Mountain View was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 3rd day of November, 1970, which day was not less than forty (40) days and not more than sixty (60) days after the completion of said publication and advertisement of said proposal in said Palo Alto Times.

That pursuant to the provisions of Section 22932.5 of the Elections Code of the State of California, the City Council of the City of Mountain View did, on the 14th day of August, 1970 duly pass and adopt that portion of Section 5 of said Resolution No. 8760, ordering the canvass of said special municipal election to be made by the Board of Supervisors of the County of Santa Clara, State of California.

That said Board of Supervisors did, in the manner provided by law, duly and regularly canvass the returns of said special municipal election consolidated with the Statewide General Election of the City of Mountain View, as aforesaid, and certify the results thereof to the Council of said City of Mountain View.

That the Council of the City of Mountain View did, by Resolution No. 8844, duly passed and adopted on November 30, 1970, duly find and declare that a majority of the qualified electors voting on said proposed charter amendments, voted in favor of same and said proposals to amend the Charter of said City were ratified.

That said charter amendments so ratified by the majority of the qualified electors of said City voting at said special municipal charter amendment election are in words and figures following, to wit:

By amending Section 906 of the Charter of the City of Mountain View to read as follows:

"There shall be a planning commission consisting of at least seven members, the number of which membership shall be established, from time to time, by ordinance. The planning commission shall have the power to:

(a) Recommend to the council, after a public hearing thereon, the adoption, amendment or repeal of a master plan or any part thereof for the physical development of the city.

(b) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance or resolution.

(c) Exercise such functions regarding the environmental quality of the community as may, from time to time, be prescribed by ordinance or resolution A special membership for the planning commission when exercising functions pursuant to this subsection may also be established by ordinance or resolution."

By amending Section 1108 of Article XI of the Charter of the City of Mountain View to read as follows:

"Section 1108. Bond Debt Limit.

The city shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent of the total assessed valuation for purposes of city taxation, of all the real and personal property within the city, exclusive of any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending or maintaining municipal utilities for which purposes a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the state Constitution and of this Charter."

and we, and each of us further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Mountain View with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendments to the Charter of the City of Mountain View are hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California. As to said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the Seal of the City of Mountain View to be affixed hereto this 4th day of December, 1970.

(SEAL)

WILLIAM L. HERFURTH
Mayor of the City of
Mountain View
JEAN HIXSON
City Clerk of the City of
Mountain View

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Mountain View, as proposed to, and adopted and ratified by, the electors

of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Mountain View.

---

## RESOLUTION CHAPTER 5

*Assembly Concurrent Resolution No. 9—Approving a certain amendment to the Charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held therein on November 3, 1970.*

[Filed with Secretary of State January 14, 1971.]

WHEREAS, The City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and has been, ever since the year 1901, and now is, organized, existing and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 3, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of November, 1900, and approved by the Legislature of the State of California, on the 29th day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by resolutions of said Legislature as set out in the certificate of the Chairman of the Board of Directors and the City Clerk of said City of Pasadena, hereinafter set forth; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of one amendment to the Charter of said City of Pasadena, as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PASADENA OF ONE CHARTER AMENDMENT

State of California }
County of Los Angeles } ss
City of Pasadena }

We, the undersigned, Walter L. Benedict, Chairman of the Board of Directors of the City of Pasadena, State of California, and Harriett C. Jenkins, City Clerk of said city, do hereby certify and declare as follows:

That the City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population of more than 3,500 inhabitants, and now has a population of over

50,000 inhabitants, and ever since the year 1901 has been and now is organized, existing and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 3 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of November, 1900, and approved by the Legislature of the State of California, on the 29th day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by the Legislature.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Board of Directors of the City of Pasadena, being the legislative body thereof, on its own motion, by Ordinance No. 4994 adopted by said board on the 25th day of August, 1970, duly and regularly proposed that there be submitted to the qualified electors of the City of Pasadena one proposal for the amendment of the Charter of said city, designated as Proposition "V", to be voted upon by said qualified electors at a special election called and held for that purpose in said city on the 3rd day of November, 1970. That said election was duly and regularly called, authorized and provided for by said Board of Directors by Ordinance No. 4995, adopted on the 25th day of August, 1970, which said ordinance called said special election, for the submission of said amendment, to be held in said city on the 3rd day of November, 1970, and that by said ordinance the said special election was by said Board of Directors duly and regularly consolidated with the general state election to be held on said date. That said election was duly and regularly called and held on said 3rd day of November, 1970, which day was not less than forty, and not more than sixty days after the completion of the publication and advertising of the proposed amendment aforesaid in the official newspaper.

That said proposed amendment was published and advertised in accordance with Section 3 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Pasadena in the Star-News, a daily newspaper of general circulation, published in said City of Pasadena, and the official newspaper of said city and in each edition thereof during the day of publication.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point, and until the day fixed for the said election, and as required by Section 3 of Article XI of the Constitution and by the Charter of the City of Pasadena, a notice was advertised and published in the Star-News, the same being a newspaper of general circulation in said city, that copies thereof might be had upon application therefor at the office of the City Clerk of the City of Pasadena.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the day fixed for said election. That a copy thereof was mailed to each of the qualified electors of said city as required by law.

That in accordance with the provisions of Section 3 of Article XI of the Constitution and of the Charter of said City of Pasadena and said ordinances of the legislative body thereof, said special election was held in the said City of Pasadena on the 3rd day of November, 1970, and that pursuant to the provisions of Section 3 of Article XI of the Constitution and of said Charter and said ordinances the said proposed Charter amendment was submitted to the qualified electors of said city for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify said proposed amendment to the Charter of said city hereinafter set forth.

That, in accordance with law, the Registrar of Voters of the County of Los Angeles, State of California, did duly and regularly canvass the returns of said election and on the 24th day of November, 1970, did certify to the Board of Directors of the City of Pasadena the result of such canvass; that said Board of Directors on the 1st day of December, 1970, did duly find, determine and declare the result of said special election as determined from the canvass of the returns thereof aforesaid to be that a majority of the qualified electors of said city voting on said proposed amendment had voted for, ratified and adopted said amendment.

That the said amendment to the Charter so ratified by the electors of the City of Pasadena are in words and figures as follows:

Proposition "V"

That the Charter of the City of Pasadena be amended by amending Section 909 thereof to read:

"Section 909. Bonded Debt or Tax Levy. Whenever the Board shall determine that the public interest requires the construction or acquisition or completion of any public improvement or utility, the cost of which, in addition to the other expenditures of the city will exceed the income and revenue provided for in any one year, it may, by ordinance, submit a proposition to incur a general obligation bonded indebtedness and specifying the maximum interest rate thereof, or levy a special tax for such purpose, and proceed therein as provided in Section Forty of Article Thirteen of the Constitution of this State and general law or laws thereof, and that the bond issue therefor shall be sold to the highest bidder, after advertising for sealed proposals; provided that the Board may reject any and all bids."

The foregoing amendment shall be operative as to any general obligation bonds of the City of Pasadena authorized by the voters of said City at the Special Municipal election held November 3, 1970, or at any subsequent election.

That we have compared the foregoing amendment with the original proposal proposed by said Ordinance No. 4994, to be submitted to the electors of said city, and find that the foregoing is a full, true, correct and exact copy thereof.

That as to said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Pasadena to be affixed hereto this 15th day of December, 1970.

(SEAL)

WALTER L. BENEDICT
Chairman of the Board of Directors
of the City of Pasadena
HARRIETT C. JENKINS
City Clerk

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Pasadena, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Pasadena.

## RESOLUTION CHAPTER 6

*Assembly Concurrent Resolution No. 8—Approving an amendment to the Charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein November 3, 1970.*

[Filed with Secretary of State January 18, 1971.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the Charter of the City of Long Beach, as set out in the certificate of the Mayor and City Clerk of said City, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN NOVEMBER 3, 1970, OF AN AMENDMENT TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

State of California
County of Los Angeles } ss.
City of Long Beach

We, Edwin W. Wade, Mayor of the City of Long Beach, and Margaret L. Moore, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said City at a special election held therein on the 14th day of April, 1921, and approved by the Legislature of the State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motions duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach an amendment to the Charter of said City and ordered that said proposed amendment be submitted to said qualified electors of said City at a Special Municipal Election to be held in said City on the 3rd day of November, 1970; and

That said proposed amendment to be so submitted November 3, 1970, was designated as Proposition S and was duly published the 18th day of September, 1970, in the Long Beach Independent and in each edition thereof during said date of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendment, and at all times since has been and now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendment, and at all times since has been and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed amendment; and

That said proposed amendment was duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendment could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendment so printed in convenient pamphlet form was duly and regularly distributed in the manner provided by law; and

That said City Council did, by an ordinance designated as Ordinance No. C-4895, order the holding of said special municipal election in said City of Long Beach on November 3, 1970, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendment, as aforesaid, and that said ordinance was published at least three times in said Long Beach Independent ten days prior to the date of said election, to wit: October 21, 1970, October 22, 1970, and October 23, 1970; and

That said special municipal election was held in said City of Long Beach on November 3, 1970, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendment once in said Long Beach Independent as aforesaid; and

That the City Council did, by resolution adopted on the 15th day of December, 1970, duly declare the results of said special municipal election and did duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and had ratified said proposed amendment; and

That said proposed amendment to the Charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, is respectively in words and figures as follows, to wit:

Proposition S—Charter Amendment

That the Charter of the City of Long Beach be amended by amending Sections 136.100 and 256 thereof, to read, respectively, as hereinafter set forth, and by repealing Section 32 thereof:

Sec. 136.100. The members of the City Council and other officials of the city shall take such action as is necessary to provide for the assessment of property in the city, the equalization of assessments, the collection of taxes and the enforcement of collection of such taxes by sale of property or otherwise, and the redemption thereof, by the appropriate officers of the County of Los Angeles. Any ordinance adopted in order to effectuate the provisions of this section shall be deemed to be an emergency measure, effective immediately upon its adoption. All provisions of this charter concerning the assessment of property, the equalization of assessments, the collection of taxes and the enforcement thereof, and the redemption thereof, by officers of the city, shall be suspended while such functions

are being performed by the County of Los Angeles. The appropriate city officers and employees shall continue to perform such functions of assessing property in the city for municipal purposes, the equalization of assessments and the collection of taxes, the sale of property for unpaid taxes and other procedures for the enforcement of taxes as are necessary during the transfer of the city's assessing, tax collecting and enforcement functions as hereinabove set forth to the County of Los Angeles.

Tax Levy and Limitations

Sec. 256. The City Council shall have the power to levy and collect taxes upon all real and personal property within the city for municipal purposes; PROVIDED, that the tax levy for any one year for municipal purposes other than the municipal library, the municipal band, public recreation, the amount necessary to pay the principal and interest on the bonded indebtedness of the city, and any other special tax provided by this charter or voted by the qualified electors of the city under constitutional provisions, shall not exceed one dollar on each one hundred dollars of all real and personal property within the city. This limitation upon the tax rate shall not apply whenever the assessment of property in the city, the equalization of assessments, the collection of taxes and the enforcement of collection of such taxes by sale of property or otherwise, and the redemption thereof, shall be performed for the city by the appropriate officers of the County of Los Angeles.

In setting the amount of appropriations and in fixing tax rates the City Council shall have the power to provide for income in addition to the estimated requirements to offset anticipated delinquency in payment of taxes.

That the foregoing is a full, true and correct copy of said proposed amendment to the Charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

In witness whereof, Edwin W. Wade, Mayor, as aforesaid, and Margaret L. Moore, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed on this 29th day of December, 1970.

EDWIN W. WADE
(SEAL) Mayor of the City of Long Beach
MARGARET L. MOORE
City Clerk of the City of Long Beach

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Ar-

ticle XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Long Beach, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Long Beach.

## RESOLUTION CHAPTER 7

*Assembly Concurrent Resolution No. 10—Approving amendments to the Charter of the City of Huntington Beach, State of California, ratified by the qualified electors of the city at a special municipal election consolidated with the statewide general election held therein on the third day of November, 1970.*

[Filed with Secretary of State January 18, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Huntington Beach, a municipal corporation in the County of Orange, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF HUNTINGTON BEACH OF CERTAIN CHARTER AMENDMENTS

State of California
County of Orange
City of Huntington Beach

We, the undersigned, Donald D. Shipley, Mayor of the City of Huntington Beach, County of Orange, State of California, and Paul C. Jones, City Clerk of the City of Huntington Beach, do hereby certify and declare as follows:

That the City of Huntington Beach, a municipal corporation of the County of Orange, State of California, now is and at all times herein mentioned was, a city having a population of more than fifty thousand (50,000) inhabitants, and has been, since October 24, 1963, and is now organized and acting under a Charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of such City at a special election held for that purpose on the 11th day of January, 1966, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 10th day of February, 1966.

That in accordance with the provisions of Article XI of the Constitution and Title 4, Division 2, Chapter 3 of the Government Code of the State of California, on its own motion the Council of the City of Huntington Beach, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City of Huntington Beach certain proposals for the amendment of the Charter of said City, to be voted upon by said qualified electors at a Special Municipal Election held as provided for by law, in said City on the 3rd day of November, 1970, which said proposals were designated as Proposed Charter Amendments "L", "M" and "N".

That said proposed amendments were published and advertised in accordance with Title 4, Division 2, Chapter 3 of the Government Code of the State of California, on the 24th day of September, 1970, in the "Huntington Beach News", a daily newspaper of general circulation published, printed and circulated in said City, and being the official newspaper of said City for said purpose, and in each edition thereof during the day of publication.

That said proposed charter amendments were submitted to the electors of said City for adoption and ratification at a special municipal election duly and regularly held in said City of Huntington Beach on the 3rd day of November, 1970, which said date was not less than forty, nor more than sixty, days after the completion of the advertising in the above mentioned official paper of the proposed charter amendments aforesaid. That, in accordance with the provisions of the Elections Code of the State of California, the Council of the City of Huntington Beach had adopted, on August 18, 1970, a Resolution No. 3209 wherein it requested the Board of Supervisors of Orange County, California, to order the consolidation of said special municipal election with the state-wide general election held in said county on November 3, 1970, that said consolidation had been so ordered by said Board of Supervisors; and that said special municipal election was so consolidated with said state-wide general election held in said county on said date.

That at said special municipal election a majority of the qualified electors voting upon said proposed charter amendments voted in favor of the amendments and adopted and ratified the same.

That said Amendments to the Charter so ratified by the electors of the City of Huntington Beach are in words and figures as follows, to wit:

The Charter of the City of Huntington Beach is hereby amended by amending Section 1211 to read as follows:

"Section 1211. Contracts on Public Works.

"Except as hereinafter expressly provided, every contract involving an expenditure of more than Ten Thousand Dollars ($10,000) for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each sep-

arate purchase of materials or supplies for the same, where the expenditure required for such purchase shall exceed the sum of Ten Thousand Dollars ($10,000), shall be let to the lowest responsible bidder after notice by publication in the official newspaper by two or more insertions, the first of which shall be at least ten days before the time for opening bids.

"The City Council may reject any and all bids presented and may readvertise in its discretion. After rejecting bids, or if no bids are received, or without advertising for bids if the total amount of the contract or project is less than Ten Thousand Dollars ($10,000), the City Council may declare and determine that in its opinion, the work in question may be performed better or more economically by the City with its own employees, or that the materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by the affirmative votes of a majority of the total members of the City Council, it may proceed to have said work done or such materials or supplies purchased in the manner stated without further observance of the provisions of this section. Such contracts may be let and such purchases made without advertising for bids if such work or the purchase of such materials or supplies shall be deemed by the City Council to be of urgent necessity for the preservation of life, health, or property, and shall be authorized by the affirmative votes of at least two-thirds of the total members of the City Council.

"Projects for the extension, replacement or expansion of the transmission or distribution system of any existing public utility operated by the City or for the purchase of supplies or equipment for any such project or any such utility may be excepted from the requirements of this section by the affirmative vote of a majority of the total members of the City Council."

The Charter of the City of Huntington Beach is hereby amended by amending Section 1209 to read as follows:

"Section 1209. Bonded Debt Limit.

"The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the city.

"No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of the majority required by law of the electors voting on such proposition at any election at which the question is submitted to the electors."

The Charter of the City of Huntington Beach is hereby amended by amending Sections 500, 503 and 504 to substitute the word Monday for the word Tuesday wherever the word Tuesday appears in such sections, and by adding to the Charter Sections 1302.1, 1304 and 1305 to read as follows:

"Section 500. City Council, Attorney, Clerk and Treasurer. Terms.

"The elective officers of the City shall consist of a City Council of seven members, a City Clerk, a City Treasurer, and a City Attorney, all to be elected from the City at large at the times and in the manner provided in this Charter and who shall serve for terms of four years and until their respective successors qualify.

"Subject to the provisions of this Charter, the five members of the City Council in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified, and shall constitute the City Council until two additional members are elected as hereinafter provided. Four members of the City Council shall be elected at the general municipal election held in April, 1966, and each fourth year thereafter. Three members of the City Council shall be elected at the general municipal election held in April, 1968, and each fourth year thereafter.

"In the event this Charter shall not take effect in time to elect four members of the City Council at the general municipal election held in April, 1966, and only two members of the City Council are then elected, a special election shall be called and held not less than 60 nor more than 90 days after the effective date of this Charter to elect two additional members of the City Council for the remainder of the terms expiring in April, 1970.

"Subject to the provisions of this Charter, the City Clerk, City Treasurer and City Attorney in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and the qualification of their successors. A City Clerk and City Treasurer shall be elected at the general municipal election held in April, 1968, and each fourth year thereafter. A City Attorney shall be elected in April, 1966, and each fourth year thereafter.

"The term of each member of the City Council, the City Clerk, the City Treasurer and the City Attorney shall commence on the first Monday following his election. Ties in voting among candidates for office shall be settled by the casting of lots.

"Section 503. Vacancies.

"A vacancy in the City Council, or City Clerk, City Treasurer or City Attorney, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Monday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term, if any. As used in this paragraph, the next general municipal election shall mean the next such election at which it is possible to place the matter on the ballot and elect a successor.

"If a member of the City Council absents himself from all regular meetings of the City Council for a period of thirty days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the City, his office shall become vacant. The City Council shall declare the existence of any such vacancy.

"In the event it shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, the City Council shall forthwith cause an election to be held to fill such vacancy for the remainder of the unexpired term.

"Section 504. Presiding Officer.

"On the first Monday following any general or special municipal election at which any Councilman is elected, and at any time when there is a vacancy in the office of Mayor, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor may make and second motions and shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes, shall have the primary but not the exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and as occasion requires, he may inform the people of any major change in policy or program. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

"The City Council shall also designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

"Section 1302.1. Canvassing of Ballots.

"The City Council shall meet at its usual place of meeting at a regular, special or adjourned meeting, the Monday following the election, to receive the canvass of the returns and to install the newly elected officers. Any provision of the Charter inconsistent herewith is hereby repealed.

"Section 1304. Filing Fee.

"A filing fee in the amount of $100 shall be paid to the City Clerk at the time forms for nomination papers are obtained from said Clerk for any elective position. Said Clerk shall not deliver any nomination papers to any person until said fee is paid. No part of such fee shall be refundable.

"Section 1305. Nomination Papers.

"Nomination papers for candidates for elective municipal office must be signed by fifty electors of the city."

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said

City and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendment to said Charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of Huntington Beach to be affixed hereto this 21st day of December, 1970.

DONALD D. SHIPLEY
(SEAL) Mayor of the City of
Huntington Beach, California

Attest:
PAUL C. JONES
City Clerk

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Huntington Beach as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Huntington Beach.

---

## RESOLUTION CHAPTER 8

*Assembly Concurrent Resolution No. 11—Approving amendments to the Charter of the City of Bakersfield, State of California, ratified by the qualified electors of the city at a general election held therein on the third day of November, 1970.*

[Filed with Secretary of State January 18, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Bakersfield, a municipal corporation in the County of Kern, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BAKERSFIELD OF CERTAIN CHARTER AMENDMENTS

State of California }
County of Kern } ss.
City of Bakersfield }

We, the undersigned, Donald M. Hart, Mayor of the City of Bakersfield, and Marian S. Irvin, City Clerk, do hereby certify and declare as follows:

Whereas, the City of Bakersfield, in the County of Kern, State of California, has at all times mentioned herein been and now is a municipal corporation of the State of California, containing a population of seventy-one thousand, two hundred and eighty-two inhabitants as ascertained by the last preceding census taken under the authority of the Legislature of California, and is now and has been ever since the twenty-third day of January, 1915, organized and existing under a freeholders' charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 7th day of November, 1914, and approved by the Legislature of the State of California in January, 1915; and filed with the Secretary of State on January 23, 1915; and

Whereas, on the 17th day of August, 1970, the legislative body of the City of Bakersfield, to wit: the City Council, on its own motion passed a resolution to submit to the electors of said city, at a special election to be held November 3, 1970, certain proposed amendments to the City Charter of the City of Bakersfield, on said date, the City Council of the City of Bakersfield duly and regularly called a special election for the purpose of voting on said proposed amendments, to be held on the 3rd day of November, 1970, which said date was fixed by the said City Council of the City of Bakersfield as the time for voting on said amendments as proposed, and which said election was consolidated with the State General Election held within said city on said date, and

Whereas, said proposed amendments were published on the 14th and 22nd days of September, 1970, in each edition of The Bakersfield Californian, a newspaper of general circulation printed and published in the City of Bakersfield, and having a general circulation therein, the said paper being the official newspaper of the City of Bakersfield, and said publication was made at the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California; and

Whereas, on the 1st day of October, 1970, the City Clerk of the City of Bakersfield caused to have copies of said proposed charter amendments printed in a one-sheet pamphlet form; subsequently from October 14, 1970 through October 17, 1970, the County Clerk of the County of Kern had a copy

of the one-sheet pamphlet setting forth said proposed charter amendments mailed to all the qualified electors of the City of Bakersfield in the form of and in the manner provided by Section 8 of Article XI of the Constitution of the State of California; and

Whereas, said proposed amendments were advertised with a notice that copies may be obtained upon application to the office of the City Clerk of the City of Bakersfield, on the 24th day through the 31st day of October, 1970, and the 2nd day of November, 1970, in each edition of The Bakersfield Californian, a newspaper of general circulation printed and published in the City of Bakersfield, and having a general circulation therein, the said paper being the official newspaper of the City of Bakersfield, and said publication was made at the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California; and

Whereas, said special election was duly and regularly held on the 3rd day of November, 1970, which said date of the election was not less than forty nor more than sixty days after the completion of the advertising in said official newspaper of said proposed amendments, and at said special election the said proposed amendments to said Charter were voted upon by the qualified electors of the City of Bakersfield, and at said special election a majority of the qualified electors voting thereon voted in favor of ratifying and did ratify said proposed amendments to said Charter.

That the Charter of the City of Bakersfield be amended as follows:

Proposition No. 2

That Section 43 of the City Charter be amended to read as follows:

Qualifications of Officers and Employees

Section 43. Except as otherwise specified in this Charter, the qualifications of officers and employees of the City shall be as follows: Each elective officer must be a citizen of the United States, of the State of California, and of the City of Bakersfield, for three years next preceding the date of his election. Residence within the limits of any territory which has been or may hereafter become annexed to the City of Bakersfield, shall, after any such annexation has been accomplished, be deemed and construed to have been within the City. Appointive officers, subordinate officers, all municipal employees and all members of any board or commission authorized by this Charter and the City Council, must be citizens of the United States, provided that each member of any board or commission must also be a resident of the City at the time of appointment. Residence requirements for all other officers and employees of the City shall be as established by the City Council.

Proposition No. 3

That Section (228)8 of the City Charter be amended to read as follows:

Appointments on Probation, Conditions of Discharge, Temporary Appointments

Section (228)8. The Chief of Police shall notify the Commissioners of each position to be filled, separately, and shall fill such position by appointment of one of the persons certified to him by the Commissioners therefor. Such appointment shall be on probation for a period to be fixed by the rules of the Commissioners; such rules shall not fix such period at exceeding one year. The Commissioners may strike off names of candidates from the register of eligible candidates if they have remained thereon more than one year. At or before the expiration of the period of probation, the Chief of Police may discharge a candidate upon assigning in writing his own reasons therefor to the Commissioners. If a candidate is not discharged at or before the expiration of the period of probation his appointment shall be deemed complete. To prevent the stoppage of public business or to meet emergencies, including the absence of any officer or member of the department, the Chief of Police, may, with the approval of the Commissioners, make temporary appointments to remain in force not exceeding sixty days, and only until regular appointments under the provisions of this article can be made.

Proposition No. 4

That Section (224)4 of the City Charter be amended to read as follows:

Examination of Applicants

Section (224)4. All applicants for places on the Police Department or for promotion, shall be subjected to examination, which shall be public, competitive, and free. Such examinations shall be practical in their character, and shall relate to those matters only which will fairly test the relative capacity of the person examined to discharge the duties of the position to which they seek to be appointed. Every appointee to the Police Department, at the time of his appointment, must pass the physical tests prescribed by the Civil Service Commission which shall not be less stringent than those required of recruits to the United States Army.

No questions in any examination shall relate to political or religious opinions or affiliations.

And whereas, the Council of the City of Bakersfield, County of Kern, State of California, in accordance with the law in such cases made and provided, did meet at its usual place of meeting, at the time and in the manner provided by law, and

duly canvassed the returns of said election as certified by the Election Boards, and duly found, determined and declared that the majority of the qualified electors of said city voting thereon had voted in favor of, and ratified said amendments to the Charter of the City of Bakersfield as hereinabove last set forth, and alleged to have been so ratified; and

Whereas, that the foregoing is true as shown by the certificate of Donald M. Hart, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of said City, whose certificate is in words and figures as follows, to wit:

State of California }
County of Kern } ss.
City of Bakersfield }

This is to certify that we, Donald M. Hart, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of the City of Bakersfield, have compared the foregoing proposed and ratified amendments to the Charter of the City of Bakersfield with the original proposed amendments submitted to the qualified electors of the said City of Bakersfield at an election held within the City of Bakersfield on November 3, 1970, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and the matters set forth therein are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Bakersfield to be attached this 21 day of December, 1970.

D. M. Hart
(SEAL) Mayor of the City of Bakersfield
Marian S. Irvin
Clerk of the City of Bakersfield

and

Whereas, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Bakersfield, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Bakersfield.

# RESOLUTION CHAPTER 9

*Senate Concurrent Resolution No. 6—Relative to commending James William Plunkett on being awarded the Heisman Memorial Trophy and leading Stanford to a Rose Bowl victory.*

[Filed with Secretary of State January 18, 1971.]

WHEREAS, Jim Plunkett, Stanford University's outstanding quarterback, was recently awarded college football's highest honor, the Heisman Memorial Trophy; and

WHEREAS, In what experts called "the year of the college quarterback," Jim was overwhelmingly awarded this honor over such other outstanding quarterbacks as Joe Theismann of Notre Dame, Archie Manning of Mississippi and Rex Kern of Ohio State; and

WHEREAS, Although eligible for the professional football draft this year, he was prompted to complete his final year of eligibility at Stanford by the challenge of beating Stanford's rival, Southern California, and by leading his team to a berth and consequent victory at the Rose Bowl, their first in 18 years; and

WHEREAS, Jim not only met these challenges but was named an All-American, Heisman Trophy winner, and the outstanding offensive player of the 57th Rose Bowl game, as well; and

WHEREAS, In regular season play for three varsity years at the Palo Alto institution he has completed 530 passes for 7,544 yards and 52 touchdowns, an effort which boosted his career yardage on total offense to over 7,887 yards, a national collegiate record; and

WHEREAS, On January 1, 1971, in Pasadena, Jim Plunkett piloted the Stanford Indians to a 27 to 17 Rose Bowl victory over the Ohio State Buckeyes, an upset which was only the second loss in three years for the Big Ten Conference team; and

WHEREAS, Born and raised in San Jose, California, he chose to attend Stanford University because of its close proximity to the home of his disabled parents; and

WHEREAS, His best performances of the 1970 season were against such highly regarded opponents as Arkansas, Southern California, Oregon, University of California Los Angeles, Washington and Ohio State; and

WHEREAS, Not only a recipient of the Heisman Trophy, Jim was honored this year as the Maxwell Football Club college player of 1970; and

WHEREAS, Professional scouts who have followed Jim Plunkett's record-setting pace for the past three years believe he will succeed as a pro quarterback because of his strong arm, excellent physical size, his ability to pass under pressure from the pocket without panic, and his competitive will to win; and

WHEREAS, His next goal after the Rose Bowl victory is a career in professional football, a career for which Jim is typically eager for the challenge; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members most warmly commend James William Plunkett for his achievements in collegiate football and in particular for the award of the Heisman Memorial Trophy and leading Stanford to a Rose Bowl victory; and be it further

*Resolved,* That the Secretary of the Senate transmit a suitably prepared copy of this resolution to James William Plunkett.

---

## RESOLUTION CHAPTER 10

*Senate Concurrent Resolution No. 7—Approving the Charter of the City of San Mateo, State of California, ratified by the qualified electors of the city at a special municipal election consolidated with the general election held therein on the third day of November, 1970.*

[Filed with Secretary of State January 19, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of a Charter of the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF PROPOSED NEW CHARTER OF THE CITY OF SAN MATEO

We, Hugh A. Wayne, President of the Council and ex-officio Mayor, of the City of San Mateo, State of California, and William J. O'Farrell, City Clerk of said City, do hereby certify that:

The City of San Mateo is a municipal corporation in the County of San Mateo, State of California, duly organized, existing and acting under a charter adopted pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population in excess of 50,000.

In accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, the City Council of the City of San Mateo, being the legislative body thereof, on its own motion, caused to be framed a proposed new charter of the City of San Mateo and submitted the same to the qualified voters of said City at a special municipal election duly called and ordered held in said City on Tuesday, November 3, 1970, which election was consolidated with the General Election conducted by the Board of Supervisors of the County of San Mateo on said date.

All things required to be done by said Section 8, Article XI of the Constitution and the laws of the State of California were duly and regularly done as therein required.

The proposed new Charter, a copy of which is attached hereto marked Exhibit A and incorporated herein by reference, was ratified by a majority of the qualified voters voting thereon.

In witness whereof, we have hereunto set our hands and caused the seal of the City of San Mateo to be affixed hereto, this 29th day of December, 1970.

HUGH A. WAYNE
(SEAL) WILLIAM J. O'FARRELL

# CHARTER OF THE CITY OF SAN MATEO

## Exhibit A

### TABLE OF CONTENTS

Article III

City Manager



Article IV

General Administration



Article V

Fiscal Administration

Article IX

Transitional Provisions



CHARTER

Article I

Name, Boundaries, and Powers of the City

Section 1.01. Name of the City.

The municipal corporation now existing and known as the City of San Mateo shall remain and continue to be a body politic and corporate as at present, in name, in fact and in law.

Section 1.02. Boundaries.

The boundaries of said city shall be the same as now established, with power and authority to change the same as provided by law.

Section 1.03. Powers.

Said city, by and through its council and other officials, shall have, and may exercise, all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants which are not prohibited by the constitution and which it would be competent for this Charter to set forth particularly or specifically, including all powers now or hereafter granted, and the specification herein of any particular powers shall not be held to be exclusive or any limitation of this general grant of powers.

Article II

Legislative Department

Section 2.01. Composition, Eligibility, Election and Terms.

(a) There shall be a city council of five members elected by the voters of the city at large.

(b) No person shall be eligible to hold office as a member of the city council or for election thereto unless he or she is, and shall have been continuously for at least three years immediately preceding the date of his or her election or appointment, a voter of the city, or of territory annexed to or consolidated with the city.

(c) The members of the city council shall be elected by the voters of the city at a general municipal election to be held therein every odd-numbered year as hereinafter provided. They shall hold office for terms of four years from and after the Monday next succeeding the day of their election, and un-

til their successors are elected and qualified. In the event two or more candidates receive the same number of votes and it is necessary for any reason to break the tie, the tie shall be broken by drawing lots under the supervision of the city attorney at the earliest meeting of the council after such a tie has been determined.

(d) The incumbent city councilmen holding office at the time this Charter takes effect, and the successors who fill any vacancies then existing, shall constitute the first council under this Charter and shall hold office until expiration of the terms for which they were elected or appointed. A vacancy then existing shall be filled as provided by and with the same effect as a vacancy under this Charter.

Section 2.02. Mayor.

The council shall elect from among its members officers of the city who shall have the titles of mayor and deputy mayor, each of whom shall serve at the pleasure of the council. The mayor shall preside at meetings of the council, shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. The deputy mayor shall act as mayor during the absence or disability of the mayor.

Section 2.03. Compensation.

(a) The mayor shall receive as compensation for his services as councilman and mayor the sum of One Hundred Fifty Dollars per month.

(b) The members of the city council other than the mayor shall receive as compensation for their services as councilmen the sum of One Hundred Dollars each per month.

Section 2.04. Expenses.

The mayor and other members of the city council shall receive their actual and necessary expenses incurred in the performance of their duties of office upon presentation of verified claims therefor on uniform forms to be prescribed by resolution of the city council.

Section 2.05. General Powers and Duties.

All powers of the city shall be vested in the council, except as otherwise provided by law or this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

Section 2.06. Prohibitions.

(a) Holding Other Office: Except where authorized by law, no councilman shall hold any other city office or employment during the term for which he was elected or appointed by the council, and no former councilman shall hold any compensated appointed city office or employment until one year after the expiration of the term for which he was elected or appointed to the council.

(b) Appointments and Removals: Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are em-

powered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees. Where council approval of a proposed appointment is required a refusal to approve shall not be construed as a violation of this provision.

(c) Interference with Administration: Except for the purpose of inquiries and investigations specifically authorized by this Charter or by law, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.07. Forfeiture of Office.

Any councilman shall forfeit his office who (1) fails to qualify himself within ten days after his appointment or certification of his election, or (2) is absent from the city continuously for more than thirty days without permission of a majority of the remaining councilmen, or (3) fails to attend three consecutive regular meetings of the council without being excused by a majority of the remaining councilmen, and the excuse entered in the minutes, or (4) fails to attend at least two-thirds of all regular meetings of the council during any twelve-month period, or (5) is convicted of a violation of any express provision of this Charter or of a crime involving moral turpitude, or (6) in any manner attempts to influence the city manager in the making of any appointment or in the purchase of supplies, or (7) lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law.

Section 2.08. Vacancies in Office.

A vacancy on the city council from whatever cause arising shall be filled by appointment by the council, such appointee to hold office until the next general election, when a successor shall be chosen by the electors for the unexpired term; provided, that if the council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the mayor; provided, however, that if for any reason the seats of a majority of the council become vacant, then the city clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections. The candidates receiving the most votes shall serve the longer, if any, of the unexpired terms, and in case of ties the terms shall be fixed by lot.

Section 2.09. Meetings. Generally.

The council shall meet at eight o'clock P.M. on the first Monday following a general municipal election and canvass the returns thereof. The new members shall then be inducted into office, whereupon the council shall elect the mayor and deputy mayor. The regular meetings of the council shall be

held on the first and third Monday of each month at eight o'clock P.M., but any regular meeting may be adjourned to a date certain, which adjourned meeting shall be a regular meeting for all purposes.

Except as otherwise provided by state law, all general and special meetings shall be open to the public.

Section 2.10. Place of Meetings.

All meetings of the council shall be held in the City Hall, unless by reason of fire, flood or other disaster, the City Hall cannot be used for that purpose.

Section 2.11. Special Meetings.

Special meetings may be called and held in the manner and as provided from time to time by the general law of the state.

Section 2.12. Rules and Journal.

The council shall adopt rules for conducting its proceedings, and shall provide for keeping a journal of its proceedings, which shall be a public record. A reasonable number of copies of such rules shall be made available in the office of the city clerk for inspection by members of the public, and copies shall be furnished by the clerk upon payment of a reasonable charge for same.

Section 2.13. Quorum.

A majority of the council shall constitute a quorum for the transaction of any business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Section 2.14. Voting.

The affirmative vote of at least a majority of the council shall be necessary to adopt any resolutions or allow any claims against the city, and the affirmative vote of a majority of the council shall be sufficient for adoption of ordinances except where a larger vote shall be required by law or other provisions of this Charter. Such votes shall be taken by "ayes" and "noes" and entered upon the record.

Section 2.15. Ordinances. Generally.

(a) All proposed ordinances introduced in the council shall be in printed or typewritten form. The enacting clause of all ordinances passed by the council shall read as follows: "The Council of the City of San Mateo ordains as follows:". The enacting clause of all ordinances initiated by the people shall read as follows: "The People of the City of San Mateo ordain as follows:".

(b) No ordinance other than an emergency ordinance shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting.

(c) A notice of the general nature of the proposed ordinance or a copy thereof, and of the time and place for its consideration by the council shall be given to those news media and others to whom notice of special meetings of the council would be required under the general law of the state. A reason-

able number of copies of the proposed ordinance shall be made available for public inspection at reasonable times in the clerk's office and at each of the city libraries, and such notice shall be given by the city clerk as soon as practicable following introduction of the ordinance. Failure to comply with this subsection shall not invalidate the ordinance, but a willfull violation shall constitute a misdemeanor and malfeasance in office.

(d) A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, provided its general scope and original purpose are retained. All ordinances shall be signed by the mayor and attested by the city clerk, and shall be published at least once in the official city newspaper before becoming effective.

Section 2.16. Emergency Ordinances.

Any ordinance declared by the council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and passed at one and the same meeting and, if passed by a majority of the council plus one, shall become effective immediately. As soon as practicable after its passage an emergency ordinance shall be published in the official city newspaper, but the validity of the ordinance shall not depend upon such publication. Every such ordinance, except one for emergency appropriations or calling an election, shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance if the emergency still exists.

Section 2.17. Investigations.

The council may make investigations into the affairs of the city and the conduct of any city department, office or agency, and for this purpose may subpoena witnesses, administer oaths and affirmations, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be guilty of a misdemeanor.

Section 2.18. City Attorney. Powers and Duties

There shall be a city attorney who shall be appointed by and who shall serve at the pleasure of the council. He shall be an attorney at law licensed as such under the laws of this state, a specialist in municipal law, and must have been engaged in the practice of law for three years or have served in the capacity of municipal attorney or assistant municipal attorney for at least three years prior to his appointment. He shall have the power and be required to:

(a) Serve as chief legal advisor to the council, the manager, and all city departments, offices and agencies.

(b) Prepare proposed ordinances and resolutions and advise the council as to their compliance with law and the provisions of this Charter, and draft contracts and other legal documents required by the council or other officials except as may be otherwise provided.

(c) Prior to the general municipal election each two years to review all city ordinances and the Charter, and at the first regular meeting of the council after such election make recommendations to the council for amendments to or repeal of ordinances and enactment of new ordinances in his opinion required to improve the ordinance code, and for any Charter amendments he may deem advisable.

(d) Attend all meetings of the council unless excused by the council or the mayor.

(e) Perform any other duties prescribed by law, this Charter, or ordinance, or as the council may from time to time require not inconsistent with law or this Charter.

It shall not be necessary that he reside in the city at the time of his appointment, but he shall become a resident thereof within 180 days thereafter and thereafter during his incumbency actually reside in the city. He shall receive such compensation for his services as the council shall determine.

Section 2.19. Control of Legal Proceedings.

The city council shall have control of all legal business and may employ additional attorneys to take charge of any litigation or matter or to assist the city attorney therein.

## Article III

## City Manager

Section 3.01. Appointment. Qualifications. Compensation.

There shall be a city manager who shall be appointed by and who shall serve at the pleasure of the city council. He shall be appointed solely on the basis of his executive and administrative qualifications. It shall not be necessary that he reside in the city at the time of his appointment, but he shall become a resident thereof within 180 days thereafter and thereafter during his incumbency actually reside in the city. He shall receive such compensation for his services as the council shall determine.

Section 3.02. Removal.

The council may remove the manager from office in accordance with the following procedures:

(a) The council shall adopt by affirmative vote of a majority of the council plus one a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed forty-five days. A copy of the resolution shall be delivered promptly to the manager.

(b) Within five days after a copy of the resolution is delivered to the manager, he may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than fifteen days nor later than thirty days after the request is filed. The manager may file with the council a written reply not later than five days before the hearing.

(c) The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of the council plus one at any time after five days from the date when a copy of the preliminary resolution was delivered to the manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

(d) The manager shall continue to receive his salary until the effective date of a final resolution of removal. The action of the council in suspending or removing the manager shall be final.

(e) During the period of suspension and after the effective date of a final resolution of removal the powers of the manager shall be exercised by an acting city manager until a new city manager is appointed and qualifies.

Section 3.03. Acting City Manager.

By letter filed with the city clerk the manager shall designate, subject to approval of the council, a qualified city administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his disability shall cease.

Section 3.04. Powers and Duties of the City Manager.

The city manager shall be the chief administrative officer of the city. He shall be responsible to the council for the administration of all city affairs placed in his charge by or under this Charter. He shall have the following powers and duties:

(a) He shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law.

(b) He shall attend all council meetings, unless excused by the council or the mayor, and shall have the right to take part in discussion but may not vote.

(c) He shall see that all laws, provisions of this Charter and acts of the council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(d) He shall prepare and submit the annual budget and capital program to the council.

(e) He shall submit to the council and make available to the public a report on the finances and administrative activities of the city as of the end of each fiscal year.

(f) He shall make such other reports as the council may require concerning the operations of city departments, offices and agencies subject to his direction and supervision.

(g) He shall keep the council fully advised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city as he deems desirable.

(h) He shall appoint such advisory boards as he may deem desirable to advise and assist him in his work, provided such boards shall not receive any compensation.

(i) He shall at any time in his discretion, and with or without notice, examine or cause to be examined the conduct of any administrative officer or employee of the city.

(j) He shall perform such other duties as are specified in this Charter or may be required by the council.

## Article IV

## General Administration

Section 4.01. Officers and Employees. Generally.

In addition to members of the city council, the mayor, city manager and other officers appointed by the council, the officers and employees of the City of San Mateo shall consist of those provided for in this Charter, and such other officers, assistants, deputies, clerks and employees as the council may provide by ordinance or resolution or as may be required by law from time to time.

Section 4.02. Administrative Departments. Generally.

The city council may provide, by ordinance not inconsistent with this Charter, for the organization, conduct and operation of the several offices and departments of the city as established by this Charter, for the creation of additional departments, divisions, offices and agencies, and for their consolidation, alteration, or abolition. When the positions are not incompatible the city council may combine in one person the powers and duties of two or more officers, but notwithstanding the provisions of this section there shall be a separate Police Department, Fire Department, and Free Public Library, each of which shall remain as a separate department with its own department head.

The city council, by ordinance or resolution, may assign additional functions or duties to offices, departments or agencies not inconsistent with this Charter.

No office provided by this Charter to be filled by appointment by the city manager may be consolidated with an office to be filled by appointment by the city council.

Subject to the provisions of this Charter the city council shall provide for the number, titles, qualifications, powers, duties, compensation, and vacations and other conditions of employment of all other officers and employees. The salaries of all such other officers shall be fixed by ordinance.

Section 4.03. New Department.

Each new department created by the city council shall be headed by an officer as department head who shall be appointed by and serve at the pleasure of the city manager.

Section 4.04. Manager as Ex Officio Department Head.

Except as inconsistent with law or this Charter, with the consent of the city council the city manager may serve as the head of one or more of the administrative departments,

offices or agencies or may appoint one person as the head of two or more of them.

Section 4.05. General Duties of Officers.

All officers who serve at the pleasure of the city manager shall have such duties as may be required of them by the manager in addition to duties prescribed by law, by ordinance, or this Charter.

Section 4.06. Administrative Employees. Appointment and Removal.

Except as may otherwise be provided in this Charter or in ordinances relating to personnel approved by vote of the people, all administrative officers and employees shall be appointed by and serve at the pleasure of the city manager. With the consent of the city council the manager may authorize any administrative officer to exercise these powers with respect to subordinates in that officer's department, office or agency.

Section 4.07. Residence of Administrative Officers.

Appointive administrative department heads need not be residents of the city at the time of their appointment, but they shall become residents thereof within 180 days of appointment, and shall thereafter during incumbency actually reside in the city, except that the council may, by ordinance, make exceptions in particular cases where it finds such an exception to be for the best interest and benefit of the city.

Section 4.08. Administering Oaths.

Each department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Section 4.09. Delivery of Properties to Successors.

All officers, boards, and commissions and members thereof shall surrender and deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices, departments, or agencies, in their possession or under their control.

Section 4.10. City Clerk. Powers and Duties.

There shall be a city clerk, who shall be the incumbent elective city clerk at the time this Charter takes effect, but effective upon the expiration of the term of office of such incumbent elective city clerk or earlier vacancy in the office the city clerk shall be appointed by and serve at the pleasure of the city manager. The city clerk shall be the department head, and shall not become subject to pre-existing ordinances relating to personnel adopted by the people by reason of change from elective to appointive status.

He shall be clerk of the council and keep an accurate record of all ordinances, resolutions and motions, shall have custody of the official seal and all official records committed to his care, make affidavits and administer oaths without charge in matters affecting the business of the city, conduct elections, and shall perform the duties of a city clerk as provided by the general law of the state except as inconsistent with this Charter, and such other duties required of him by this Charter.

He shall be ex officio tax assessor with the duties thereof as provided by ordinance or the general law of the state during such time as the city council does not avail itself by ordinance of the provisions of the general law of the state relative to the assessment and collection of property taxes by county officers, or unless the city council by ordinance provides otherwise.

Section 4.11. Treasurer. Powers and Duties.

There shall be a city treasurer, who shall be the incumbent elective treasurer at the time this Charter takes effect, but effective upon the expiration of the term of office of such incumbent elective treasurer or earlier vacancy in the office the treasurer shall be appointed by and serve at the pleasure of the city manager. The city treasurer shall be the department head, and shall not become subject to pre-existing ordinances relating to personnel adopted by the people by reason of change from elective to appointive status.

The treasurer shall have the power and shall be required to receive and safely keep all money and securities belonging to the city and coming into his hands, and pay out the same only on written authority of the city manager or other officer or officers designated by the city manager or as otherwise authorized by law, this Charter or ordinances adopted pursuant thereto, and not otherwise.

He shall also serve as ex officio tax and license collector for the city with the duties thereof as provided by ordinance or the general law of the state, unless the council by ordinance provides otherwise.

During any time the office of treasurer shall be appointive, the council may by ordinance consolidate the office of treasurer with the office of fiscal director, and may make appropriate provision from time to time by contract or otherwise for the performance of the functions and duties of the office of treasurer.

Section 4.12. Librarian. Powers and Duties.

There shall be a librarian who shall be appointed by the city manager with the approval of the library board of trustees. The librarian shall serve at the pleasure of the manager, subject, however, to the power of the library board of trustees to approve or disapprove the suspension or removal of the librarian. The librarian shall be the department head, and subject to other provisions of this Charter, shall have charge of administration of the city libraries.

Section 4.13. Personnel Director. Powers and Duties.

There shall be a personnel director who shall be appointed by and who shall serve at the pleasure of the city manager. The personnel director shall have the responsibility of attending all meetings of any board or commission established to advise or deal with personnel matters, and shall administer laws, rules and ordinances affecting employees in the classified service not specifically reserved to the city manager or other officer or board or commission, by law, ordinance or this Charter, and shall establish and keep records of all officials and employees in

the classified service. The personnel director shall have had at least three years progressively responsible experience in personnel administration and such other qualifications as may be required by ordinance.

Section 4.14. Oath of Office.

Every officer, whether appointed or elected, shall take the constitutional oath of office and subscribe thereto before entering upon the performance of his official duties.

## Article V

## Fiscal Administration

Section 5.01. Fiscal Year.

The council shall fix or change the period of the fiscal year from time to time as it may deem necessary by ordinance adopted by the affirmative vote of a majority of the council plus one. Until fixed or changed by ordinance, the fiscal year shall begin on the first day of July and shall end on the last day of June of the following year.

Section 5.02. Budget.

Each department, office and agency of the city shall provide, in the form and at the time directed by the city manager, all information required by him to develop a budget conforming to modern budget practices and procedures as well as specific information which may be prescribed by the council. At least thirty-five days before the commencement of a fiscal year, the manager shall prepare and present to the council in such form and manner as it may prescribe budget recommendations for the next succeeding fiscal year. Following a public budget hearing, the council shall adopt by resolution a budget of proposed expenditures and appropriations necessary therefor for the ensuing year, failing which the appropriations for current operations of the last fiscal year shall be deemed effective until the new budget and appropriation measures are adopted.

Section 5.03. Budget Limitation.

The total proposed budget expenditures shall not exceed estimated revenues.

Section 5.04. Unexpended and Unobligated Funds.

As a separate item in the proposed budget the manager shall set forth the estimated total of the unexpended and unobligated funds from the preceding budget and include the same in the new budget as part of the estimated revenue for the ensuing fiscal year. Such funds may be appropriated to the general budget or capital improvement funds.

Section 5.05. Limitation on Reserves for Contingencies.

The reserves for contingencies in each new budget shall not exceed three per cent (3%) of the budget for the previous fiscal year.

Section 5.06. Budget Notices to Public.

On the first Monday and first Thursday in the last month of each fiscal year, the city manager shall cause to be published in the official city newspaper a notice of the time for

holding a public hearing on the budget. Copies of the proposed budget shall be made available for inspection by the public in the office of the city clerk at least ten days prior to said hearing, and copies of the proposed budget shall be furnished at a reasonable charge to persons requesting same upon payment therefor.

Section 5.07. Capital Program.

(a) The manager shall prepare and submit to the council a five-year capital program at least three months prior to the final date for submission of the budget.

(b) The capital program shall include:

1. A clear, general summary of its contents.

2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.

3. Cost estimates, method of financing, and time schedules for each such improvement.

4. The estimated annual cost of operating and maintaining facilities to be constructed or acquired.

(c) The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 5.08. Capital Improvement Funds.

The council shall create such capital improvement funds as may be required to finance the improvements specified in the creation of such funds, and each such fund shall remain inviolate except for the purposes for which it was created, whether general or specific, unless the use of any such fund for some other capital improvement purpose is authorized by the affirmative vote of at least a majority of the council plus one; provided, that when the purpose of any capital improvement fund has been accomplished, the council may transfer any unexpended or unencumbered surplus remaining in such fund to any other general or specific capital improvement fund.

The money for capital improvement funds may be provided by the apportionment of a specific part of the general tax levy herein provided, by the allotment of all or a portion of other lawfully available revenues or by the transfer of unencumbered surplus funds not specifically reserved for other purposes.

Section 5.09. Council Action on Capital Program.

On or before the last day of the first month of a current fiscal year the council, after due notice and public hearing, shall by resolution, adopt the capital program, with or without amendment thereto.

Section 5.10. Other Funds.

The council shall create such other special funds as are required for proper accounting and fiscal management, or required as a condition of receiving funds from any other gov-

ernment or to fulfill any bonded or other contractual obligation of the city.

Section 5.11. Levy of Property Tax. Procedure for Assessment and Collection.

Not later than the date set by state law for this purpose, the council shall by resolution fix the rate of property tax to be levied and levy the tax upon all taxable property in the city. Such rate shall be adequate to meet all obligations of the city for the fiscal year, taking into account estimated revenue from all other sources. Should the council fail to fix the rate and levy taxes within the time prescribed, the rate for the next preceding fiscal year shall thereupon be automatically effective, and a tax at such rate shall be levied upon all taxable property in the city for the current fiscal year.

The procedure for the assessment and collection of taxes upon property, taxable for municipal purposes, shall be prescribed by ordinance of the city council.

Section 5.12. Dollar Limit.

The amount of the annual tax levy shall not exceed the rate of One Dollar on each One Hundred Dollars assessed valuation, except for the tax to pay contractual obligations for employees' retirement, for maintenance and improvement of the parks, squares, public grounds, and public libraries of the city and other taxes excluded now or hereafter by the general law of the state. The foregoing limitation shall not apply in the event of any great necessity or emergency as declared by vote of a majority of the council plus one, in which case the rate may be suspended by ordinance for a period of not to exceed one year and a different rate established. Other than in such cases of great necessity or emergency no increase over the dollar limit shall be made in any fiscal year unless authorized by vote of the people.

Section 5.13. Supplemental, Emergency, and Lapsed Appropriations.

(a) Supplemental Appropriations: If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess. At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request of the manager, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another; provided that no appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

(b) Emergency Appropriations: To meet a public emergency affecting life, health, property or the public peace, the

council may make emergency appropriations by emergency ordinance.

(c) Lapsed Appropriations: Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

Section 5.14. Accounting System.

The city manager shall establish and maintain a system of financial procedures, accounts and controls for the city government and each of its departments, offices and agencies, which shall conform to generally accepted principles of accounting which shall be adequate to account for all money on hand and for all income and expenditures in such detail as will provide complete and informative data concerning the financial affairs of the city and in such manner as the council may prescribe and as will be readily susceptible to audit and review.

Section 5.15. Receipts and Expenditures.

All money received by the city shall be deposited in the city treasury or in designated banks, and no money shall be disbursed without the approval of the city manager or of another officer duly authorized by him. No expenditure of city funds shall be made except for the purposes and in the manner specified by an appropriation of the council; nor shall any disbursement be made unless obligations are properly supported by accounting evidence, sufficient money is available and there is an adequate unencumbered appropriation balance in the proper account classification. The city manager or other officer authorized by him to make disbursements shall be represented by the city attorney in all legal matters in connection therewith, except as otherwise provided in this Charter.

Section 5.16. Deposit and Investment.

The city manager shall arrange for the deposit in the treasury or in designated banks of all funds collected by any department or agency of the city, according to a schedule prescribed by him. After taking into account the amounts necessary to meet the current and pending requirements of the city, the city manager may arrange for the term deposit in financial institutions authorized by law or investment in securities authorized by law of any balances available for such purpose and the yield therefrom shall be credited as revenue to the general fund unless otherwise provided by law or directed by the council.

Section 5.17. Fiscal Director. Finance Department.

Responsibility for the accounting system, accounts and controls, receipts and expenditures, and deposit and investment may be delegated by the city manager to a fiscal director, who shall be head of the finance department, and who shall be appointed by the city manager subject to approval of the council, and who shall serve at the pleasure of the city manager. The fiscal director shall also have the power and be required to

perform such other duties as are consistent with this Charter and may by ordinance be required of him, and during such time as the office of city treasurer shall remain elective, advise the city treasurer with respect to the receipt and collection of all taxes, assessments, license fees, and other revenues of the city, or for the collection of which the city is responsible, and all other money receivable by the city from the county, state or federal government, or from any court, office, department or agency of the city or any other source.

Section 5.18. Cash Pool Operations. Check System.

The council may by ordinance provide for financing of municipal obligations by cash pool operations, and for utilization of a check system, or other system equivalent or comparable thereto, rather than the warrant system. Except for those funds restricted by bond indentures, state or federal law, other sections of this Charter or specific conditions of the legislation creating them, temporary transfers between funds are permitted.

The council shall from time to time by ordinance provide for methods for issuance of checks, drafts and/or other orders for payment of money in the name of the city, and for authorized signatures to negotiable instruments drawn in the name of the city, and may authorize facsimile as well as actual signatures to be valid and binding on the city, and shall prescribe such system as it shall deem advisable to protect against unauthorized issuance of checks, drafts or other orders for payment of money in the name of the city.

Section 5.19. Payment of Salaries.

All demands for salaries which are fixed by law, ordinance, or this Charter, shall be allowed and paid regularly without the necessity of any specific approval for each payment.

Section 5.20. Surplus Bond Money.

All money derived from the sale of bonds, including premiums and accrued interest, shall be applied only to the purposes for which the bonds were voted. After such purposes have been fully completed and paid for, any remaining surplus shall be transferred to the fund established for meeting the interest and redemption of such bonds.

Section 5.21. Purchases and Contracts.

The city manager or an officer authorized by him shall purchase or contract for equipment, materials, supplies and public works required by the city in the manner prescribed by ordinance except as otherwise provided herein.

Section 5.22. Bids and Awards.

The council shall establish by ordinance the conditions and procedures for any purchase or contract, and establish advertising and bidding requirements, and may provide that all bids may be rejected. The ordinance may provide that under specified conditions which the council must find and determine to exist in each applicable instance, advertising and bidding may be dispensed with, except the ordinance may provide in the first instance that where the expenditure required for a

purchase or contract does not exceed a sum or sums fixed by the ordinance from time to time advertising and bidding shall be dispensed with unless the council shall for a particular purchase or contract order advertising and bidding.

Section 5.23. Official Bonds.

The council shall determine which officers and employees shall give bonds for the faithful performance of their official duties, and fix the amount of said bonds and provide for payment of the premium of such bonds by the city. Such officers and employees, before entering upon their official duties, shall, execute a bond to the city in the penal sum required, which bond shall include any other offices of which they may be ex officio incumbent. Said bonds shall be approved by the council and filed with the city clerk.

Section 5.24. Revenue Bonds.

The council may issue revenue bonds for any lawful purpose in such manner and upon such terms and conditions as it may fix and establish by the provisions of a procedural ordinance.

Section 5.25. Public Improvements and Street Work.

All public improvements, including improving, widening or opening of streets or highways, may be done under and in pursuance of the general law of the state or procedural ordinances adopted by the council or the electors, and the whole or any portion of the cost thereof paid by the city or assessed on the property benefitted; provided that, except in a case of actual emergency the nature and existence of which is found and determined by resolution adopted by unanimous vote of the council, no public improvements to be financed by a bonded indebtedness of a city-wide district to be created under ordinances heretofore or hereafter enacted shall be made unless the indebtedness is authorized by vote of the people as required under state law for issuance of general obligation municipal bonds.

Section 5.26. Franchises.

Every franchise or privilege to construct, maintain, or operate any railroad or other means of transportation in or over any street or highway, or to lay pipes or conduits, or erect poles or wires or other structures in or across any street or highway for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter belonging to the city, shall be granted under and in pursuance of the provisions of the general law of the state relating to the granting of franchises, provided no new franchises or the renewal of an existing franchise shall be granted except upon condition that at least two percent (2%) of the gross annual receipts derived from the use of such franchise shall be paid to the city. The council may by ordinance provide for a higher minimum percentage as a condition for new or renewal franchises.

Every such franchise shall require the grantee thereof to agree to a joint use of its property with others, whenever practicable, and nothing herein shall be construed as prohibit-

ing the council from requiring other conditions not inconsistent with the constitution or general laws. No franchise or privilege so granted shall be sold, leased, assigned, or otherwise alienated without the express consent of the council given by ordinance and subject to the referendum.

No franchise grant shall be construed to impair or affect the right of the city to acquire the property of the grantee either by purchase or through the exercise of the right of eminent domain.

Section 5.27. Auditing.

The council shall employ, by majority vote, a non-resident certified public accountant, or a firm of certified public accountants having no business office within the city, as independent auditor to conduct an annual audit and examination of the fiscal administration of the city. Copies of the annual audit and report shall, within a reasonable time after receipt thereof by the council, be furnished at a reasonable charge to persons requesting same upon payment therefor.

Unless the councill shall by ordinance make other provision for the performance of the following functions, the independent auditor shall by contract also be required:

(a) To make such periodic examinations of the systems and procedures of the city for the receipt, disbursement, and accounting for funds of all types as are necessary to satisfy the auditor that such systems and procedures are efficient and give adequate protection for safeguarding city assets, protect against improper disbursements and assure reasonable protection against irregularity or defalcation.

(b) To make such sample tests, observations, inquiries and independent substantiations as are necessary to satisfy the auditor, within reason, that there is proper compliance with prescribed systems and procedures or in the operation thereof.

(c) To report the results thereof periodically to the manager and the council, and report to the council instances of non-compliance with prescribed or recommended fiscal or accounting procedures where recommendations for compliance have not been implemented after reasonable time and opportunity.

The council may direct the city manager to report on the action taken or to be taken to remedy deficiencies reported by the auditor.

## Article VI

## Boards and Commissions

Section 6.01. Library Board of Trustees. Powers and Duties.

There shall be a library board of trustees consisting of five members which shall have the power and duty to:

(a) Exercise the sole responsibility for establishment from time to time of library department policy in selection of books, reading, visual, auditory and like material to be acquired or

purchased and the classification thereof, subject, however, to limitations of the budget for such purposes.

(b) Make and enforce such bylaws, rules and regulations as may be necessary or appropriate in the maintenance and operation of public libraries free to the permanent inhabitants and non-resident taxpayers of the city, including fines, penalties, and provision for collection of obligations to the library.

(c) Accept in the name of the city, money, personal property, or real property donated to the city for library purposes, subject to approval of the council, except that unless the council by ordinance provides otherwise, the board shall have the power to accept gifts other than real property in an amount or value of Five Hundred Dollars or less for library purposes or use without specific consent of the council where no obligation attaches to the city other than use for benefit of the libraries, and to hold, convert to cash, invest in insured savings, or expend same for the use and benefit of the libraries.

Funds received by way of gift or bequest for the benefit of the city libraries shall not be subject to appropriation for other purposes, nor other than as provided by the donors except as may be authorized by a court of competent jurisdiction.

(d) Hold in trust and provide for the proper application and use to the library of any gift, devise, or bequest in accordance with the terms and conditions thereof where payment into the city treasury is inconsistent with such terms and conditions, provided the council shall first have approved acceptance of such terms and conditions.

(e) Approve or disapprove the appointment, suspension or removal of the librarian.

(f) Sell or otherwise dispose of surplus books and other excess materials peculiar to a public library under such procedures and upon such conditions as the council shall by ordinance prescribe.

(g) Establish conditions under which non-residents may exercise library privileges.

(h) Serve in an advisory capacity to the librarian, manager and council with respect to the establishment, maintenance, operation and management of the city libraries, and have and exercise such other powers, duties and responsibilities with respect to the libraries as may be prescribed by ordinance not inconsistent with law or this Charter.

The council may by ordinance from time to time prescribe appropriate procedures for the purchase of books and other materials peculiar to the libraries.

Section 6.02. Library Fund.

In making the annual tax levy the council shall provide for maintaining the libraries and the operation thereof, and apportion the revenue thus provided to a fund designated in the budget as the library fund. Such tax shall be in addition to

other taxes permitted in the municipality, but shall not exceed Thirty Cents per One Hundred Dollars assessed valuation. Payments from the library fund shall be made for all claims properly chargeable against the same.

Section 6.03. Library Board of Trustees. Appointment, Removal, Terms.

Members of the library board of trustees shall be appointed in the same manner and for the same terms, and subject to the same limitations, as in this Charter provided for city commissions in general, except that a member of the library board of trustees shall be subject to removal from office by action of the council only after being furnished on demand a written statement of the cause and being afforded an opportunity for a public hearing.

The incumbent members of the library board of trustees at the time this Charter takes effect, and any successor by appointment to fill any vacancy then existing, shall constitute the first library board of trustees under this Charter.

Section 6.04. Planning Commission. Other Boards and Commissions.

In addition to the library board of trustees there shall be a planning commission which shall have the powers and duties from time to time provided by law or by ordinance.

There shall also be such other boards and commissions as may from time to time be established by ordinance adopted by the council or approved by the people, but except as may otherwise be provided by law, this Charter, or ordinance approved by the people, all such other boards and commissions now or hereafter established shall be for advisory purposes only, to the council, the manager, or to departments within the city.

Section 6.05. Composition. Qualifications. Terms and Limits of Terms.

The members of all boards and commissions created by ordinance or by this Charter shall be appointed by the council, and shall at the time of appointment and while serving possess the same qualifications as required by this Charter for election or appointment to the council.

The number of members of such a board or commission shall not exceed the authorized number of members of the city council unless the ordinance establishing such additional number be approved by vote of the people or by unanimous vote of the council.

The members of such boards and commissions shall be appointed for terms of four years, except that if the ordinance provides, initial terms may be pared by lot as necessary so that each year one or more terms will expire.

The terms of office of existing boards or commissions having regular terms of more or less than four years shall be pared or extended as to incumbents in such manner as the city coun-

cil shall determine so as to establish four-year terms in conformity with this section within two years after this Charter goes into effect.

No member of a board or commission shall be eligible for reappointment to the same board or commission after serving two consecutive four-year terms.

Section 6.06. Payment of Expenses. Prohibition of Compensation.

The members of such boards and commissions shall receive no compensation for their services as such, but may receive reimbursement for their actual and necessary expenses authorized by the city council and incurred in performance of their duties of office upon presentation of verified claims therefor on uniform forms to be prescribed by resolution of the city council.

Section 6.07. Appropriations for Boards and Commissions.

The city council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Section 6.08. Removal from Office. Vacancies.

Members of such boards and commissions shall serve at the pleasure of the city council, and except as otherwise provided in this Charter any member may be removed by the vote of a majority of the council plus one. If a member of a board or commission absents himself from three consecutive meetings unless by permission of the board or commission expressed in its minutes, or is convicted of a crime involving moral turpitude, or loses the qualifications required for appointment in the first instance, his office shall automatically become vacant and shall be so declared by the city council.

Any vacancies shall be filled by appointment by the city council for the remainder of the unexpired term.

Section 6.09. Special Committees. Limitations.

The city council may from time to time establish citizens' or taxpayers' committees for specific advisory purposes only, and for periods not exceeding one year. Such a committee may be renewed or extended by action of the council anew for a period not exceeding the original term of the committee. The city council may include in its annual budget, or in interim appropriations, such funds as in its opinion shall be sufficient to accomplish the purpose of such committees.

Section 6.10. Ex Officio Members.

The city manager and the city attorney, or their representatives, and a representative from the city council, shall be ex officio members of all boards, commissions, and committees. The council may in the ordinance establishing any advisory board, commission, or committee provide for additional ex officio members who shall be appointed by the council for such terms as may be prescribed but who need not possess the qualifications required of regular members. Ex officio

members shall have the same rights as official members including the right to attend meetings and participate in discussions, but shall not be entitled to vote.

Section 6.11. Power of Subpoena. Limitations.

No board, commission, or committee shall have the power of subpoena to compel attendance of witnesses, to examine them under oath, to compel production of evidence before it and to administer oaths and affirmations, unless such power shall be granted by ordinance approved by the unanimous vote of the city council. The power of subpoena being so granted, the same may be exercised by issuance of subpoena by the city clerk upon application in writing only of a majority of the board, commission, or committee. Disobedience of a lawful order issued in exercise of such powers shall be a misdemeanor.

Section 6.12. Declaration of Policy. Citizen Participation.

It is and shall be the policy of the City of San Mateo to foster a climate of human relations favorable to the full acceptance and participation of all citizens in the community in the economic, educational, political and cultural aspects of the community and opportunity to share in the benefits thereof without regard to race, religion, or national origin.

To that end, and to secure for the city the benefit of the talents, skills and counsel of public-spirited and dedicated citizens in all areas of local government, it is the policy of the city that advisory boards, commissions and committees be established from time to time as the council deems appropriate in furtherance of community progress and harmony, and the solution of community problems.

## Article VII

## Elections

Section 7.01. General Municipal Elections.

General municipal elections shall be held in the city on the first Tuesday in April of each odd-numbered year, in the manner provided by state law governing elections in general law cities; provided, that in the event any other election shall be held in the same month in the city the council may consolidate the general municipal election with the other election whenever practicable.

Section 7.02. Special Municipal Elections.

Special municipal elections may be called and held in accordance with and in the manner provided by state law governing elections in general law cities.

Section 7.03. Initiative, Referendum and Recall.

The people of the city reserve to themselves the powers of initiative, referendum, and the recall of elected officials, to be exercised in accordance with and in the manner provided by state law governing general law cities.

*Section 7.04.* Verified Statements of Candidates.

(a) No earlier than the first day, and no later than the last day, specified or provided under state law for the filing of nomination papers by any candidate for elective municipal office in general law cities, as such law shall be in effect on the first day of January next preceding the municipal election, each candidate for an elective office shall file with the city clerk a statement containing the following information in the order herein set forth:

1. His name;
2. The office for which he is a candidate;
3. His present residence and occupation;
4. The various kinds of business or employment he has been engaged in during the past five years and where, also the positions of importance and trust which he may have held in connection therewith;
5. The civic, improvement or other organizations which he has been a member of within the past five years and the positions of honor or trust, which he may have held therein;
6. The public offices he ever held, if any, as principal, deputy or employee;
7. The experience, training or education he has received which, in his opinion, would qualify him to fill the office for which he is a candidate;
8. The length of time he has been a taxpayer in the city;
9. The principal public improvements or betterments which he would urge the accomplishment of if elected;
10. The names of not more than fifteen residents who know something of his character and abilities;
11. Any other information which, in his opinion, would enable the electors to determine his qualifications for said office.

(b) Said statement shall be verified, and be accompanied by a photograph of the candidate taken within two years last past. Each candidate shall be required to pay a fee of fifteen dollars to defray the expense of a photo engraving from said photograph and the publication of said statement. In case he furnished a suitable photo engraving made within two years last past, the aforementioned fee shall be ten dollars.

(c) The city clerk shall cause the publication of the statements of each candidate so filed, with the candidate's photo engraving annexed thereto, in the official city newspaper by two insertions therein prior to the day of election. No response to any one of the various requirements above-mentioned shall exceed one hundred words in length.

(d) In the event any candidate shall have failed to file the statement with the city clerk within the time limits herein specified, the city clerk shall omit the name of such candidate from the prepared ballot and from any notice thereafter given pertaining to the election.

## Article VIII

### Miscellaneous

Section 8.01. Personal Financial Interest.

Any city officer or employee who has a substantial financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city, shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a city officer or employee in the making of such sale or in the making or performance of such contract. Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the city shall render the contract or sale voidable by the city manager or the city council.

Section 8.02. Prohibitions.

(a) Activities Prohibited:

1. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, sex, political or religious opinions or affiliations.

2. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, or appointment under the personnel provisions of this Charter, or ordinances relating to personnel, or rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

3. No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

4. No person shall orally, by letter or otherwise, solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated appointive city position.

5. No person, who holds any compensated appointive city position, shall make, solicit or receive any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs or political campaign of any political party, but he may exercise his rights as a citizen to express his opinions and to cast his vote.

6. No city officer or employee shall grant special consideration, treatment, advantages, or use of city-owned property to himself or any citizen beyond that which is available to every other citizen, nor shall any city officer or employee charge or collect any fee, commission or percentage by way of compensation to himself.

(b) Penalties: Any person who by himself or with others willfully violates any of the foregoing provisions of this section shall be guilty of a misdemeanor. Any person convicted under this section shall be ineligible for a period of five years thereafter to hold any office or position with the city, and, if an officer or employee of the city, shall immediately forfeit his office or position.

(c) The council may by ordinance define, prohibit, and provide penalties for substantial conflicts of personal interest of city officers and employees.

Section 8.03. Nepotism.

The city council shall not appoint to a salaried position under the city government, or to any board or commission, any person who is a relative by blood or marriage within the third degree of any one or more of the members of such city council, nor shall any department head or other officer having appointive power appoint any relative of his or of one or more of the members of such city council within such degree to any such position.

Section 8.04. Dual Offices.

Any elective officer of the city who shall accept or retain any other elective public office shall be deemed thereby to have vacated his office under the city government.

Section 8.05. Violations of Charter and Ordinances.

The violation of any express provision of this Charter shall be deemed to be a misdemeanor as well as any violation specifically declared herein to be a misdemeanor. Such violations shall be punishable by fine not exceeding Five Hundred Dollars or by imprisonment for not exceeding six months, or by both such fine and imprisonment. The violation of an ordinance shall be punishable as in the ordinance provided but not exceeding punishment provided by state law.

Section 8.06. Applicability of General Laws.

All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this Charter or with ordinances hereafter enacted or now in effect and not inconsistent herewith, shall be applicable to the city. The council may adopt and enforce ordinances which, in relation to municipal affairs, shall control as against the general laws of the state.

Section 8.07. Official City Newspaper.

The council annually shall advertise for or call for the submission of sealed proposals or bids from all newspapers of general circulation published and circulated within the city,

or if none, then published within the judicial district in which the city is situated and circulated within the city, for the publication of all ordinances and other legal notices required to be published. The contract therefor shall be awarded to the lowest responsible bidder, provided the rates for such publication shall not exceed the customary rate charged for publishing legal notices of a private character. The newspaper to whom such contract is awarded shall be known and designated as the official city newspaper.

In the event no such newspaper will contract with the city as herein provided, or if the official city newspaper is not published, then notice of the matters required to be published in the official city newspaper shall be given by posting copies thereof at three or more public places in the city as designated by the council, and such posting shall be equivalent to legal publication.

Section 8.08. Definitions.

Unless the provision or the context requires otherwise, as used in this Charter: "shall" is mandatory and "may" is permissive; "law", "state law", "general law", and similar terms, mean the law as it now exists or may hereafter be enacted applicable to general law cities in this state; "state" means the State of California; "county" means the County of San Mateo; "city" means the City of San Mateo; the masculine noun or pronoun includes the feminine and the neuter, and the singular includes the plural.

Section 8.09. Severability.

If any provision of this Charter, or the application thereof to any person or circumstance, is held invalid, the remainder of this Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

## Article IX

## Transitional Provisions

Section 9.01. Continuing Officers and Employees.

Until the election or appointment and induction into office of the officers and employees in this Charter provided for, the present officers and employees shall without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by this Charter or existing ordinances or laws, and until otherwise provided by ordinance or resolution adopted pursuant to this Charter.

Section 9.02. Continuing Ordinances in Force.

All lawful ordinances, resolutions, and regulations in force at the time this Charter takes effect, and not inconsistent with its provisions, are hereby continued in force so far as not inconsistent until the same shall have been duly amended, repealed, or superseded. To the extent the same are inconsist-

ent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto they are repealed as of the effective date of this Charter.

Section 9.03. Continuing Contracts in Force.

All vested rights of the city shall continue and shall not in any manner be affected by the adoption of this Charter; nor shall any right, liability, pending suit or prosecution, either in behalf of or against the city, be affected by the adoption of this Charter. All contracts entered into by the city prior to the taking effect of this Charter shall continue in full force and effect. All public work begun prior to the taking effect of this Charter shall be continued and perfected hereunder.

Section 9.04. When Charter Effective. Temporary Ordinances.

This Charter shall go into effect for all purposes at the first regular meeting of the city council following approval of this Charter by the legislature. At that meeting or at any meeting held within sixty days thereafter the council may adopt temporary ordinances, plainly labelled as such, to deal with cases of urgent need for prompt action in connection with transition of government in which delay incident to appropriate ordinance procedures would probably cause serious hardship or impair effective city government. Such a temporary ordinance may be adopted with or without amendment at the meeting at which it is introduced and may be made effective immediately, and shall not be subject to the referendum, but it shall stand repealed on the ninety-first day following its adoption and shall not be renewed or otherwise extended as a temporary or emergency ordinance. It shall be published in the same manner as an emergency ordinance.

and

WHEREAS, The proposed charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the Charter of the City of San Mateo, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as the Charter of the City of San Mateo.

## RESOLUTION CHAPTER 11

*Senate Concurrent Resolution No. 8—Approving amendments to the Charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at the general election held therein on the third day of November, 1970.*

[Filed with Secretary of State January 19, 1971.]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the 26th day of March, 1931, and approved by the Legislature of the State of California and filed in the office of the Secretary of State on the fifth day of May, 1931, (Statutes of 1931, page 2973); and

WHEREAS, The governing body of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county six (6) amendments to said charter; and

WHEREAS, Said governing body, in accordance with the provisions of Article XI of the Constitution of the State of California and the provisions of Chapter 3, Part 1, Division 2, Title 4, of the Government Code of the State of California, did cause said six (6) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Examiner," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said governing body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10-point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "San Francisco Examiner," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said governing body of said city and county ordered placed upon the ballot at a general election to be held in the City and County of San Francisco on the third day of November, 1970, the said six (6) several proposals to amend the Charter of the City and County of San Francisco; and

WHEREAS, Said general election was held in said City and County of San Francisco on the third day of November, 1970, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "San Francisco Examiner," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the 23rd day of November, 1970, duly certify to the board of supervisors the results of said general election as determined from the canvass of the returns thereof; and

WHEREAS, At said general election so held on the third day of November, 1970, three (3) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions C, E and F, and three (3) other charter amendments submitted at said general election, to wit, charter amendments designated as Propositions D, G and H received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval as a whole without change by resolution of said Legislature in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

Charter Amendment

Proposition C

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by adding Section 161.5 thereto, to provide for the granting of credit in the Retirement System to certain former employees of the Market Street Railway Company for time in military service on and after September 29, 1944.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 3, 1970, a proposal to amend the Charter of said city and county by adding thereto Section 161.5, reading as follows:

Section 161.5. Notwithstanding any other provisions of this Charter, any member who entered military service from a position with the Market Street Railway Company, was absent on such military service on September 29, 1944, and thereafter commenced employment with the Municipal Railway of the City and County of San Francisco within one year after his discharge from such military service shall have the right to elect to make contributions as provided in this section

and to receive credit in this system as city service for all or any part of the time on and after September 29, 1944, during which he was in such military service.

Any member who elects pursuant to this section to make contributions and to receive credit for such time shall contribute to the Retirement System an amount determined by applying the rate of contribution first applicable to him on the effective date of his membership in the Retirement System to the monthly compensation earnable by him on said date, together with interest on said amount at the rate of interest being used from time to time under the retirement system.

The board of supervisors shall provide by ordinance the time and manner for making said contributions and for the crediting of such service as city service.

Charter Amendment

Proposition E

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by adding Section 101.2 thereto relating to the maximum rate of interest payable on all general obligation bonds authorized but not sold.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 3, 1970, a proposal to amend the Charter of said city and county by adding Section 101.2 thereto, reading as follows:

Interest Rate on Bonds

Section 101.2. Notwithstanding any other provision of this charter, or of any bond act, ordinance, or resolution to the contrary, if any general obligation bonds of the city heretofore or hereafter authorized by vote of the people have been offered for sale and not sold, the board of supervisors may raise the maximum rate of interest payable on all general obligation bonds authorized but not sold, whether or not such bonds have been offered for sale, to a maximum interest rate not in excess of seven percent by a two-thirds vote of all members of said board.

Charter Amendment

Proposition F

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Sections 35.8 and 35 8.1 thereof, and adding Section 155.1 thereto, relating to Chief of Police Contingent Fund, Chief of Police Narcotic Fund, and hearing of charges after suspension.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on November 3, 1970, a proposal to amend the Charter of said City and County by amending Sections 35.8 and 35.8.1 thereof, and adding Section 155.1 thereto, so that the same shall read as follows:

Chief of Police Contingent Fund

Section 35.8. The board of supervisors shall have the power to appropriate to the police department an amount not to exceed in any one fiscal year the sum of $50,000 to be known as the contingent fund of the chief of police. The chief of police may from time to time, disburse such sums from such fund as in his judgment shall be for the best interests of the city and county in the investigation and detection of crime, and the police commission shall allow and order paid out of such contingent fund, upon orders signed by the chief of police, such amounts as may be required.

This section shall become effective on the first day of the month immediately following the date of ratification of this amendment by the State Legislature.

Chief of Police Narcotic Fund

Section 35.8.1. The board of supervisors shall have the power to appropriate to the police department an amount not to exceed in any one fiscal year the sum of $50,000 to be known as the narcotic fund of the chief of police. The chief of police may from time to time, disburse such sums from such fund as in his judgment shall be for the best interests of the city and county in the enforcement of the narcotic laws, and the police commission shall allow and order paid out of such narcotic fund, upon orders signed by the chief of police, such amounts as may be required.

This section shall become effective on the first day of the month immediately following the date of ratification of this amendment by the State Legislature.

Section 155.1. If, as provided for in Section 155, a member of the police department is suspended by the chief of police pending hearing before the police commission for charges filed against him and subsequently takes a leave of absence without pay pending his trial before the commission, and, if after such trial he is exonerated of the charges filed against him, the commission may, at its discretion, remit the suspension and leave of absence without pay and may order payment of salary to the member for the time under suspension and on leave of absence without pay, and the report of such suspension and leave of absence without pay shall thereupon be expunged from the record of service of such members.

This section shall become effective on the first day of the month immediately following the date of ratification of this amendment by the State Legislature.

State of California }
City and County of San Francisco } ss

This is to certify that we, Dianne Feinstein, President of the Board of Supervisors of the City and County of San Francisco, and Robert J. Dolan, Clerk of the Board of Supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the Charter of said City and County of San Francisco with the original proposals which were submitted to the electors of said city and county at a general election held on Tuesday, the third day of November, One Thousand Nine Hundred and Seventy; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this first day of December, One Thousand Nine Hundred and Seventy.

DIANNE FEINSTEIN
(SEAL) President of the Board of Supervisors
of the City and County of San Francisco
ROBERT J. DOLAN
Clerk of the Board of Supervisors
of the City and County of San Francisco

Approved as to form:
THOMAS M. O'CONNOR
City Attorney

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City and County of San Francisco, as proposed to, and adopted and ratified by, the electors of the city and county, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as a part of, the Charter of the City and County of San Francisco.

# RESOLUTION CHAPTER 12

*Senate Concurrent Resolution No. 10—Relative to memorializing William Laurence McCoy.*

[Filed with Secretary of State January 19, 1971.]

WHEREAS, The Members of the Legislature have learned with deep sorrow of the death of a dear friend, William Laurence McCoy; and

WHEREAS, Mr. McCoy was born January 19, 1920, in Horatio, Arkansas, raised in Coffeyville, Kansas, and attended both the University of Arkansas and the University of California at Los Angeles, receiving a bachelors degree in Business Administration in 1948; and

WHEREAS, From 1963 through 1970 he served with distinction as the chief legislative representative of the City of Los Angeles, a position in which he presented the city's legislative program to the Legislature and which resulted in close and personal friendships with many of the members; and

WHEREAS, Before being a legislative representative, he had a long and distinguished career with the City of Los Angeles serving as, among other things, sales tax auditor from 1948 to 1949, internal auditor of the Department of Water and Power from 1949 to 1951, and assistant city administrative officer from 1951 to 1961; and

WHEREAS, His various responsibilities included such matters as budget analysis of various city departments, supervision of budget analysis, administrative surveys, petroleum administration, coordinator of allocation of floor and building space to the various departments and responsibility for finances in the city's budget; and

WHEREAS, From 1961 to 1963 he served as the director of west coast division of H. Zinder and Associates, Inc., a position in which he handled many diverse surveys and studies of municipal problems for such cities as Santa Barbara, San Bernardino, Los Angeles, Signal Hill, El Sobrante, La Habra, Torrance and Redondo Beach; and

WHEREAS, A devoted father and husband, William McCoy leaves bereaved his wife, Tori, his three children, James L. William Lee, and Roger Alan, his father, J. Laurence McCoy, his mother, Lillye Brinkley, a sister, Lois Smith, and a brother, Howard McCoy; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members express their sorrow at the death of William Laurence McCoy and extend their condolences to his next of kin; and be it further

*Resolved,* That the Secretary of the Senate transmit suitably prepared copies of this resolution to the widow of William Laurence McCoy, Tori, and to his children, James L., William Lee and Roger Alan.

## RESOLUTION CHAPTER 13

*Assembly Concurrent Resolution No. 4—Relative to commending Secretary of State H. P. "Pat" Sullivan.*

[Filed with Secretary of State January 22, 1971.]

WHEREAS, Henry Patrick Sullivan was appointed Secretary of State for the State of California by Governor Reagan on April 3, 1970, to fill the unexpired term of the late Frank M. Jordan; and

WHEREAS, As Assistant Secretary of State since 1967, H. P. "Pat" Sullivan had admirably served the office of Secretary of State and the people of California, especially during the difficult months of Secretary of State Jordan's long illness; and

WHEREAS, During his nine months in office, Pat Sullivan has earned unanimous acclaim from every branch of state government for the magnificent manner in which he fulfilled the duties of Secretary of State; and

WHEREAS, No better evidence exists of Pat Sullivan's contributions to this state during his tenure as California's chief elections officer than the fact that the results of the November 3, 1970, general election were tabulated in the fastest and most efficient vote count in the state's history; and

WHEREAS, Pat Sullivan reverted to his civil service status as Assistant Secretary of State in January 1971; and

WHEREAS, He formerly served as assistant director of central services for Santa Clara County from 1954 to 1958, business manager for the Public Works Department of Santa Clara County from 1958 to 1962, and registrar of voters for Santa Clara County from 1962 to 1967; and

WHEREAS, He is a graduate of the Georgetown Preparatory School, Garrett Park, Maryland, and received his bachelor of science degree in economics from the Wharton School of Finance and Commerce, University of Pennsylvania in 1942; and

WHEREAS, He is a member of the Alpha Tau Omega fraternity, a past member of the Toastmasters and Kiwanis Clubs, past chairman of the Santa Clara Employees' Insurance Advisory Board, and a past member of the Santa Clara Accident Review Board; and

WHEREAS, He was born July 1, 1921, in New York, married Mary Walsh on November 25, 1948, in Beverly Hills, California, and they have five children, William Patrick Sullivan, born December 22, 1949, Richard Doyle Sullivan, born July 30, 1952, Josetta Marian Sullivan, born September 27, 1954, Edward Joseph Sullivan, born October 27, 1960, and Maureen Patricia Sullivan, born May 13, 1964; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members take great pride in commending Secretary of State, H. P. "Pat" Sullivan, for

his splendid service to the State of California; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to H. P. "Pat" Sullivan.

---

## RESOLUTION CHAPTER 14

*Assembly Concurrent Resolution No. 5—Relative to commending the Honorable Bruce W. Sumner, Chairman of the California Constitution Revision Commission.*

[Filed with Secretary of State January 22, 1971.]

WHEREAS, The Honorable Bruce W. Sumner, a native of Bozeman, Montana, and graduate of the University of Minnesota, served with distinction as an officer in the United States Marine Corps during World War II and the Korean Conflict, attaining the rank of captain with many citations; and

WHEREAS, The Honorable Bruce W. Sumner has in the past served the people of California as a Deputy Public Defender of Orange County, as an Assemblyman in the California Legislature for three terms, and as Chairman of the Assembly Judiciary Committee; and

WHEREAS, The Honorable Bruce W. Sumner presently serves as Judge of the Superior Court of Orange County and presiding judge of the juvenile court, and is a member of numerous civic and professional organizations, including the California Conference of Judges and the Governor's Family and Children's Advisory Committee; and

WHEREAS, Judge Sumner is a member of the California Constitution Revision Commission and has served as cochairman, and later, chairman of the commission since November 4, 1964; and

WHEREAS, Judge Sumner, as chairman of the commission, has presided over some 25,000 man-hours of thoughtful deliberation by the commission and has administered the lengthy and extensive research work of the commission's staff; and

WHEREAS, Judge Sumner has personally appeared before the committees of the Legislature on numerous occasions to report on the commission's recommendations; and

WHEREAS, His enormous and generous contribution of time and effort has been without compensation; and

WHEREAS, Adoption of the commission's recommendations has to date reduced by 25,000 words the length of our complex and bulky Constitution; and

WHEREAS, The commission's recommendations for revising 11 articles of the Constitution have already been approved by the electorate and the commission will soon complete its work on the remaining articles of the Constitution; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Members of the California Legislature join in commending the Honorable Bruce W. Sumner for his generous contribution toward the revision of the California Constitution; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Judge Bruce W. Sumner.

---

## RESOLUTION CHAPTER 15

*Assembly Concurrent Resolution No. 15—Approving amendments to the Charter of the City of Visalia, State of California, ratified by the qualified electors of the city at a general election held therein on the third day of November, 1970.*

[Filed with Secretary of State January 22, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Visalia, a municipal corporation in the County of Tulare, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

City of Visalia

Resolution No. 907

Whereas the voters of the City of Visalia authorized the attached revisions to the Charter of said City at the General Election on November 3, 1970; and

Whereas, it is essential that these revisions be ratified by the Legislature of the State of California

Now therefore be it resolved by the Council of the City of Visalia that the City Clerk be hereby directed to forward the approved Charter changes to said State Legislature for ratification at the next regular session thereof.

Passed and adopted this 21st day of December, 1970.

Attest: R. A. Cassidy, City Clerk

I, R. A. Cassidy, City Clerk of the City of Visalia, certify that the foregoing is a true and correct copy of Resolution No. 907, passed and adopted by the Council of the City of Visalia at a regular meeting thereof by the following vote:

Ayes: Councilmen Allen, Beiderwell, Shelly, Vollmer

Noes: None

Absent: Councilman Ruddell

R. A. CASSIDY

R. A. Cassidy, City Clerk

Proposed Charter Changes

Article III. Powers of City.

Section 10. To acquire, construct, operate and maintain parks, playgrounds, markets, baths, public halls, auditoriums, libraries, museums, art galleries, gymnasiums, *mausoleum* and any and all buildings, establishments, institutions, and places whether situated inside or outside of the City limits, which are necessary or convenient for the transaction of public business or for promoting the health, morals, education, care of the indigent or welfare of the inhabitants of the City or for their amusement, recreation, entertainment, or benefit;

Article IV. Officers, Deputies and Employees and Their Compensation.

Section 3. All officers, assistants, deputies, clerks and employees shall receive such compensation as the Council may from time to time determine by resolution, ~~except, that the members of the Council while sitting as a Board of Equalization shall be paid $10.00 per day, for each day actually served,~~ provided, however, that the compensation of elective officers, not otherwise fixed by this Charter, shall be fixed and determined by ordinance only.

Article V. Elections.

Section 3. Filing the Returns: The returns of each election precinct shall be filed with the Clerk, and no person shall be permitted access to them until canvassed by the ~~Council~~ *Clerk*. On the first Monday after an election, and at the usual hour and place of meeting the Council shall meet and ~~canvass the returns and~~ declare the result After having been canvassed the returns shall be sealed up by the Clerk for six months and no person shall have access to them except on order of a court of competent jurisdiction.

Article VI. Legislative. The Council. Powers and Duties.

Section 2. Meetings: The Council shall meet in the Council Chambers at the City Hall in regular session on the fourth Monday in April following their election at 8 p m., and shall organize as herein required. Thereafter the Council shall meet at such times ~~as has been or may be prescribed by ordinance or resolution~~, *and places as the Council may prescribe by rule*, except that it shall meet regularly at least once each month. All of the meetings of the Council ~~shall be held in the City Hall, unless, by reason of fire, flood or other disaster, said City Hall cannot be used for that purpose, and all meetings~~ shall be open to the public. Special meetings may be called by the Mayor, by two members of the Council, or by the City Manager, but notice of every such meeting must be served per-

sonally upon every member not joining in the call, and upon the City Manager, if not called by him, or left at the place of residence or of business of each person to be so served, not less than two hours before the time of such special meeting.

Such notice must state the subject or subjects to be considered or acted upon and must state the time of such meeting. All meetings of the Council and all records thereof, shall be open to the public, and no citizen shall be denied the right personally, or through counsel, to present grievance, or offer suggestions for the betterment of municipal affairs.

Section 20. City Clerk: The City Clerk shall keep, under the direction of the Council, a full and true record in a book, of all proceedings of the Council ~~and of the Board of Equalization~~. He shall keep a book, marked . . . . . .

## Article IX. Fiscal Administration.

Section 12. Special Taxes and Bonds: ~~Whenever the Council shall determine that the public interest demands an expenditure for municipal purposes, which cannot be provided for out of the ordinary revenue of the City, it may submit to the qualified voters at a regular or special election, a proposition to provide for such expenditure, either by levying a special tax, or by issuing bonds, but no such special tax shall be levied nor any such bonds issued, unless authorized by the affirmative votes of two-thirds of the electors voting at such election. No bonds shall be issued to meet current expenses.~~

~~The proceedings for the voting and issuing of bonds of the City shall be had in such a manner and form and under such conditions as shall be provided from time to time by general law.~~

(a) Whenever the Council shall determine that the public interest demands a special tax for a specified purpose, either for any specified number of years or for an indefinite period of time, in excess of the maximum tax rates provided for in Section 11 of this Article IX, the Council may submit to the qualified voters of the City at a regular or special election a proposition to authorize such tax for such purpose and for such number of years or an indefinite period of time, but no such special tax shall be levied unless authorized by the affirmative votes of the same number of voters voting on such proposition as is at the time required to authorize indebtedness of the City evidenced by general obligation bonds.

(b) No indebtedness evidenced by general obligation bonds shall be incurred by the City unless authorized by the affirmative votes of that number of voters voting on the proposition for incurring such indebtedness that shall at the time be required by the Constitution and general laws of the State. All proceedings for the incurring of indebtedness evidenced by general obligation bonds of the City shall be taken in accordance with the Constitution and general laws of the State, except as provided in Section 13 of this Article IX.

Section 13. ~~Limit of Bonded Indebtedness.~~ ~~The bonded debt of the City shall at no time exceed a total of twenty per cent of the assessed valuation of all property taxable for City purposes.~~

Limit of General Obligation Bonded Indebtedness: The general obligation bonded indebtedness of the City shall at no time exceed a total of twenty per cent of the assessed valuation of all property taxable for city purposes.

Article XVI. Miscellaneous Provisions.

Section 17. The present City Council, in accordance with Article V of this Charter shall provide for the holding of the first election of officers under this charter ~~and shall canvass the votes~~ and declare the results thereof.

We certify that the attached proposed charter changes were adopted by the voters at the November 3, 1970, election.

City of Visalia

| | |
|---|---|
| E. L. VOLLMER | 12/28/70 |
| E. L. Vollmer | |
| Mayor | Date |
| R. A. CASSIDY | 12-28-70 |
| R. A. Cassidy | |
| City Clerk | Date |

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Visalia, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Visalia.

---

## RESOLUTION CHAPTER 16

*Senate Concurrent Resolution No. 13—Relative to the Public Utilities Commission.*

[Filed with Secretary of State January 25, 1971.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Public Utilities Commis-

sion is directed to submit the report of its findings and recommendations on the subject of aesthetic and environmental considerations in the location of public utility structures pursuant to Senate Concurrent Resolution No. 78 of the 1970 Regular Session (Res. Ch. 195) to the Legislature not later than March 31, 1971; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the President and Members of the Public Utilities Commission.

---

## RESOLUTION CHAPTER 17

*Senate Concurrent Resolution No. 14—Approving a certain amendment to the Charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the third day of November, 1970.*

[Filed with Secretary of State January 25, 1971.]

WHEREAS, Proceedings have been taken and had in accordance with all applicable law for the proposal, adoption and ratification of a certain amendment hereinafter set forth, to the Charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the vice mayor and city clerk of said city, as follows, to wit:

State of California }
County of Alameda } ss.
City of Oakland }

We, the undersigned, John H. Reading, Mayor of the City of Oakland, State of California, and Gladys H. Murphy, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a new revised charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the fifth day of November, 1968, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the twenty-eighth day of January, 1969 (Statutes of 1969, Res. Ch. 21, p. 3528).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Oakland, being the legislative body of

said City, on its own motion by its Resolution No. 51022 C.M.S. passed August 20, 1970, duly and regularly proposed and submitted to the qualified electors of said City, a certain proposal designated as Proposition (L) for amending the Charter of said City, to be voted upon by said qualified electors at a special municipal election called and held for that purpose in said City on the third day of November, 1970. That said special election was duly and regularly called, authorized and provided for by said Council of said City of Oakland by said aforementioned Resolution No. 51022 C.M.S., and that by said resolution said Council consolidated said special municipal election with the General Election to be held in said City on the third day of November, 1970.

That said consolidated special municipal election was duly and regularly held in said City as required by law and in accordance with Section 8 of Article XI of the Constitution of the State of California and the Charter of the City of Oakland, after due notice given and published, with the said General Election on the third day of November, 1970, which said day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendment in the "Oakland Tribune," a daily newspaper of general circulation published in the City of Oakland and the official newspaper of said City.

That said proposed amendment was published on the twenty-fourth day of September, 1970, in the "Oakland Tribune," in each edition thereof, during the day of publication.

That copies of said proposed amendment were printed in convenient pamphlet form, and in type of not less than ten point, and a copy thereof was mailed to each of the qualified electors in said City, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Oakland was published in said "Oakland Tribune," a newspaper of general circulation published in said City, on the twenty-fourth day of September, 1970, and on each day thereafter to and including the third day of November, 1970, the date of said election.

That in accordance with the provisions of the Charter of the City of Oakland and Oakland City Ordinance No. 8199 C.M.S., the City Attorney of said City prepared an impartial analysis of the proposed amendment not exceeding five hundred words in length; that a copy of said analysis was mailed and distributed by the City Clerk of the City of Oakland to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendment.

That in accordance with Sections 5010–5014 of the Elections Code of the State of California, the Charter of the City of Oakland, and Oakland City Ordinance No. 8199 C.M.S., notice of the date fixed for submission of arguments for and against said proposed amendment was published on the third

day of September, 1970, in the "Oakland Tribune," and an argument in favor of said proposed amendment (no argument against said proposed amendment having been submitted) was mailed and distributed by the City Clerk of the City of Oakland to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendment.

That the Council of said City framed a synopsis of said proposed amendment and, on October 20 and 27, 1970 caused a notice containing said synopsis to be published in the "Oakland Tribune."

That as to the said amendment to the Charter of the City of Oakland hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that all provisions of law applicable thereto have been fully conformed to and complied with.

That in accordance with the provisions of law applicable thereto, and with the authorization and direction of the Board of Supervisors of the County of Alameda, State of California, set forth in its Resolution No. 136600, the Clerk of the County of Alameda, State of California, did duly and regularly canvass the votes cast at said consolidated election and at said special municipal election, which canvass was confirmed by Resolution No. 136600A of said Board of Supervisors, and did determine the result of said special municipal election to be that a majority of the qualified electors of said City voting on the proposed amendment to the Charter of the City of Oakland hereinafter set forth and designated as Proposition (L) had voted for and adopted said amendment.

That the proposed amendment to the Charter of the City of Oakland, which was so ratified by a majority of the electors of said City, is in words and figures as follows:

Proposition (L)

Amend Sections 618(7) and 618 (11) of the Charter of the City of Oakland to read as follows:

Section 618 (7). Provisions relating to Revenue Bonds. The Board shall have power to determine all of the terms and conditions of the issuance and sale of revenue bonds pursuant to this Section 618, and without limiting in any way the generality of such power, the Board is expressly authorized in its discretion to provide, in connection with any issue of such revenue bonds, as follows:

a. Series and Divisions. Revenue bonds may be issued in series, and any issue may be divided into one or more series or divisions with different maturities or dates for each series or division, different rates of interest and different terms and conditions for the bonds of the several series or divisions. Revenue bonds of the same authorized issue need not be of the same kind or character, have the same security, or be of the

same interest rate, but the terms thereof in each case shall be as provided for by the Board.

b. Form and Date of Bonds. Bonds shall be of such form and tenor and shall bear such date or dates as may be prescribed by the resolution of issue.

c. Maturity. Bonds may be serial bonds or sinking fund bonds with such maturity or maturities as shall be provided in the resolution of issue. No bond by its terms shall mature in more than forty (40) years from its own date and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date of each such series or division shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

d. Interest. Bonds shall bear interest at a rate of not to exceed nine (9) per cent per annum, payable annually or semiannually, or in part annually and in part semiannually.

e. Coupon or Registered Bonds. Bonds may be issued as coupon bonds or as registered bonds, with or without coupons, with appropriate provisions for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds; bonds may be registered as to principal only, or as to both principal and interest; and new bonds or coupons may be issued in place of bonds or coupons which have been surrendered and canceled whenever appropriate as incidental to the discharge of any bond from registration; all on such terms and conditions, and at such place or places, within or without the State of California, as the Board may determine.

f. Redemption. Bonds may be callable upon such terms and conditions, at the option of the Board or by operation of any sinking fund, and upon such notice as the resolution of issue shall prescribe and upon payment of such premium (not exceeding seven (7) per cent of the par value of such bonds) as may be fixed in the resolution of issue. No bond shall be subject to call or redemption prior to its fixed maturity date, unless the right to exercise such call is expressly stated on the face of the bonds.

g. Source of Payment. All revenue bonds shall be payable exclusively from revenues as more particularly defined in the resolution of issue.

h. Reference on Bonds to Resolution of Issue. Reference on the face of a revenue bond to the resolution of issue by its date of adoption shall be sufficient to incorporate all of the provisions thereof and of this Section 618 into the body of said revenue bond and its appurtenant coupons and each taker and subsequent holder of a revenue bond or coupons, whether such coupons are attached to or detached from said revenue bond, shall have recourse to all of the provisions of the resolution of issue and of this Section 618 and shall be bound thereby.

i. Recital in Bonds. Bonds may contain a recital that all acts, conditions and things required to exist, to happen and to be performed, precedent to and in the issuance of the bonds have existed, happened and been performed in due time, form and manner as required by law and this Charter, all of which facts the Board is authorized to find and determine prior to the issuance of the bonds. Revenue bonds shall also contain a recital on their face that neither the payment of principal of nor of interest on such bonds constitutes a debt, liability or obligation of the City of Oakland.

j. Place and Manner of Payment. The principal of and interest on bonds may be payable at any one or more places within or without the State of California and in any specified coin or currency of the United States of America, as may be provided in the resolution of issue.

k. Execution and Authentication of Bonds; Validity of Signatures and Countersignatures. Bonds may be executed and authenticated by the manual, lithographed or printed facsimile signature of any officer or officers of the Board and may also be authenticated by a trustee or fiscal agent appointed by the Board. If any of the officers whose signatures or countersignatures appear on the bonds cease to be officers before the delivery of the bonds or coupons to the purchasers thereof, their signatures or countersignatures shall nevertheless be valid and of the same force and effect as if such officer had remained in office until the delivery of the bonds and coupons.

l. Issuance of Temporary Bonds. Pending the actual issuance or delivery of definitive bonds, the Board may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, and with such provisions as the Board shall determine, to be exchanged for definitive bonds when ready for delivery. In the absence of an express recital on its face that a temporary bond or interim receipt is non-negotiable, such bond or interim receipt is a negotiable instrument.

m. Replacement of Lost, Destroyed, Mutilated or Stolen Bonds. Lost, destroyed, mutilated or stolen bonds or coupons may be replaced as provided in the resolution of issue.

n. Security. All revenue bonds shall be secured by an exclusive pledge and charge upon all or a portion of the gross revenues of any project for or in connection with which said revenue bonds are issued or authorized to be issued, including revenues of any existing facilities, all as provided for in the resolution of issue. Gross revenues of a project may include revenues from additions, betterments, improvements and extensions of such project later constructed or acquired. The gross revenues of a project and any interest earned on the gross revenues of such project shall constitute a trust fund for the security and payment of the principal of and interest on the revenue bonds and so long as any revenue bonds or interest thereon are unpaid said revenues and interest shall not

be used for any other purpose; provided, however, that a resolution of issue may provide that if the principal of and interest on the bonds and all charges to protect and secure them are paid when due, an amount for the maintenance and operation costs of a project may be apportioned from revenues, but only to the extent specified in the resolution of issue.

o. Revenue Bonds of Same Issue to be Equally Secured. Revenue bonds of the same issue shall be equally secured by a pledge and charge upon revenues, without preference or priority by reason of number, date of bonds, or date of sale, execution, or delivery of bonds; except that if the Board authorized the issuance of bonds of different series it may provide that the bonds in any series shall, to the extent and in the manner prescribed in the resolution of issue, be subordinated and be junior in standing with respect to the payment of principal and interest and the security thereof to such other bonds as may be specified in the resolution of issue.

p. Refunding Bonds. Refunding bonds may be issued and sold or exchanged for the purpose of redeeming, retiring or refunding any revenue bonds issued under this Section 618, subject to any limitations contained in the resolution of issue pursuant to which such revenue bonds are issued. All provisions of this Section applicable to the issuance of revenue bonds shall be applicable to the refunding bonds and to the issuance, sale or exchange thereof. Refunding bonds may be issued 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. Such expenses may include the difference in amount between the par value of the refunding bonds and any amount less than par for which the refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded, or to the date upon which the bonds to be refunded will be paid pursuant to call thereof, and also the premium, if any, necessary to be paid in order to call and retire the outstanding bonds and the interest accruing thereon to the date of call or retirement.

q. Validity of Revenue Bonds not Affected by Actions of City or Board Relative to Project. The validity of the authorization and issuance of any revenue bonds by the Board shall not be dependent on or affected in any way by:

(i) Proceedings taken by the City or the Board for the acquisition, construction or completion of any project or any part thereof;

(ii) Any contracts made in connection with the acquisition, construction, or completion of any project; or

(iii) The failure to complete any project for which bonds are authorized to be issued.

r. Sale of Revenue Bonds. Notice inviting sealed bids shall be given in such manner as the Board may prescribe prior to any sale of revenue bonds. 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 Board may sell bonds at a price below the par or face value thereof, provided that the maximum net interest cost (computed on a 360-day year basis) on bonds sold below par or face value shall not exceed an average of nine (9) per cent per annum, payable semiannually, to the respective maturity dates of said bonds.

s. Payment of Incidental Expenses and Interest and Creation of Funds from Proceeds of Sale of Revenue Bonds. All costs and expenses incidental to the issuance and sale of revenue bonds, including the cost of preparation of the revenue bonds and coupons, the cost of all surveys, of preparation of plans and specifications, of all architectural, engineering, inspection, legal, financial and economic consultant's, trustee's and fiscal agent's fees, the creation of a bond reserve fund, the creation of a working capital fund, and bond interest estimated to accrue during the period of acquisition or construction of a project and for a period of not to exceed three (3) years thereafter, all as provided for in the resolution of issue, may be paid out of the proceeds of sale of the revenue bonds.

Section 618 (11). Incurring Indebtedness. In addition to all other powers herein granted to it and notwithstanding any other provision of this Section 618, the Board is authorized: (a) from time to time to incur indebtedness for the purpose of the acquisition, construction, completion or improvement of any structure or facility which the Board is authorized to develop, construct, reconstruct, alter, repair, maintain, equip or operate pursuant to Section 606, and to lease such structure or facility to any person, subject to the limitations of this Section; provided that no such indebtedness shall constitute a debt, liability or obligation of the City of Oakland, that each such indebtedness shall be repaid exclusively from the income and revenue referred to in this clause (a), and that the Board shall provide not later than the date on which each such indebtedness is incurred for payment in full of the principal of and interest on such indebtedness by a pledge of all or any portion of the gross income derived or to be derived by the Board from the lease of such structure or facility and of all or any portion of any other income and revenue then or thereafter under control of the Board as shall be legally available for such purpose (all hereinafter in this Section referred to as "the pledged income and revenue"); (b) for the purpose of paying the principal of and interest on

such indebtedness, to assign to any person all or any portion of the pledged income and revenue; and (c) notwithstanding the provisions of Section 617 (3), to deposit the assigned portion of the pledged income and revenue in a special fund other than the Port Revenue Fund provided for in said Section 617 (3), which said special fund (i) may be held or maintained by the Board or by the assignee of the assigned portion of the pledged income and revenue and (ii) shall be used and applied by the Board or such assignee only to pay the principal of and interest on such indebtedness. Any pledged income and revenue remaining in any such special fund after payment in full of the principal of and interest on the indebtedness for which said special fund was created shall be deposited by the Board in said Port Revenue Fund.

Any lease executed by the Board pursuant to this Section shall be for a term of not to exceed 50 years and shall be made by the Board only after complying with the provisions of Section 609 of this Charter. Any such lease may provide that all or any part of the cost of maintenance of the leased structure or facility shall be paid by the lessee thereof or by the Board and, to the extent that such cost is to be paid by the Board, that such payment shall be made either from gross income to the Board from such lease or from any other legally available funds of the Board.

Any indebtedness incurred by the Board pursuant to this Section shall (1) be evidenced by contract or other written instrument, which may be made by the Board without complying with any of the provisions of Section 610 of this Charter and which shall be signed by the President of the Board and approved by a resolution of the Board, (2) bear interest at a rate not exceeding nine (9) per cent per annum payable annually or more often as shall be provided by the Board at the time such indebtedness is incurred and (3) be paid in not to exceed 50 years from the date on which it is incurred on such terms and conditions and subject to such right of payment of all or any part of such indebtedness prior to maturity as shall be provided by the Board at the time such indebtedness is incurred; provided, that the Board may fix a date not more than 5 years from the date of incurring any such indebtedness as the date of payment of the first installment of the principal thereof and that beginning on such date not less than 1/50 of the principal amount of such indebtedness shall be paid annually and the entire principal amount thereof shall be paid in not to exceed 50 years from the date on which it is incurred.

The term "person" as used in this Section means any individual, firm, association, private or public corporation, public district or polltical subdivision of the State of California, the State of California, the United States of America, or any agency or authority of any thereof.

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Oakland with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this 15th day of December, 1970.

JOHN H. READING
Mayor of the City of Oakland
GLADYS H. MURPHY
City Clerk of the City of Oakland

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Oakland, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Oakland.

---

## RESOLUTION CHAPTER 18

*Senate Concurrent Resolution No. 15—Approving the Revised Charter of the City of San Buenaventura, State of California, ratified by the qualified electors of the city at a general election held therein on the third day of November, 1970.*

[Filed with Secretary of State January 26, 1971.]

WHEREAS, Proceedings have been taken and had for the adoption of a revised Charter of the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION OF THE REVISED CHARTER OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA

State of California
County of Ventura } ss
City of San Buenaventura

We, Albert R. Albinger, Mayor, and Scott Ruckman, City Clerk of the City of San Buenaventura, hereby certify as follows:

That the City of San Buenaventura is a City organized and existing under a freeholders Charter duly adopted by the voters and approved by the Legislature by Concurrent Resolution filed with the Secretary of State on January 26, 1933;

That pursuant to the California Constitution, the Council of the City of San Buenaventura, on its own motion, caused to be framed, a proposed revised Charter which it approved and submitted to the electors of the City at the General Election held November 3, 1970;

That all proceedings relating to the electors of the City were conducted according to law;

That on November 3, 1970, the electors duly approved the proposed revised Charter and the City Council duly caused the returns to be canvassed and the results of the election to be certified according to law;

That the following is a true and correct copy of the text of the revised Charter so adopted by the City Council and approved by the electors:

# CHARTER OF THE CITY OF SAN BUENAVENTURA

## TABLE OF CONTENTS

Article IV
Powers of City



Article V
Elections



Article VI
Officers, Deputies and Employees and Their Compensation



Article VII
City Council



Article VIII
City Manager

Article IX
City Attorney



Article X
Administrative Departments



Article XI
Board of Education



Article XII
Fiscal Administration

Article XIII
Inalienable Rights of City



Article XIV
Franchises



Article XV
Miscellaneous



CHARTER OF THE CITY OF SAN BUENAVENTURA

We, the people of the City of San Buenaventura, State of California, do ordain and establish this Charter as the organic law of said City under the Constitution of said State.

Article I
Name of City

Section 100. Name. The municipal corporation now existing and known as the City of San Buenaventura shall continue to be a municipal corporation under its present name.

Article II
Boundaries

Section 200. Boundaries. The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, and as such boundaries may be changed there after from time to time in the manner authorized by law.

Article III
Succession

Section 300. Rights and Liabilities. The City of San Buenaventura shall continue to own, possess and control all rights and property of every kind and nature owned, pos-

sessed or controlled by it at the time this Charter takes effect and shall continue to be subject to all its debts, obligations, liabilities and contracts.

Section 301. Ordinances Continued in Effect. All lawful ordinances, resolutions, rules and regulations, and portions thereof, in force at the time this Charter takes effect and not in conflict or inconsistent therewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Section 302. Rights of Officers and Employees Reserved. Nothing in this Charter contained, unless otherwise specifically provided therein, shall effect or impair the personnel, pension or retirement rights or privileges of officers or employees of the City, or of any office, department or agency thereof, existing at the time this Charter takes effect.

Section 303. Continuance of Present Officers and Employees. The present officers and employees of the City shall continue without interruption to perform the duties of their respective offices and employments upon the same terms and conditions and for the compensation provided by the existing ordinances, resolutions, rules or laws, but subject to such removal, amendment and control as is provided or permitted in this Charter, and, as to offices which are changed, abolished or superseded by this Charter, until the election or appointment and qualification of their respective successors under this Charter.

Section 304. Continuance of Contracts and Public Improvements. All contracts entered into by the City or for its benefit prior to the effective date of this Charter and then in effect, shall continue in full force and effect according to their terms. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws as may be continued or perfected under this Charter.

Section 305. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained but all such actions or proceedings may be continued notwithstanding that functions, powers, and duties of any officer, office, department, or agency a party thereto, may be assigned or transferred by or under this Charter to another officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 306. Effective Date of Charter. This Charter shall take effect upon its approval by the Legislature.

## Article IV
## Powers of City

Section 400. Powers of City. The City of San Buenaventura *shall have* the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a muncipal corporation might or could exercise under the Constitution of the State of California. The enumeration in this Charter of any particular powers shall not be held to be exclusive of or any limitation upon this general grant of power.

## Article V
## Elections

Section 500. General Municipal Elections. General Municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held biennially on the first Tuesday after the first Monday in November in each odd-numbered year, or to coincide with any general statewide election held in November of each odd-numbered year.

Section 501. Special Municipal Elections. All other municipal elections that may be held by authority of this Charter, or of general law, or by ordinance, shall be known as special municipal elections.

Section 502. Procedure for Holding Elections. Except insofar as is otherwise provided by this Charter or by ordinance, all elections shall be held in accordance with the Elections Code of the State of California, as the same now exists or hereafter may be amended, for the holding of municipal elections.

Section 503. Eligibility for Office. No person shall be eligible for election to, or to hold, any elective office of the City, except as otherwise provided in this Charter, unless he shall have been a resident and an elector thereof, or of territory legally annexed thereto, on or prior to the date of such election or appointment, for at least three years next preceding his election thereto, or his appointment to fill a vacancy *therein*.

Section 504. Nominations. Except as otherwise provided in this Charter, the mode of nomination of officers to be voted for at any general municipal election shall be as follows:

No earlier than the 75th day nor later than 12 o'clock noon on the 54th day before any general municipal election, electors of the City may, by written nomination paper in such form as specified in the Election Code of the State of California present names of candidates for election. Each candidate shall be proposed by not less than 20 nor more than 30 quali-

fied electors. No elector may sign more than one nomination paper for the same office, but each seat shall be deemed a separate office. Any person or persons may circulate a nomination paper. Each nomination paper shall be accompanied by a verified statement of the candidate that he will accept the nomination and also accept the office in the event of his election.

Section 505. Names on Ballots. The names of all candidates nominated for elective office in the City shall be printed on the official ballots in descending alphabetical order.

Section 506. Election of City Council. The election of members of the Council shall be from the City at large. Candidates receiving the highest number of votes shall be declared elected until the number declared elected equals the number of Council offices to be filled at the election. All ties shall be decided by lot in the presence of the candidates concerned and under the direction of the election authorities.

Section 507. Terms for City Councilmen. Members of the Council shall hold office for a period of four years from and after eight P.M. of the day of the first regular meeting in January following the election, and until their successors are elected and qualified, provided that any person elected to fill a vacancy shall serve for the remainder of the unexpired term. In the election of members of the Council where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms, but the full term offices shall be filled first and the unexpired term offices last on the basis that those receiving the highest number of votes in the election at which they are elected shall successively fill the first available offices.

Section 508. Canvassing of the Vote. On the first Monday after any election and at the usual hour and place of meeting, the Council shall meet and canvass the returns and declare the result.

Section 509. The Initiative, Referendum and Recall. Except insofar as is otherwise provided by this Charter or by ordinance, the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative, the referendum and the recall of municipal officers shall apply in the City.

## Article VI
## Officers, Deputies and Employees and Their Compensation

Section 600. Officers. The officers of the City of San Buenaventura shall be seven members of the Council, a City Manager, a City Attorney, and such other officers as may be created by this Charter or as the Council may create by ordinance. The members of the Council shall be elected from the City at large, as provided in this Charter. All other officers,

assistants, deputies, clerks, and employees, appointed as provided in this Charter, shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers is vested in the Council, such appointment and any removal must be made by a four-sevenths vote of the Council.

Section 601. Compensation. City Councilmen shall receive a maximum of $250.00 per month. In addition thereto, the Mayor or other Council member acting as Mayor for 30 days or more shall receive a maximum of $100.00 additional per month. The Council may provide in the Administrative Code for reductions to such amounts by reason of absences from meetings. Each member of the Council shall receive reimbursement for Council authorized travelling and other expenses when on official duty. The compensation for services rendered of all appointive officers and employees of the City, except officials and members of boards, commissions and committees serving gratuitously, shall be fixed or changed by ordinance, except the office of Manager and the City Attorney, upon the recommendation of the Manager only. No officer or employee shall be allowed any fee, perquisite, emolument or stipend in addition to, or save as embraced in, the salary or compensation fixed for such office by the Council, and all fees received by such officer or employeed in connection with his official city duties shall be paid by him into the City Treasury.

Section 602. Ineligibility of Councilmen. No Councilmen shall be eligible during the term for which he was appointed or elected or within six months thereafter, to hold any other office or employment with the City, except as a member of any board, commission or committee thereof, of which he is constituted such member by general law or by this Charter.

Section 603. Conflict of Interest and Financial Interest Prohibited. The laws of the State of California, as the same exists or hereafter may be amended, relating to conflict of interest and financial interest of City officers, appointees and employees, are hereby adopted by reference and shall apply to the City of San Buenaventura. The penalty for violation of this Section shall be as prescribed by State law and shall also work the forfeiture of office or employment on order of the Council or court of competent jurisdiction.

Section 604. Nepotism. The Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of any members of such Council, nor shall the City Manager or any department head or other officer having appointive power appoint any relative of his or of any Councilman within such degree to any such position.

Section 605. Oath of Office. Every officer of the City before entering upon the duties of his office, shall take and file with the City the constitutional oath of office.

Section 606. Official Bonds. The Council shall fix by ordinance the amounts and terms of the official bonds of all

officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

## Article VII
## City Council

Section 700. Powers Vested in City Council. All powers of the City shall be vested in the City Council except as otherwise provided in this Charter and the Constitution of the State of California. The legislative power of the City shall be vested in the people through the initiative and referendum and in the City Council.

Section 701. Emergency Powers. Notwithstanding any general or special provision of this Charter, the Council, in order to insure continuity of governmental operations in periods of emergency resulting from disasters of whatever nature, shall have the power and immediate duty:

(a) To provide for prompt and temporary succession to the powers and duties of all City officers, or whatever nature and whether filled by election or appointment, the incumbents of which become unavailable for carrying on the powers and duties of such officers, and

(b) To adopt such other measures as may be necessary and proper for insuring the continuity of City operations, including, but not limited to, the financing thereof. In the exercise of the powers hereby conferred, the Council in all respects shall conform to the requirements of this Charter except to the extent that in the judgment of the Council so to do would be impractical or would admit of an undue delay.

Section 702. Duties and Procedure. The Council shall:

(a) Judge the qualifications of its members and of election returns.

(b) Organize as herein required at the first regular meeting in January following the election.

(c) Establish rules for its proceedings.

(d) Cause a correct record of its proceedings to be kept. The ayes and the noes shall on demand of any member be taken and entered therein, and they shall be recorded on all votes passing any ordinance or appointing or dismissing or confirming the appointment or dismissal of any officers, or authorizing the execution of contracts, or the appropriation or payment of money.

(e) Appoint a City Manager and a City Attorney.

(f) Appoint such standing and other committees, boards, or commission as it deems necessary.

Section 703. Mayor. The Council shall elect from among its members, officers of the City who shall have the titles of Mayor and Deputy Mayor, each of whom shall serve a two-year term. The Mayor shall preside over the sessions of the

Council, shall sign official documents when the signature of the Council or Mayor is required by law, and he shall act as the official head of the City on public and ceremonial occasions. He shall have the power to administer oaths and affirmations, but shall have no power of veto. He shall have authority to preserve order at all Council meetings and to remove any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council. The Deputy Mayor shall act as Mayor in the absence or disability of the Mayor.

When the Mayor and the Deputy Mayor are absent from any meeting of the Council, the members of the Council may choose another member of act as Mayor pro tem, and he shall, for the time being, have the powers of the Mayor.

Section 704. Meetings.

(a) Regular Meetings. The Council shall meet at such times as have been or may be prescribed by ordinance or resolution, except that it shall meet regularly at least once each month. All of the meetings of the Council shall be held in the City Hall unless by reason of emergency, said City Hall cannot be used for that purpose; or the Council from time to time may elect to meet at other locations within the City and upon such election shall make public notice of the change of location according to provisions of the Government Code of the State of California. All meetings of the Council and all records thereof, shall be open to the public, except as provided for by State law, and no citizen shall be denied the right personally or through counsel, to present grievance, or offer suggestions for the betterment of municipal affairs.

(b) Special Meetings. A special meeting may be called at any time by the Mayor or by three members of the Council by written notice to each member of the Council and to the Manager, and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least 24 hours before the time of such meetings as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. Such written notice may be dispensed with as to any person entitled thereto who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any person who is actually present at the meeting at the time it convenes.

(c) Executive Sessions. The Council may hold an executive session to consider any matter permitted to be considered in Executive Session by State Law. The general subject matter for consideration shall be expressed in open meeting before such session is held.

(d) Quorum. Four members of the Council shall constitute a quorum, but a less number may adjourn from time to time. No franchise shall be granted, ordinance passed, budget adopted, supplemented or amended, appropriation made or payment of money ordered, unless four members of the Council concur in said action.

Section 705. Vacancies; Forfeiture of Office; Filling of Vacancies.

(a) Vacancies. The office of a Councilman shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office.

(b) Forefeiture of Office. A councilman shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law, (2) accepts or retains any other elective public office, except as provided in this Charter, or (3) fails to attend four consecutive regular meetings of the Council without being excused by the Council. provided, however, that he shall not be so excused for more than three consecutive months.

(c) Filling of Vacancies. If a vacancy occurs on the Council, the date upon which such vacancy occurred shall be determined as soon as possible by the Mayor in accordance with the provisions of this Charter relating to vacancies. Within 30 days after such determination, or within 60 days after the vacancy occurred, whichever is first, the Council by majority vote of the remaining members, shall appoint a person to the vacant office to serve until his successor is elected at the next succeeding municipal election and qualifies. If the Council fails to fill the vacancy by appointment as provided herein, it shall forthwith order a special election to be held to fill the vacancy for the remainder of the unexpired term. However, no such special election need be ordered if the vacancy occurs less than eight months before a municipal election.

Section 706. Ordinances.

(a) Form. The enacting clause of every ordinance passed by the Council shall be: "The Council of the City of San Buenaventura does ordain as follows:". The enacting clause of every ordinance initiated by the people shall be: "Be it ordained by the People of the City of San Buenaventura".

(b) Procedure. At least five days must elapse between the introduction and the final passage of any ordinance; provided, that if amendments germane to the subject of any proposed ordinance are made when it is brought up for final passage, an additional elapse of five days shall be required before final passage. With the exception of emergency ordinances, no ordinance shall be adopted at any time other than at a regular or adjourned regular meeting. Every ordinance must be signed by the Mayor, attested by the City Clerk, and published once in the official newspaper.

(c) Emergency Ordinances. Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety and containing the

reasons for its urgency, may be introduced and passed at one and the same meeting, regular or special.

(d) Effective Date. Except as otherwise provided in this Charter, every ordinance and every measure passed by the Council granting any franchise or privilege, shall go into effect at the expiration of thirty days after its final passage, unless otherwise provided in said ordinance or measure; provided, however, that no such ordinance or measure shall go into effect in less than thirty days after its final passage. But ordinances declared by the Council to be necessary as emergency measures as provided for in this Article, ordinances ordering or otherwise relating to elections, and ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments may go into effect at the will of the Council.

(e) Amending Ordinances. No ordinance shall be amended by reference to its title, but the sections thereof to be amended shall be re-enacted at length as amended; and any amendment passed contrary to the provisions of this section shall be void.

Section 707. Contracts. Execution. The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing, approved by the City Attorney as to form, approved by the City Council and signed on behalf of the City by an officer or officers as shall be designated by the Council. Any of said officers shall sign a contract on behalf of the City when directed to do so by the Council.

By ordinance or resolution the Council may authorize the City Manager to bind the City, with or without a written contract, for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the Council and shall impose a monetary limit on such authority.

The Council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed in the City Service or not fit for the purpose for which intended, and for the conveyance of title thereto.

Contracts for the sale or lease of real property owned by the City shall be authorized by the affirmative vote of five members of the Council.

Contracts for the sale of products, commodities or services of any public utility owned, controlled or operated by the City may be made by the Manager of such utility or by the City Manager or his designee upon forms approved by the City Manager and at rates fixed by the Council.

The provisions of this Section shall not apply to the employment of any person by the City at a regular salary.

Section 708. Publishing of Legal Notices. The Council shall contract for the publication of all legal notices, ordinances and other matter required to be published in a newspaper of general circulation in the City. Each such contract shall cover a period of not less than one nor more than three years. In the event there is more than one newspaper of gen-

eral circulation published within the City, the contract shall be made only after the publication of a notice inviting bids therefor. In the event there is only one newspaper of general circulation published in the City, then the Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices or matter without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be the official newspaper for the publication of such notices or other matter for the period of such contract.

In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

In the event there is no newspaper of general circulation published in the City, or in the event no such newspaper will accept such notices or other matter at the rates permitted herein, then all legal notices or other matter may be published by posting copies thereof at least five days before action is to be taken in response to said publication in at least three public places in the City to be designated by ordinance.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter or law or ordinance.

Section 709. Interference in Administration. Except as otherwise provided in this Charter, no individual member of the Council shall interfere with the execution of the City Manager of his powers and duties; or, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the City Manager or any of this subordinates in the making of any appointment or removal, or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for City Manager, or discuss directly or indirectly with any such candidate the matter of appointments to any City office or employments, provided, however, that the above shall not be construed as prohibiting the Council, while in session, discussing with or suggesting to the City Manager, fully and freely, anything pertaining to the aforementioned matters.

Except for the purpose of inquiries, investigations or independent management audits as such may be authorized from time to time by the Council, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

Any violation of the foregoing provisions of this section may work a forfeiture of the office of the offending member of the Council, who may be removed therefrom by the Council or by any court of competent jurisdiction.

## Article VIII
## City Manager

Section 800. Qualifications. The City Manager shall be the administrative head of the City government. He shall be chosen by the Council without regard to political consideration and solely with reference to his executive and administrative qualifications, with special reference to his actual experience in, and his knowledge of, accepted practice in respect to the duties of his office as herein set forth. He need not be a resident of the State of California at the time of his appointment, but promptly thereafter, he shall become and thereafter remain, during his incumbency, an actual resident of the City.

Section 801. Term. The Manager shall be appointed for an indefinite term, but shall be removable at the pleasure of the Council by a four-sevenths vote thereof; provided however, that he shall not be removed from office during or within a period of 90 days next succeeding the seating of newly elected Councilmen, except upon unanimous vote of all seven members of the Council.

Section 802. Powers and Duties. The powers and duties of the City Manager shall be:

(a) To be responsible to the City Council for the administration of all City affairs placed in his charge by or under this Charter.

(b) To appoint and, when he deems it necessary for the good of the City, suspend or remove all department heads of the City, except those appointed by the City Council and, subject to the personnel rules adopted pursuant to this Charter, to appoint, transfer, promote, demote, suspend or remove other officers and employees under his direction and supervision.

(c) To direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.

(d) To attend all regular and special meetings of the City Council unless at his request he is excused by the Mayor or three members of the Council, and he shall have the right to take part in discussions, but may not vote. The absence of the Manager shall not prevent the Council from holding any meeting.

(e) To see that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(f) To prepare and submit to the City Council the proposed annual budget and capital improvement program and to be responsible for the administration of the annual budget and capital improvement program after adoption.

(g) To submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(h) To keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs of the City as he deems desirable.

(i) To make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.

(j) To perform such other duties as are specified in this Charter or may be required by the City Council.

Section 803. Manager pro Tem. In case of the absence or temporary disability of the Manager, the Council shall appoint a Manager pro tem who shall possess the powers and discharge the duties of the Manager during such absence or disability only; provided, however, that a Manager pro tem shall have no authority to appoint or remove any City officer or employee except with the five-sevenths vote of the Council.

## Article IX
## City Attorney

Section 900. Qualifications and Duties. The City Attorney shall be appointed or removed by the Council. He shall have been admitted and qualified to practice before the Supreme Court of the State of California, and shall have been in actual practice in California for at least three years next preceding his appointment. The City Attorney shall:

(a) Be legal advisor of the Council and all other City officials, boards and departments and, when requested in writing for legal opinion by any City official or head of any department (excepting the Board of Education) concerning City business, his opinion must be given in writing.

(b) Prosecute all violations of the provisions of this Charter, City ordinances and such state misdemeanors as the City may elect to prosecute.

(c) Draft all ordinances, resolutions, contracts, and legal documents and instruments required by the Council or by the Manager.

(d) Approve, as to form, all official and other bonds given to or for the benefit of said City and all contracts with said City, and no contract shall become enforceable against said City without the endorsement thereon of such approval.

(e) Perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by the Mayor or three members thereof.

Section 901. Inability to Act. When from any cause the City Attorney is unable to perform the duties of his office, he may, with the consent of the Council, appoint some other qualified attorney temporarily to act in his place and, whenever, in the judgment of the Council, the interests of the City require it, it may, upon the recommendation of the Manager, employ assistant counsel.

Section 902. Records. The City Attorney shall deliver all books, records, papers, documents, and personal property of every description, owned by the City, to his successor in office and the City shall provide a means of safeguarding the same.

Section 903. Additional Powers and Duties. He shall possess such other powers, and perform such additional duties not in conflict with this Charter, as may be prescribed by ordinance, or imposed upon the chief legal officer of municipalities by law.

## Article X
## Administrative Departments

Section 1000. Administrative Code. Within one year following the effective date of this section or such additional time as extended by Council, but not to exceed one additional year, the Council shall adopt by ordinance an Administrative Code providing for:

(a) The organization, conduct and operation of the several offices and departments as established by this Charter and as authorized by the general laws of the State of California.

(b) The creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition, after recommendation thereon by the Manager.

(c) The assignment or reassignment of functions, duties, offices and agencies to other offices and departments, after recommendation thereon by the Manager.

(d) The creation or abolition of such advisory boards and commissions as are authorized by the general laws of the State of California or as in its judgment are required, and may specify the number of members thereof, their terms and manner of appointment, and may grant to them such powers and duties as are consistent with the provisions of this Charter or the general laws of the State of California.

(e) In addition, the Administrative Code shall contain policy statements of the Council concerning personnel administration, salary and wage administration, hours of work, conditions of employment, employee benefits, centralized purchasing, and other administrative procedures.

Section 1001. Continuance of Present Functions. All departments, offices, agencies, advisory boards and commissions existing on the effective date of this Charter shall continue to perform their present functions and duties, and to render their present services until or unless changed after the effective date of the herein contained Administrative Code.

Section 1002. Officers and Employees The Council shall also provide by ordinance or resolution for the number, titles, qualifications, powers, duties and compensation of all officers and employees, consistent with this Charter. When the positions are not incompatible, the City Council may combine in one person the powers and duties of two or more officers.

Section 1003. Administration of Departments. All departments, offices and agencies under the direction and super-

vision of the Manager shall be administered by officers appointed by and subject to the direction and supervision of the Manager.

Section 1004. Personnel System. The Council shall by ordinance or resolution establish as an integral part of the Administrative Code, a personnel merit system for the selection, employment, tenure, classification, advancement, suspension and discharge of those appointive officers and employees who may be included in the system. The system may consist of the establishment of minimum standards of employment and qualifications for the various classes of employment, or it may consist of a comprehensive system, as the Council shall determine to be for the best interests of the public service. The ordinance or resolution shall designate the departments and the appointive officers and employees who shall be included within the system. By subsequent ordinances or resolutions, the Council may amend the system or the list of departments and appointive officers and employees included within the system. The system shall comply with all other provisions of this Charter.

Section 1005. Retirement System. Authority and power are hereby vested in the City, its Council and its several officers, agents and employees to do and perform any act, and to exercise any authority, granted, permitted or required under the provisions of the State Employees Retirement Act, as it now exists or may hereafter be amended, to enable the City to continue as a contracting City under the State Employees Retirement System.

Section 1006. Contracts on Public Works. In the erection, improvement and repair of all public buildings, and public works, excluding maintenance, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum theretofore established by ordinance, the same shall be done by contract, and shall be let to the lowest responsible bidder after notice by publication in the official newspaper by two or more insertions, the first of which shall be at least ten days before the time for opening bids.

The Council may reject any and all bids presented and may readvertise in its discretion. After rejecting bids, or if no bids are received, the Council may determine and declare that in its opinion, the work in question may be performed better or more economically by the City with its own employees, or that the materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by a majority of the total members of the council, it may proceed to have said work done or such materials or supplies purchased in the manner stated without further observance of the provisions of this Section.

Contracts may be let and purchases made without advertising for bids if such work or the purchase of materials shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property, and shall be author-

ized by the affirmative votes of a majority of the total members of the Council.

Section 1007. Public Works. Minimum Wages. The minimum wage of any laborer, workman, or mechanic employed directly for the City by contractor or subcontractor, or by any other person or persons upon any public work, excluding maintenance, shall be the scale of wages then generally prevailing in the City for like work. This section does not apply to employees of the City.

## Article XI
## Board of Education

Section 1100. Board of Education. The control of the Public School Department of the City shall be vested in a Board of Education which shall consist of five members elected from the district at large, provided, however, that all qualified electors of the Ventura Unified School District shall have the right to vote for members of said Board of Education.

Section 1101. Powers and Duties. The powers and duties of the Board of Education shall be such as are prescribed by the Constitution and laws of the State of California.

Section 1102. Eligibility. Only qualified electors of the Ventura Unified School District shall be eligible for election to, or to hold office on the Board of Education.

Section 1103. Nomination. The mode of nomination of candidates for the Board of Education shall be as prescribed in Section 504 hereof except that each candidate shall be proposed by not less than five nor more than ten qualified electors of the District.

Section 1104. Election and Term. Each member of the Board of Education shall serve for four years from and after the first regular meeting in January following his election, and until his successor is elected and qualified.

At each General Municipal Election, as defined in Section 500 of this Charter, members of the Board of Education shall be elected to take the places of members whose terms expire immediately subsequent thereto, to fill a vacancy, and also to fill the place of any member appointed to fill a vacancy. In the election of members of the Board of Education where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms, but the person or persons elected by the highest number of votes shall be elected for the full term or terms and the person receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be.

Section 1105. Vacancies. All vacancies on the Board of Education shall be filled by a majority vote of the remaining members, and the person so appointed shall serve until his successor is elected at the next succeeding General Municipal Election and qualified. In the event that three or more

vacancies exist in said Board at one time, the Council shall appoint enough members to give the Board of Education three members qualified to act. Such appointees shall hold offices until the next succeeding General Municipal Election and until their successors are elected and qualified.

Section 1106. Secretary of the Board. The Superintendent of the District shall be ex-officio Secretary and Clerk of the Board of Education.

## Article XII
## Fiscal Administration

Section 1200. Fiscal Year. The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Section 1201. Expenditures and Indebtedness. No money shall be expended and no indebtedness shall be incurred on behalf of the City, for any purpose, unless and until the same shall have been authorized by ordinance, resolution or order of the Council, or in case of bonds, by vote of the people

Section 1202. Finance Department. The Council shall by ordinance establish as an integral part of the Administrative Code a Department of Finance to have charge of the administration of the financial affairs of the City. Said Department shall establish and maintain a system of financial procedures, accounts and controls for the City government and each of its offices, departments and agencies, following generally accepted municipal accounts procedures for cities of comparable size. The Department of Finance shall perform such other other duties as are delegated by the City Manager or by the Council by ordinance.

Section 1203. Claims and Demands. Procedures prescribed from time to time by the State Legislature governing the presentation, consideration and enforcement of claims against cities or against officers, agents and employees thereof shall apply to the presentation, consideration and enforcement of claims against the City.

In the absence of applicable procedures prescribed by the State Legislature, the procedures for presentation, consideration and enforcement of claims against the City shall be as prescribed by ordinance adopted by the Council.

Section 1204. Annual Budget. Preparation by the Manager. At such date as the Manager shall determine, each department head, board or commission shall furnish to the Manager estimates of revenues and expenditures for his department or for such board or commission for the ensuing fiscal year, detailed in such manner as may be prescribed by the Manager In preparing the proposed annual budget, the Manager shall review the estimates, hold conferences thereon with the respective department heads, boards or commissions as necessary, and may revise the estimates as he may deem advisable.

Section 1205. Submission of Proposed Budget. On or before the first day of May of each year, the Manager shall submit to the Council a proposed budget for the ensuing fiscal year.

Section 1206. Budget. The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year, and the total of proposed expenditures shall not exceed the total of estimated revenue. Except as required by law or this Charter, the budget shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated revenue, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated revenue and expenditures of the current fiscal year and actual revenue and expenditures of the preceding fiscal year. It shall indicate in separate section:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures.

(b) Proposed capital improvement expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital improvement, expenditure.

(c) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition.

Section 1207. Budget. Consideration by City Council. After reviewing the proposed budget and making such revisions as it may deem advisable, the Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper. Copies of the proposed budget shall be availabel for inspection by the public at least ten days prior to said hearing.

Section 1208. Budget. Public Hearing. At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Section 1209. Budget. Further Consideration and Adoption. At the conclusion of the public hearing the Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30 it shall adopt by resolution the budget with revisions, if any, by the affirmative vote of a majority of the total members of

the Council. Upon final adoption, the budget, certified by the City Clerk, shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

Section 1210. Capital Improvement Program. The Manager shall prepare and submit to the Council a five-year capital improvement program at least three months prior to the final date for submission of the budget. The contents of the program shall include:

(a) A clear general summary of its contents.

(b) A list of all capital improvements which are proposed to be made during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.

(c) Cost estimates, method of financing and recommended time schedules for each such improvement.

(d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

On or before the first day of April of each year, the Council by resolution shall adopt after a public hearing a capital improvement program with or without amendments.

Section 1211. Budget. Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named, provided, however, that the City Manager may transfer unused balances that are less than an amount specified by ordinance from one object or purpose to another within the same department, office or agency. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any public meeting after the adoption of the budget, the Council may amend or supplement the budget by motion adopted by the affirmative vote of a majority of the total members of the Council.

Section 1212. Funds. All money paid into the City Treasury shall be credited to and kept in separate funds in accordance with the provisions of this Charter, the law, or ordinance. The following funds are hereby established: General Fund, and such bond funds, interest funds, sinking funds, special deposit funds, trust funds, and other funds as may be required by law or ordinance. For the purposes of this Charter, the General Fund is established as a medium of control of and accounting for municipal activities other than activities authorized or contemplated by special funds. All revenues and receipts which are not by law or Charter pledged or encumbered for special purposes shall be credited to the General Fund.

Section 1213. Independent Audit. The Council shall employ each year an independent certified public accountant who shall examine the records and accounts of the City and make his report to the Council, the City Manager and the Director of Finance. Copies of his report shall be made available for inspection by the public.

Section 1214. Tax Limits. The Council shall not levy a property tax for municipal purposes, other than the bonded debt of the City and special assessments, in excess of the total aggregate tax rate allowed under all laws now or hereafter applicable to cities organized under the general laws of the State of California, unless authorized by the affirmative votes of a majority of the electors voting on a proposition to increase such levy.

Section 1215. Tax Procedure. The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, shall be prescribed by ordinance of the Council and shall conform as nearly as may be to the general laws of the State of California.

If the Council fails to fix the rate and levy taxes on or before August 31 in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

Section 1216. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen per cent of the total assessed valuation, for the purposes of City taxation, of all the real and personal property within the City.

Section 1217. General Obligation Bonds. No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of the electors voting on such proposition in full compliance with the applicable provisions of State law.

Section 1218. Revenue Bonds. The City may issue revenue bonds to provide funds for the acquisition, construction and financing of additions to, or improvements or extensions of the water supply and distribution system of said City, or the sewage collection and disposal system of said City.

(a) Nature of Obligation: Revenue bonds issued under this section shall not constitute general obligations or general indebtedness of the City, but shall be obligations on which principal, interest and any premiums upon redemption prior to maturity are payable solely from revenues, income and other receipts derived from the use and operation of the system to which the bonds pertain, or, if the Council so determines, from a defined portion of such revenues, income and receipts.

(b) Mode of Issuance: The power to issue revenue bonds pursuant to this section shall be vested solely in the Council, but no such bonds shall be issued unless the same shall first be authorized by the affirmative vote of a majority of those elec-

tors voting on the question of incurring such indebtedness. The Council may issue and sell revenue bonds so authorized, may fix and provide any terms, conditions, covenants and restrictions as it may deem necessary or desirable to facilitate the issuance and sale of the bonds or for the protection or security of the holders thereof. To the extent that any provisions of any ordinance, resolution or order of the Council pertaining to the issuance of bonds pursuant to this section is inconsistent with the provision of any other section of this Charter, the provisions of such ordinance, resolution or order shall control so long as any of the revenue bonds or interest coupons to which the same pertain are outstanding and unpaid.

(c) Effect of Section: The provisions of this Section are in addition to, and not a limitation upon, any power which the City might exercise in absence of this section.

## Article XIII
## Inalienable Rights of the City

Section 1300. Inalienable Rights of the City. The rights of the City in its tidelands property, including waterfront and submerged lands as such now or hereafter exist and all improvements thereon, are inalienable except as provided in this article.

Section 1301. Leases. The Council may lease its tideland property for public recreational purposes for a term not exceeding ten years. The Council may lease such property for any other purpose and for such term as it deems reasonable if the proposed lease provisions are approved by a majority vote of electors voting thereon.

Section 1302. Transfers to State. The Council may convey its tideland property to the State of California.

Section 1303. Creation of District. The Council may create or cause to be created a Harbor or Port District for the purpose of administering and developing its tideland property in the public interest, and may transfer such property to the District subject to such terms and conditions as the Council deems necessary to insure that the property will be used and developed in the public interest. The Council shall reserve the right to appoint members of the governing board of any such District and shall reserve the mineral rights on any property transferred to the District.

Section 1304. Ventura Port District. The Ventura Port District has been created for the purposes of developing and improving the harbor and waterfront areas of the City in the public interest consistent with this Article.

## Article XIV
## Franchises

Section 1400. Grant of Franchise. The Council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing

franchise or not, to use the public streets and places as the same now or may hereafter exist, for the construction and operation of plants, works or equipment, necessary or convenient in connection with any public utility or service. The Council may prescribe by procedural ordinance the terms and conditions of any such grant. When two or more applicants seek to provide the same public utility or service within the City, the Council may prescribe a specific geographical area of the City to be served by each, should more than one be granted.

Section 1401. Resolution of Intention, Notice and Public Hearing. Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall set forth the day, hour and place of a public hearing at which protests will be heard. It shall direct the City Clerk to publish said resolution at least once within fifteen days of the passage thereof, in the official newspaper. The time fixed for such hearing shall not be less than twenty nor more than sixty days after the passage of said resolution.

At the time set for the hearing, the Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter, it may grant, by ordinance, or deny the franchise, subject to the right of referendum of the people.

Section 1402. Terms of Franchise. Every franchise shall state the term for which it is granted, not to exceed fifty years, unless it be indeterminate.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase by voluntary agreement or shall condemn and take, under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with the terms by the possessor thereof.

Section 1403. Grant to Be in Lieu of All Other Franchises. Any franchise granted by the City with respect to any given utility facilities, shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any rights under such franchises, with respect to such utility facilities within the limits of the City as they now or hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution, as that Section existed prior to the amendment thereof adopted

October 10, 1911. The acceptance of any franchise hereunder shall operate as an abandonment of all such other franchises, rights and privileges within the limits of the City, as such limits shall at any time exist, in lieu of which such franchises shall be granted.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City. Such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with additional territory, any and all other such franchises, rights and privileges owned by the grantee therein, except a franchise derived under said constitutional provisions, shall likewise be deemed to be abandoned within the limits of such territory.

Section 1404. Eminent Domain. No franchise grant shall in any way or to any extent, impair or effect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity the City's right of eminent domain with respect to any public utility.

Section 1405. Duties of Grantee. By its acceptance, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance, and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the Council in the exercise of its police powers.

(b) Pay to the City, on demand, the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchises.

(c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations under such franchises.

(d) Remove and relocate, without expense to the City, any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, or place, including the construction of any subsurface improvement, by the City.

(e) Pay to the City, during the life of the franchise, such compensation as the Council may prescribe in the Ordinance granting the franchise.

Section 1406. Establishment of Public Utilities. The City may establish, acquire, lease, and/or operate, or cease to operate and dispose of public utilities and quasi-public utilities, at its own option in the manner provided by the laws now existing or hereafter enacted, or by the majority vote of the registered qualified electors of the City in the manner provided by ordinance enacted by the Council by the affirmative vote of five members of such Council. All amendments of such ordinances shall require a like vote.

## Article XV
## Miscellaneous

Section 1500. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of San Buenaventura and "Department", "board", "commission", "agency", "officer", or "employee", is a department, board, commission, agency, officer or employee, as the case may be, of the City of San Buenaventura.

(c) "Council" is the City Council.

(d) "County" is the County of Ventura.

(e) "State" is the State of California.

Section 1501. Violations. The violations of any provision of this Charter shall be a misdemeanor and shall be punishable upon conviction by a fine of not exceeding Five Hundred Dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

Section 1502. Validity. If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be effected thereby.

The captions used as headings of the various Articles and Sections hereof are for convenience only and are not to be considered as part of this Charter or used in determining the intent or context thereof.

Section 1503. Amendments. Any amendments of this Charter shall be made pursuant to and in accordance with the applicable provisions of the Constitution of the State of California.

In witness whereof, we have hereto set our hand and have caused the seal of the City of San Buenaventura to be affixed hereto this 24th day of November, 1970.

ALBERT R. ALBINGER
Albert R. Albinger, Mayor
SCOTT RUCKMAN
Scott Ruckman, City Clerk

and

WHEREAS, The proposed revised charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the revised Charter of the City of San Buenaventura, as proposed

to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as the revised Charter of the City of San Buenaventura.

## RESOLUTION CHAPTER 19

*Senate Concurrent Resolution No. 12—Approving an amendment to the Charter of the City of Alhambra, State of California, ratified by the qualified electors of the city at a special municipal election consolidated with a general election held therein on the third day of November, 1970.*

[Filed with Secretary of State January 27, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Alhambra, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALHAMBRA OF THAT CERTAIN CHARTER AMENDMENT

State of California
County of Los Angeles } ss.
City of Alhambra

We, the undersigned, Talmage V. Burke, Mayor of the City of Alhambra, and Dorothy McKusick, City Clerk, do hereby certify and declare as follows:

The City of Alhambra, a Municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was a City containing a population greater than 60,000 inhabitants, and ever since the year 1915 has been and now is organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said City at a Special Election held for that purpose on the 14th day of October, 1914, and approved and ratified by the Legislature of the State of California by Concurrent Resolution No. 14 thereof, introduced by Senator Newton W. Thompson on January 26, 1915, and approved by the Legislature of the State of California on January 28, 1915. (Statutes 1915, p. 1740)

The City Council of said City, being its legislative body, on its own motion, and pursuant to the provisions of Section 3 of Article XI of the Constitution of the State of California, by Resolution No. R70-167, adopted on the 1st day of September, 1970, duly proposed to the qualified electors of the City of

Alhambra that certain Amendment to the Charter of said City, designated as Alhambra City Charter Amendment No. 1, and ordered said Charter Amendment to be submitted to said qualified electors at a Special Municipal Election to be held thereon on the 3rd day of November, 1970.

By Ordinance No. 070-3487, duly adopted on the 1st day of September, 1970, said City Council ordered the holding of a Special Municipal Election in said City of Alhambra on November 3, 1970, for the purpose of submitting to a vote the said proposed Charter Amendment.

By Resolution No. R70-151, adopted on August 4, 1970, said City Council requested the Board of Supervisors of the County of Los Angeles to order the consolidation of said Alhambra Special Municipal Election to be held on November 3, 1970, with the Consolidated General Election to be held by the County of Los Angeles on November 3, 1970. Said resolution further requested the Board of Supervisors of the County of Los Angeles to place upon the same ballot as that provided for said Consolidated General Election the aforesaid Alhambra City Charter Amendment. Said resolution further requested the Board of Supervisors to canvass the returns of said Alhambra Special Municipal Election.

On August 18, 1970, said Board of Supervisors of the County of Los Angeles duly notified the City of Alhambra that said Board of Supervisors had adopted an order approving the request of said City of Alhambra for complete consolidation of the Alhambra Special Municipal Election with the Consolidated General Election to be held in Los Angeles County on November 3, 1970, and instructing the Los Angeles County Registrar-Recorder to comply with said order.

Said proposed Charter Amendment was duly published and advertised on September 15 and 22, 1970, in the Post-Advocate, a daily newspaper of general circulation printed, published and circulated in the City of Alhambra, which newspaper is the official newspaper of said City.

Said proposed Amendment was duly and regularly printed in convenient form, and at and during the time and in the manner provided by law a notice was published in said Post-Advocate that such copies of said proposed Amendment could be had upon application therefor in the office of the City Clerk of said City, and copies of said proposed Amendment, so printed in convenient form, were duly and regularly distributed in the manner provided by law.

The date of said election on November 3, 1970 was not less than forty days nor more than sixty days after the completion of the publication of said proposed Charter Amendment as aforesaid.

Pursuant to said Charter, resolutions and ordinance, the said proposed Amendment was submitted to the qualified electors of said City for their ratification on said November 3, 1970, and at said election a majority of the qualified electors

voting thereon voted for the ratification of and did ratify that certain Amendment to the Charter of said City designated as Alhambra City Charter Amendment No. 1.

Said Alhambra City Charter Amendment so ratified by the electors of the City of Alhambra is in words and figures as follows, to wit:

Alhambra City Charter Amendment No. 1

(Amends Section 135 and repeals Section 136 of Article XIX of the Alhambra City Charter)

"Article XIX. Contracts.

Sec. 135. Expenditures Requiring Bids.

When the expenditure required for a public project exceeds the minimum amount specified in the general law of the State of California as requiring bidding, such expenditure shall be contracted for and let to the lowest responsible bidder after notice.

As used in this section, "public project" means a project for the erection, improvement or repair of public buildings or works; for street, sewer or water work except maintenance or repairs; or for the furnishing of supplies or materials for any such project including the maintenance or repair of streets, sewers or water works.

The council may reject any and all bids presented and may solicit new bids. If two or more bids are the same and the lowest, the council may accept the one it chooses. If no bids are received, the council may have the project done without further compliance with this section.

After rejecting bids, the council may by resolution declare that the project can be performed more economically by city personnel or by day labor or that the materials or supplies can be furnished at a lower price on the open market. Upon adoption of such resolution, the council may authorize the project to be performed in the manner stated without further compliance with this section.

The council may also make any expenditure for such a public project without further compliance with this section if it finds and declares by resolution that there is only one available source which can supply the subject matter of such public project or that an emergency exists which makes it essential to the health, safety or welfare of the people that emergency action be taken without further compliance with this section."

Note: Section 136 to be repealed now reads as:

"Sec. 136. Rejection of bids for public work; percentage or payment under contract. When proposals for performing any public work or furnishing materials are invited, the council may reject any and all bids if deemed advisable and ask for new bids or provide for the work to be done by the department of public works; and in case no bid is received the

council may provide for the work to be done by the department of public works.

No contract shall provide for or authorize or permit the payment of more than ninety per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officers."

We have compared the foregoing Amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof. We further certify that the facts set forth in the preamble preceding such Amendment to said Charter are true.

As to the said Amendment, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Alhambra to be affixed hereto this 7th day of December, 1970.

TALMAGE V. BURKE
(SEAL) Mayor of the City of Alhambra
DOROTHY MCKUSICK
City Clerk of the City of Alhambra

and

WHEREAS, The said proposed charter amendment, as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the aforementioned amendment to the Charter of the City of Alhambra as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration for and as amendment to and as part of the Charter of the City of Alhambra.

---

## RESOLUTION CHAPTER 20

*Senate Concurrent Resolution No. 9—Approving an amendment to the Charter of the City of Santa Ana, State of California, ratified by the qualified electors of the city at a special municipal election consolidated with the statewide election held therein on the third day of November, 1970.*

[Filed with Secretary of State February 2, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Char-

ter of the City of Santa Ana, a municipal corporation in the County of Orange, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California
County of Orange } ss
City of Santa Ana

We, the undersigned, Lorin Griset, Mayor of the City of Santa Ana, and Florence I. Malone, Clerk of the Council of said City do hereby certify and declare as follows:

That the City of Santa Ana, in the County of Orange, State of California, is now and at all times herein mentioned was a municipal corporation, duly organized and existing under and pursuant to the provisions of a Charter adopted in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, by the electors of said City on the 4th day of November, 1952, and was thereafter duly approved by Assembly Concurrent Resolution No. 10 adopted by both the Assembly and the Senate of the State of California on January 8, 1953.

That on the 17th day of August, 1970, the City Council of the City of Santa Ana passed and adopted Ordinance NS-1028 calling for a Special Municipal Election to be held in the City of Santa Ana, California, on November 3, 1970, for the purpose of submitting to the electors of said City certain propositions proposing to amend sections of the Charter of the City of Santa Ana, and setting forth the propositions to appear upon the ballot and containing the exact language of the sections as they will read if and after the same should be amended, and the language of the propositions to be placed upon the ballot; requesting the Board of Supervisors of the County of Orange to grant permission for and to order consolidation of the Special Election called to be held in the City of Santa Ana on November 3, 1970, with the Statewide Election to be held on said date; authorizing the Board of Supervisors of Orange County to canvass the returns of said Special Election with said Statewide Election; further authorizing said Board of Supervisors to form the precincts of the City of Santa Ana, to fix the polling places, to appoint the precinct boards and provide for the expenses of said Election; that the election officers serving in said consolidated Election shall receive compensation for their services as fixed by the Board of Supervisors; and that the polls shall be open from 7:00 A.M. until 8:00 P.M.

That on September 22, 1970, Notice of Proposed Amendments to the Charter of the City of Santa Ana was regularly published as required by law; and Notice that copies of the sections of said Charter proposed to be amended could be had by application therefor in Room 303, Third Floor, City Hall, 217 N. Main Street, Santa Ana, California, was published upon

every day beginning September 24 and ending November 3, 1970; that Ordinance NS-1028 providing for the holding of said Special Election in consolidation with the Statewide Election was regularly adopted on August 17, 1970, by the City Council of the City of Santa Ana and published on August 25, 1970; that all notices required to be published were regularly published in the official newspaper of the City of Santa Ana in the time provided therefor by the laws of the State, the Charter of the City of Santa Ana, and the Constitution of the State of California; and that copies of said proposed amendments and propositions and the arguments submitted thereon were duly mailed to all electors in the manner and form required by law;

That the propositions as they appeared upon the ballot at said election held on November 3, 1970, and as they were voted upon by the Electors of the City of Santa Ana, read as follows:

| Proposition E | |
|---|---|
| Shall Article IV of the Charter of the City of Santa Ana be amended to increase the compensation paid to city councilmen from $125.00 per month to $400.00 per month, and the additional salary of the mayor be increased from the present $75.00 per month to $400.00 per month, said increase to be effective only as to the successors to those councilmen and mayor now in office? | Yes<br>No |

| Proposition F | |
|---|---|
| Shall Article IX of the Charter of the City of Santa Ana be amended to permit the Personnel Board to meet monthly only in the event there is business on its agenda, but in no event to meet less often than quarterly? | Yes<br>No |

| Proposition G | |
|---|---|
| Shall Article X of the Charter of the City of Santa Ana be amended to delete the requirement that a waiver of residence requirements for applicants for employment with the City of Santa Ana receive the approval of the Personnel Board? | Yes<br>No |

That the Board of Supervisors of Orange County regularly caused the returns of said Election to be canvassed as provided for in Ordinance NS-1028, and as a result of said canvass declared that the Votes cast at said Special Election for and against said propositions show the total of all votes cast on

each of said propositions and the total of said votes for and against each of said propositions to be, and said totals are, as follows:

| | Yes | No | Total |
|---|---|---|---|
| City of Santa Ana Proposition E | 6,306 | 28,169 | 34,475 |
| City of Santa Ana Proposition F | 21,221 | 11,500 | 32,721 |
| City of Santa Ana Proposition G | 15,003 | 17,849 | 32,852 |

and that Propositions E and G failed to receive the affirmative vote of a majority of the electors voting thereon and said two propositions were declared to have failed.

That said amendment to the Charter of the City of Santa Ana so prepared, proposed, noticed, submitted to, ratified and adopted by the electors of said City at said Special Municipal Election held on November 3, 1970, as hereinabove set out, was and is in words and figures as follows:

Section 904. Meetings; chairman.

As soon as practicable after this Charter takes effect, each of the various boards and commissions enumerated in this article shall organize by electing one of its members chairman and one vice-chairman, which officers shall hold office until August First (1st), 1954, and until their successors are elected, unless their membership on the board or commission sooner expires. The election of each succeeding chairman and vice-chairman shall be held at the meetings of the respective boards and commissions during the month of July of each year. The board or commission, in the event of a vacancy in the office of the chairman or vice-chairman, shall elect one of its members for the unexpired term.

Each board or commission, other than the Personnel Board, shall hold a regular meeting at least once a month with reasonable provision for attendance by the public. The City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board and commission shall prescribe rules and regulations governing its operations which shall be consistent with this Charter and shall be filed with the Clerk of the Council for public inspection. The Personnel Board shall meet monthly, provided there is business on the agenda to come before it. In the event no business is placed on the Board's agenda before the Friday preceding the tentative Wednesday meeting date, no meeting need be held; provided, however that in no event shall more than three months intervene between meetings of such board.

We further declare that the foregoing constitutes a true and correct statement of the proceedings had by the City of Santa Ana and the City Council of said City in the presentation of said amendment to the Charter of the City of Santa Ana and the election held thereon.

In witness whereof we have hereunto set our hands and affixed the official seal of the City of Santa Ana in Santa Ana, California, on the 29th day of December, 1970.

(SEAL)

LORIN GRISET
Lorin Griset
Mayor
FLORENCE I. MALONE
Florence I. Malone
Clerk of the Council

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Santa Ana, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Santa Ana.

---

## RESOLUTION CHAPTER 21

*Assembly Joint Resolution No. 7—Relative to "retrofit" of existing aircraft to reduce noise.*

[Filed with Secretary of State February 4, 1971.]

WHEREAS, The Congress of the United States, by passage of Public Law 90-411 in 1968, granted the Federal Aviation Administration the authority to adopt rules requiring the modification of existing aircraft so as to reduce their noise levels; and

WHEREAS, The Federal Aviation Administration has announced it is considering rulemaking to establish noise reduction requirements that would involve "retrofit" of existing subsonic turbofan-engine-powered airplanes as a condition to further operation of these airplanes; and

WHEREAS, The Federal Aviation Administration has asked that interested persons submit their views on or before January 29, 1971, which views will be considered by the Federal Aviation Administration before taking action on the proposed rule; and

WHEREAS, Reduction of noise from aircraft is a matter of statewide interest because of the health and welfare of the state's citizens; and also because noise reduction is essential, if airports are to continue to perform their function of expanding the California economy; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California join the Los Angeles City Council in adopting as its position, and reporting to the Federal Aviation Administration, the following:

(1) That regulations providing for acoustical "retrofit" of engines in existing aircraft should result in reduction of sound levels to at least those prescribed in Part 36 of Federal Air Regulations, without the sound level tradeoffs permitted by Part 36; and

(2) That aircraft operators be given the option of "retrofitting" existing aircraft in accordance with prescribed lower sound levels or early retirement of "nonretrofitted" aircraft at a prescribed early date; and be it further

*Resolved*, That in view of the prolonged irritation of urban areas by aircraft noise, and the urgency of obtaining relief, that the Federal Aviation Administration is urged to establish noise reduction requirements for existing aircraft, and that the rule be adopted no later than April 1, 1971; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Federal Aviation Administration.

---

## RESOLUTION CHAPTER 22

*Assembly Joint Resolution No. 11—Relative to federal action to prevent seizure of U.S. fishing boats by foreign powers, while such craft fish further than 12 miles from foreign shores.*

[Filed with Secretary of State February 4, 1971.]

WHEREAS, Since 1961 the governments of Ecuador and Peru have seized over 100 tuna fishing vessels of United States registry, 17 of these in January of this year, including most recently the boats Coimbra, Jeannette C. and Western King, which tuna fishing vessels at the time of their capture were fishing further than 12 miles from the shores of Ecuador or Peru; and

WHEREAS, Such seizures have, as of late, been made with planes and gunships, which have fired upon unarmed tuna fishing vessels, creating great risk of destruction to such vessels and risk of injury or death to the crews of the boats; and

WHEREAS, From 1961 through 1970 over three-quarters of a million dollars in fines were paid to foreign governments

by the American fishermen to secure release of their vessels which had been unlawfully seized; and

WHEREAS, Such fines extracted by the governments of Ecuador and Peru in the month of January of this year alone are likely to exceed in amount all such fines imposed by these governments during the period from 1961 to 1971; and

WHEREAS, The frequency of seizures of American tuna fishing vessels by the governments of Ecuador and Peru has increased drastically, culminating in a record number of seizures this January; and

WHEREAS, The United States and 92 other countries within the United Nations, out of a total of 105 United Nations countries, recognize a 12-mile extension of a sovereignty from a nation's shore, but the governments of Ecuador and Peru claim sovereignty to a full 200 miles from their respective coasts; and

WHEREAS, Seizure of United States vessels fishing in excess of 12 miles from foreign shores is an infringement of the right of the United States to freely use the high seas; and

WHEREAS, Attempts by the United States to settle this dispute, which has existed since 1951, with the governments of Ecuador and Peru have failed; and

WHEREAS, Pursuant to congressional authorization sales of United States military goods to Ecuador and Peru have been stopped, but this has not been effective to eliminate or even to curtail seizures of American fishing vessels; and

WHEREAS, The United States has additional sanctions which it may impose which have not yet been implemented; and

WHEREAS, Congress has passed legislation authorizing the Secretary of State to withhold foreign assistance to recompense losses arising from the seizure of American fishing vessels on the high seas, but such measures have not been implemented; and

WHEREAS, The President of the United States should take all necessary action to protect the rights of American citizens on the high seas; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President of the United States to undertake to implement all sanctions within his power to prevent the seizure of American fishing vessels on the high seas, and also to deploy American naval power where necessary to protect against such seizures; and be it further

*Resolved,* That the Legislature respectfully memorializes the Congress of the United States to hold hearings to study the effectiveness of present legislation in preventing seizures of United States fishing vessels and to study the necessity of enacting new legislation to deal with this problem; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to Senator Warren G. Magnuson, Chairman of the Senate Committee on Commerce, Congressman Edward A. Garmatz, Chairman of the House Committee on Merchant Marine and Fisheries, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 23

*Assembly Concurrent Resolution No. 31—Approving amendments to the Charter of the City of Sacramento, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the 30th day of November, 1970.*

[Filed with Secretary of State February 4, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SACRAMENTO OF CERTAIN CHARTER AMENDMENTS

State of California
County of Sacramento } ss.
City of Sacramento

We, the undersigned, Richard H. Marriott, Mayor of the City of Sacramento, State of California, and Elmer C. Cleveland, City Clerk of said City, do hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been, ever since the year 1921, organized, existing, and acting under a freeholder's Charter, adopted under and by virtue of the Constitution of the State of California, which Charter was duly ratified by the majority of the qualified electors of said City at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on January 24, 1921. (Statutes of 1921, page 1919).

That in accordance with the provisions now contained in Section 3 of Article XI of the Constitution of the State of California, the City Council of the City of Sacramento, being

the legislative body thereof, on its own motion duly and regularly submitted to the qualified electors of the City of Sacramento four propositions for the amendment of the Charter of the City of Sacramento at the special municipal election consolidated with the statewide general election held within the City on November 3, 1970. That said propositions were designated as "Proposal A, Relating to the Offices of Mayor and Councilman," "Proposal H, Relating to the Commencement of the Term of Office of the Council," "Proposal J, Relating to the Procedures for Submission and Adoption of the Annual City Budget," and "Proposal K, Relating to Residence of City Employees."

In accordance with the provisions of Section 3 of Article XI, of the Constitution of the State of California, and the Charter of the City of Sacramento, the said proposed amendments were published and advertised in full, on September 21, 1970, in the Sacramento Union, a daily newspaper of general circulation, printed and published in the City of Sacramento, the official newspaper of said City of Sacramento. The foregoing is shown by the affidavit of publication attached and on file in the office of the City Clerk.

The copies of said proposed amendments were printed in convenient pamphlet form and in type not less than 10-point as required by law, and copies thereof were mailed to each of the qualified electors of said City of Sacramento within the time and manner required by law.

And until the date of the Special Municipal Election consolidated with the Statewide General Election, November 3, 1970, as hereinafter set forth, there was published in said Sacramento Union an advertisement stating that copies of said proposed charter amendments could be had, upon application therefor, at the office of the City Clerk of said City of Sacramento.

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said City at all times, to and including November 3, 1970, the date of said election, all as required by said Section 3 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Sacramento, and in the manner provided by law, the said election was duly and regularly held in said City on November 3, 1970, after due notice was given and published on September 21, 1970, which said last aforementioned day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendment in the Sacramento Union, the official newspaper of said City of Sacramento. That at said election, a majority of the qualified electors voting upon the proposed charter amendments voted in favor of Proposal A, Relating to the Offices of Mayor and Councilman, Proposal H, Relating to the Commencement of the Term of

Office of the Council, Proposal J, Relating to the Procedures for Submission and Adoption of the Annual City Budget and Proposal K, Relating to Residence of City Employees, and ratified the same.

That thereafter the Board of Supervisors of Sacramento County, through the County Clerk, did in the manner provided by law, duly and regularly cause the canvass of the returns of said election and report the results thereof to the City Council. That the City Council did adopt a resolution approving the results of the canvass of the returns of said election, and did also by said resolution, find, determine and declare that certain proposed amendment designated as Proposal A, Relating to the Offices of Mayor and Councilman, Proposal H, Relating to the Commencement of the Term of Office of the Council, Proposal J, Relating to the Procedures for Submission and Adoption of the Annual City Budget, and Proposal K, Relating to Residence of City Employees, to the Charter of the City of Sacramento, as hereinafter set forth, were ratified by a majority vote of the electors of said City voting thereon.

That as to said amendments to the Charter of Sacramento, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the said amendments to the Charter of the City of Sacramento so ratified by the qualified electors of said City are as follows:

Proposal A

To amend Sections 19 and 20 of Article IV and Section 32 of Article V; repeal Sections 184 and 185 of Article XXI; renumber Section 186 of Article XXI to Section 184 of Article XXI; add Section 19a of Article IV; and add Sections 185 to 189 inclusive of Article XXI of the Charter of the City of Sacramento, relating to the office of mayor and councilmen, including, nomination and election from districts, the separate election of the mayor, and four-year terms of office.

Section 19 of Article IV of the Charter of the City of Sacramento is amended to read as follows:

Sec. 19. Elective Officers and Commencement of Term of Office.

The elective officers of the City shall consist of a city council of nine members. The term of office for the council shall commence on the first day of January next after their election and until their successors are elected and qualified unless Proposal H is approved by a majority of the voters at the Special Municipal Election on November 3, 1970, in which case the provisions of Proposal H shall take effect and replace the provisions of this Section 19. Vacancies in the council shall be filled by appointment by the council for the unexpired term. Ab-

sence from five consecutive regular meetings, unless excused by resolution of the council, shall operate to vacate the seat of any member so absent.

Section 19a of Article IV of the Charter of the City of Sacramento is added to read as follows:

Sec. 19a. Composition and Term of Office.

The mayor shall be elected from the City at large in the manner provided in this Charter, and shall serve for a term of four years and until his successor qualifies. Eight Council members shall be elected from districts, in the manner provided in this Charter, and except as hereinafter provided, shall serve for terms of four years and until their respective successors qualify.

The mayor shall be elected as mayor, separate and apart from the other members of the city council, at the general municipal election to be held in November 1971, and each fourth year thereafter. The office of mayor shall be first in order of precedence on the municipal ballot and shall be separately designated. Eight members of the city council shall be elected from districts, as established pursuant to this Charter at the general municipal election to be held in November 1971, and four members of the city council shall be elected from districts at the general municipal elections held in November of each odd-numbered year thereafter.

In order to establish staggered terms for the members of the council, four members of the council elected at the November 1971, general municipal election shall serve four-year terms and the other four members of the council elected at said election shall serve two-year terms, and the council shall determine by lot at its first regular meeting following the commencement of its term whether the four members of the council elected from the odd-numbered districts or whether the four members of the council elected from the even-numbered districts shall serve the initial two-year terms. Thereafter, all councilmen elected shall serve for terms of four years and until their successors are qualified.

No change in boundary of any district shall operate to abolish any office or exclude any councilman from office before the expiration of the term for which he was elected.

Section 20 of Article IV of the Charter of the City of Sacramento is amended to read as follows:

Sec 20. Qualifications of Councilmen.

Members of the council, including the mayor, and candidates for such offices shall be qualified electors of the municipality, and residents of the City for a period of not less than one year immediately preceding the date of the general municipal election or the date of their appointment to fill a vacancy. Members of the council, excluding the mayor, and candidates for the council shall be residents of the district from which they are elected or appointed for a period of not less than six months immediately preceding the date of the general municipal election or their appointment. In case any

councilman shall change his residence from the district in which he resided at the time of his election or appointment, his office shall immediately become vacant. Residence in territory afterwards annexed to the City is to be deemed to qualify one as a resident of the municipality and district for the purpose of computing the necessary period of residence for members of the council. Residence within the annexed territory and residence within the City may be combined in order to constitute the one-year and six months periods. The term "qualified elector" as used in this Section shall mean a person registered and eligible to vote at the time his nomination papers are filed or at the time of his appointment to fill a vacancy.

Members of the council, including the mayor, shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality. Any member who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office and any such contract in which any member is or may become interested may be declared void by the council. Any member of the council who shall have been convicted of a crime involving moral turpitude while in office shall thereby forfeit his office.

Section 32 of Article V of said Charter is amended to read as follows:

Sec. 32. Qualifications and Duties.

The separately elected mayor shall be the presiding officer at all meetings of the city council and shall be included as a member of the city council for all purposes under this Charter unless otherwise expressly provided. The mayor shall be included within the terms "council" and "city council" used in this Charter unless otherwise expressly provided. He shall be counted in determining a quorum and shall be entitled to vote on all matters, but shall possess no veto power. The mayor may make and second motions and shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. He shall provide leadership within the community in the sense that he shall have the primary but not the exclusive responsibility of interpreting the policies, programs and needs of the City government to the people, and as the occasion requires, he may inform the people of any change in policy or program. He shall have the right but not the exclusive power to make recommendations to the city council on matters of policy and program which require council decisions. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the city council.

The council shall select one of its members who shall be the vice mayor. The vice mayor shall perform all the duties of the mayor as prescribed by this Charter or by Ordinance when the mayor is absent or unable to perform his duties or during the time that there is a vacancy in the office of mayor.

Sections 184 and 185 of Article XXI of said Charter are repealed.

Section 186 of Article XXI of said Charter is renumbered to Section 184 of Article XXI.

Sections 185 to 189, inclusive, are added to Article XXI of said Charter to read as follows:

Sec. 185. Districts Established.

For the purpose of electing members of the council, the City shall be divided into eight districts. For the primary municipal and general municipal elections in 1971, the boundaries of the eight councilman districts shall be established by the city council not later than thirty days prior to the first day for filing nomination papers. Thereafter the boundaries of such districts shall be subject to alteration and change under the provisions of this Charter. Districts shall be numbered one through eight.

In any ordinance adopted by the council establishing, changing or altering the boundaries of any councilman district, the ordinance may describe the new boundaries by reference to a map on file in the office of the city clerk; a metes and bounds description of the new boundaries need not be contained in said ordinance.

Sec. 186. Districting.

Councilmanic districts shall be drawn by the city council and established by ordinance. They shall be of equal population as nearly as practicable. Redistricting shall take place following each decennial census. Redistricting may take place at any other time by majority action of the council when necessary to conform to law.

Districts, while meeting the test of equal population, shall be as compact as possible and shall not divide existing communities or well-defined areas if possible.

Any territory hereafter annexed to or consolidated with the City of Sacramento shall at the time of such annexation or consolidation be added to an adjacent district or districts by ordinance.

Sec. 187. Election Code.

Prior to or within ninety days after this amendment has been ratified by the State Legislature, the council shall adopt an election code ordinance, providing an adequate and complete procedure to govern municipal elections, including the nomination of candidates for all elective offices. All elections provided for by this Charter, whether for choice of officers or submission of questions to the voters, shall be conducted in the manner prescribed by said election code ordinance.

Sec. 188. Nominations.

Nominations of candidates for all elective offices shall be made in the manner prescribed by the election code ordinance provided for in Section 187 of this Article.

Sec. 189. Elections.

The general municipal election shall be held on the first Tuesday after the first Monday in November of each odd-

numbered year, and the primary municipal election shall be held on the sixth Tuesday before the date of the general municipal election of the same year, or, if either of these days falls on a legal holiday, then the election shall be held on the next succeeding day which is not a legal holiday. All other municipal elections which may be held under this Charter shall be known as special elections.

At the primary municipal election, there shall be chosen by the electors of each council district with a councilman whose term expires at the end of or during the same year as the election, two candidates for the office of councilman from that district. When the term of office of mayor expires at the end of or during the same year as the election, there shall be chosen by all of the electors of the City at the primary municipal election two candidates to fill the office of mayor. Notwithstanding any other provision in this Charter to the contrary, in the event that any candidate for nomination to the office of councilman or the mayor shall receive a majority of the votes cast for all the candidates for nomination for such seat or office at such primary municipal election, the candidate so receiving such majority of all votes shall be deemed to be, and declared by the council to be, elected to such office.

At the general municipal election, the electors of each district in which a primary municipal election was held shall select from among the candidates chosen at the primary municipal election in each such district one candidate to succeed to the office of the councilman whose term expires at the end of or during the same year as the election, and there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary municipal election one candidate to succeed to the office of the mayor.

Proposal H

To amend Section 19 of Article IV of the Charter of the City of Sacramento, relating to commencement of the term of office of the city council.

Section 19 of Article IV of the Charter of the City of Sacramento is amended to read as follows:

Sec. 19. Elective Officers and Commencement of term of Office.

The elective officers of the City shall consist of a city council of nine members. Notwithstanding any other provision in this Charter to the contrary, the term of office for the council shall commence 21 days after the regular or general municipal election held in the month of November in each odd-numbered year. The terms of office for the members of the council elected at the regular or general municipal election held in November 1971, shall commence in accordance with the provisions of this Section.

Vacancies in the council shall be filled by appointment by the council for the unexpired term. Absence from five consecu-

tive regular meetings, unless excused by resolution of the council shall operate to vacate the seat of any member so absent.

Proposal J

To amend Sections 74 and 76 of Article XI of the Charter of the City of Sacramento, relating to the procedure for submission and adoption of the Annual Budget.

Section 74 of Article XI of the Charter of the City of Sacramento is amended to read as follows:

Sec. 74. Annual Budget.

Each department, office and agency of the City shall provide, in the form and at the time directed by the city manager, all information required by him to develop a budget conforming to modern budget practices and procedures as well as specific information which may be prescribed by the council. Not later than 30 days prior to the commencement of the fiscal year of the City, the city manager shall prepare and present to the council, in such form and manner as the council may prescribe, budget recommendations for the next succeeding fiscal year.

Section 76 of Article XI of the Charter of the City of Sacramento shall be amended to read as follows:

Sec. 76. Appropriations Ordinance.

Not later than the time set in Section 86 of this Charter for adoption of the ordinance levying taxes necessary to raise the amounts estimated to be required in the annual budget, the council shall adopt the annual budget by resolution and shall pass an annual appropriation ordinance which shall be based on the adopted annual budget. The total amount of appropriations shall not exceed the estimated revenues and fund balances of the City.

Proposal K

To amend Section 165 of Article XX of the Charter of the City of Sacramento relating to general qualifications and residence of City employees.

Section 165 of Article XX of the Sacramento City Charter is amended to read as follows:

Sec. 165. General Qualifications.

The Civil Service Board may establish reasonable qualifications for any examination. Upon finding that the public health and safety necessitate that a position or positions should be subject to a residency requirement, the Board may by rule establish such a requirement.

Such a rule shall state the position or positions involved and shall specify a distance in air-miles from the principal place of employment or other designated location within which the employee must reside. Any person whose residence is outside the

area so designated by rule shall be required to move his residency within the area within one (1) year from the adoption of the rule, or one (1) year from the commencement of employment, whichever is later, provided, however, that no employee shall be required to move his residence if he resides within the City of Sacramento.

That the portion of Proposal A amending Section 19 of Article IV of the Charter of the City of Sacramento did not take effect because it is replaced by the provisions of Proposal B as follows:

Sec. 19. Electice Officers and Commencement of Term of Office.

The elective officers of the City shall consist of a city council of nine members. Notwithstanding any other provision in this Charter to the contrary, the term of office for the council shall commence 21 days after the regular or general municipal election held in the month of November in each odd-numbered year. The terms of office for the members of the council elected at the regular or general municipal election held in November 1971, shall commence in accordance with the provisions of this Section.

Vacancies in the council shall be filled by appointment by the council for the unexpired term. Absence from five consecutive regular meetings, unless excused by resolution of the council shall operate to vacate the seat of any member so absent.

We further certify that we have compared the foregoing ratified amendments to the Charter of the City of Sacramento with the original proposals submitted to the electors of said City, and find that the foregoing is a full, true, and correct and exact copy of each such amendment.

In witness whereof, we have hereunto set our hands and caused the Seal of said City of Sacramento to be affixed hereto on January 19, 1971.

RICHARD H. MARRIOTT
Richard H. Marriott, Mayor
City of Sacramento

(SEAL)

ELMER C. CLEVELAND
Elmer C. Cleveland, City Clerk

Approved as to form:
JAMES P. JACKSON
James P. Jackson, City Attorney

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of

Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Sacramento, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Sacramento.

---

## RESOLUTION CHAPTER 24

*Senate Concurrent Resolution No. 19—Approving the charter amendments to the Charter of the City of Albany, State of California, ratified by the qualified electors of said city at the general statewide election therein on the third day of November, 1970.*

[Filed with Secretary of State February 4, 1971.]

WHEREAS, The City of Albany, County of Alameda, State of California, contains a population in excess of 3,500 inhabitants, and has been ever since the year 1927 and now is, organized and acting under a charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at the special municipal election held for that purpose on the 26th day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, page 2312); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Albany, as set out in the certificate of the Mayor and Acting City Clerk of the City of Albany, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF ALBANY AT THE GENERAL STATEWIDE ELECTION HELD ON THE 3RD DAY OF NOVEMBER, ONE THOUSAND NINE HUNDRED AND SEVENTY, OF CERTAIN AMENDMENTS TO THE CHARTER OF ALBANY, STATE OF CALIFORNIA.

State of California }
County of Alameda } ss.
City of Albany }

We, Hubert F. Call, Mayor of the City of Albany, and Sarah Brockway, Acting City Clerk of the City of Albany, do hereby certify as follows:

That said City of Albany, in the County of Alameda, State of California, is now and was at all times herein mentioned,

a city containing more than 3500 inhabitants and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Albany is now and was at all times herein mentioned, organized and existing under a Charter adopted under the provisions of Section 8, of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said city at the Special Municipal Election held therein on the 26th day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, Page 2312), and by Resolution of said Legislature filed with the Secretary of State of the State of California on the 19th day of April 1927 (Statutes 1927, Chapter 53, Page 2312); and

Pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, the Legislative Body of said city, namely: The City Council of said city did, on its own motion and pursuant to the provisions of Section 8, of Article XI of the Constitution of the State of California, duly propose to the electors of said City of Albany certain amendments to the Charter of said city, and ordered that said amendments be submitted to said electors of said city at the General Statewide Election to be held in said city on the 3rd day of November, 1970; and

That said proposed amendments were, on the 16th day of September, 1970, duly published in the "Albany Times", a newspaper of general circulation, published in the City of Albany, and the official newspaper designated by said City Council for that purpose, and in each edition thereof; and

That said City Council did, by resolution designated as Resolution No. 70-96, which was duly adopted on the 31st day of August, 1970, call for and give notice of the General Statewide Election in the City of Albany on the 3rd day of November, 1970, which date was more than 40 days and less than 60 days after the completion of the publication of the said proposed amendments to the Charter of the City of Albany, as aforesaid; and

That said General Statewide Election was held in said city on said 3rd day of November, 1970, which date was more than 40 days and less than 60 days after said proposed amendments to said Charter had been published in said "Albany Times", as aforesaid; and

That at said General Statewide Election held as aforesaid on said 3rd day of November, 1970, a majority of the voters voted in favor of the proposed amendments, as hereinafter set forth, to the Charter of the City of Albany and duly ratified same; and

That the Board of Supervisors of the County of Alameda, after duly canvassing the returns of said General Statewide Election at the time and in the manner and form prescribed

by law, duly found, determined and declared that a majority of the qualified voters voted thereon, and voted in favor of and ratified said proposed amendments to the Charter of the City of Albany, which said amendments are in words and figures as follows:

Proposed Charter Amendment No. 1

"That Section 50 of the Charter of the City of Albany be amended in the following particulars:

"First: To amend Section 50(c) to hereafter read as follows:

"(c) Pensions, to Whom and Amounts—Whenever any person at the taking effect of this act, or thereafter, shall have been duly elected, appointed or selected, and sworn, and have served for thirty (30) years, or more, in the aggregate, as a member, in any capacity or any rank whatever, of the regularly constituted Fire or Police Department of the said City of Albany, County of Alameda, State of California, said Board shall, upon the application of such person, order and direct that such person be retired from further service in such Police or Fire Department, shall cease, and such person so retired shall thereafter, during his lifetime, be paid from such fund a yearly pension equal to two-thirds ($\frac{2}{3}$) of the amount of the average yearly salary attached to the rank which he may have held in said Police or Fire Department for the period of three (3) years next preceding the date of such retirement; provided, however, that any person, after becoming fifty (50) years of age, who comes within the purview of this Section, and who has served for the consecutive number of years set forth below, shall upon his application be retired from further service upon a yearly pension equal to the percentage of the amount of said average yearly salary, which said percentage is set forth opposite the years served, as follows:

| *Years of Service* | *Percentage of Amount of Said Average Yearly Salary* |
|---|---|
| 25 | 50.00 |
| 26 | 53.33 |
| 27 | 56.67 |
| 28 | 60.00 |
| 29 | 63.33" |

"Second: To amend subsection (g) of Section 50 by deleting 'two percent (2%)', and inserting in lieu thereof 'three and one-half percent (3½%)', and that said subsection shall hereafter read as follows:

"(g) Stipulated Sum to Family—Whenever any person while serving as a member of the Police or Fire Departments of the City of Albany shall die from natural causes, unrelated to his service as a member of said Police or Fire Departments, then his widow or children, or if there be no widow or children, then his parents or parent, or if there be no widow or

children, or parents or parent, then the brothers and sisters of said member, or the survivor of them, shall receive a sum equal to the total amount of the payments made by said person into said fund together with interest on said sums at the rate of three and one-half percent (3½%) per annum computed from the date said sums were paid into said fund by said member, within ninety (90) days from the date of the death of said member."

"Third: To amend Section 50 by adding subsection (dd) thereto, as follows:

"(dd) Non-Service Disability—Whenever any person, at the taking effect of this section, while serving as a member of the Fire or Police Department of the City of Albany, prior to eligibility for service retirement, shall become disabled by reasons not connected with the immediate or direct performance or discharge of his duty as such member of the Fire or Police Department, if said disability renders him incapable of performing his duties in his respective Department, said Board may, if it deems it to be for the good of said Fire or Police Department, retire such person from said Department and order and direct that he shall be paid from said Fund, during his lifetime, a yearly allowance equal to 1.5% of said member's final compensation multiplied by his years of service, but in no event shall said allowance exceed one-third (⅓) of his final compensation; provided, further, if the member has completed at least ten (10) years of service at the time of said disability, possible future service up to age sixty (60) may be used, but in no event shall said allowance exceed one-third (⅓) of final compensation; provided that when such disability shall cease, such allowance shall cease, and such person shall be restored to active service at the same rank at which he was retired. Upon the death of such person then receiving non-service disability allowance, the widow and/or children of the deceased member of the Fire or Police Department shall receive the same benefits from the Fire and Police Relief or Pension Fund as provided in paragraph (q) of Section 50 of the Charter of the City of Albany.

"Final compensation as used in this subsection is defined as 'the highest average annual compensation, excluding overtime, earnable by said member during any period of three (3) consecutive years during his membership in the system'."

"Fourth: To amend subsection (e) of Section 50 by deleting 'in the next preceding section', and inserting in lieu thereof 'in subsections (d) and (dd) of this Section 50', to hereafter read as follows:

"(e) Evidence of Disability to Be Filed—No person shall be retired, as provided in subsections (d) and (dd) of this Section 50, or receive any benefit from said fund, unless there shall be filed with said Board certificates of his disability, which certificates shall be subscribed and sworn to by said person, and by the Health Officer of the City of Albany, and by two regularly licensed practicing physicians of the County

of Alameda, State of California, and such Board may require other evidence of disability before ordering such retirement and payment as aforesaid."

"Fifth: To amend subsection (f) of Section 50 by deleting 'sixteen years', and inserting in lieu thereof 'eighteen (18) years'; and deleting 'one-third', and inserting in lieu thereof 'one-half (½)', to be effective upon enactment, and said subsection to read as follows:

"(f) Pension to Family—Whenever any member of the Fire or Police Departments of such City of Albany, at the taking effect of this act, or thereafter, shall lose his life while in the performance of his duty, leaving a widow, or child or children under the age of eighteen (18) years, then upon satisfactory proof of such facts made to it, such Board shall order and direct that yearly pension, equal to one-half (½) of the salary attached to the rank which such member held in said Fire or Police Department at the time of his death, shall be paid to such widow during her life, or if no widow, then to child or children, until they shall be eighteen (18) years of age; provided, if such widow or child or children shall marry, then such person so marrying shall thereafter receive no further pension from such fund."

"Sixth: To amend subsection (1) of Section 50 by deleting 'six per centum (6%)', and inserting in lieu thereof 'nine per centum (9%)', and said subsection to read as follows:

"(1) Moneys to Be Paid Into Police and Fire Relief and Pension Fund—The City Council of the City of Albany shall, for the purpose of said Police and Fire Relief and Pension Fund hereinbefore mentioned, direct the payment into said fund as follows:

"A sum equal to nine per centum (9%) out of and from the total amount of the monthly payroll of all of the members of both of said Departments for the current month, shall be retained by the City Treasurer, and shall be paid into said Police and Fire Relief and Pension Fund by the City; in addition thereto, the City shall contribute an equal amount to said fund monthly. The City may make such other contributions to the said fund when actuarial studies reveal the necessity thereof. Said moneys shall, in the discretion of the said Police and Fire Pension Trustees, be invested at not less than 3½% per annum, if such rate of interest is obtainable."

"Seventh: To amend Section 50 by adding subsection (r) thereto, to read as follows:

"(r) Public Employees Retirement System Program—All provisions of Chapter 50 hereof, and the said Police and Fire Relief and Pension Fund hereinbefore set forth, shall not benefit any person whose employment by the City of Albany commences on or after the effective date of this subsection, and none of the provisions of this Chapter shall apply to, obligate, or benefit any such persons, as all members of the Fire and Police Departments of the City of Albany to be hired or

reinstated, shall be members of the Public Employees Retirement System of the State of California.

"The City Council shall, by ordinance, authorize the Mayor and the City Clerk to execute on behalf of the City, and the Mayor and City Clerk shall execute on behalf of the City, a contract between the City Council of the City of Albany and the Board of Administration of the California Public Employees Retirement System, which contract shall provide for a retirement system no less than that provided by the One-Half Pay at 55 Retirement Program—Local Safety Members of the California Public Employees Retirement System in effect on the effective date of this subsection.

"The City Council shall have the power to do all acts and things necessary and appropriate to perform such contract with said System, and to comply with the provisions of said retirement law, and to execute such amendments to said contract as may be permitted from time to time under said retirement law at the discretion of the City Council."

"Eighth: That all provisions of this Charter Amendment No. 1 shall become effective on July 1, 1971, and benefits accruing thereunder shall apply only to such persons becoming eligible therefor after the said effective date, and shall not apply to persons receiving benefits prior to said effective date, who shall continue to receive said benefits pursuant to the then existing provisions."

Proposed Charter Amendment No. 2

"That Section 49 of the Charter of the City of Albany be amended by adding subsection (nn) thereto, which shall hereafter read as follows:

"(nn) Civilian Clerks—Notwithstanding any other provisions of Section 49 and Section 50 to the contrary, there is hereby created the positions of Civilian Clerks in the Police Department. Said positions shall be in addition to those specified in Section 49(n). Qualifications, number of positions, conditions and status for Civilian Clerks shall be established by the City Council by ordinance.

"The Civil Service Board shall administer appropriate examinations to determine the fitness of applicants for said positions in conformity with the qualifications and requirements established by the City Council.

"Persons so employed as Civilian Clerks shall receive pension and retirement benefits pursuant to and by virtue of the program heretofore or hereafter established for employees other than local firemen and local policemen, herein referred to as 'miscellaneous employees'."

The foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Albany, ratified by the electors of said city as aforesaid, on file in the Office of the City Clerk of said City of Albany.

In witness whereof, Hubert F. Call, Mayor as aforesaid, and Sarah Brockway, Acting City Clerk as aforesaid, have hereunto set their hands and caused the Seal of the City of Albany to be thereunto duly affixed on this 16th day of December, 1970.

(SEAL)

HUBERT F. CALL
Mayor of the City of Albany
SARAH BROCKWAY
Acting City Clerk of the
City of Albany

Prepared and approved by:
LAWRENCE D. SALER
City Attorney of the
City of Albany

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Albany, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Albany.

---

## RESOLUTION CHAPTER 25

*Assembly Concurrent Resolution No. 38—Approving amendments to the Charter of the City of Redondo Beach, a municipal corporation of the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on the third day of November, 1970.*

[Filed with Secretary of State February 10, 1971.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments hereinafter set forth to the Charter of the City of Redondo Beach, a municipal corporation of the County of Los Angeles, State of California, as set forth in the certificate of the mayor and the city clerk of said city, as follows:

State of California
County of Los Angeles } ss
City of Redondo Beach

We, the undersigned, William F. Czuleger, Mayor of the City of Redondo Beach, State of California, and Fred M. Arnold, City Clerk of said City, do hereby certify and declare as follows:

The City of Redondo Beach, in the County of Los Angeles, State of California, was at all times mentioned herein and now is a City of the State of California, existing and acting under a Charter duly adopted and approved under and by virtue of Section 8, Article XI of the Constitution of the State of California, containing a population of less than sixty thousand inhabitants.

The legislative body of said City on its own motion submitted to the electors of said City, at a special election, to wit, a Special Municipal Election, held within said City on the 3rd day of November, 1970, a certain proposed amendment to the City Charter of said City.

Said proposed amendment was published in the South Bay Daily Breeze, a newspaper having a general circulation in said City, and being the official newspaper of said City, on the 21st day of September, 1970, and in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California.

Said election was duly and regularly held on the 3rd day of November, 1970, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendment, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendment to said City Charter.

Said proposed amendment was duly and regularly submitted to and duly ratified by, the said qualified voters of said City, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said City have been complied with.

Said amendment is as follows:

Article XIX, Section 19.10, is amended to read as follows:

## Article XIX

Section 19.10. Residence, officers and employees.

For the protection of the public's health, safety, and welfare and to assure the availability of the services of city employees, the City Council may by ordinance require officers and employees of the city to reside within a prescribed distance from their place of employment in the city. Different distances may be established for different classes of officers and employees.

We have compared the said ratified amendments with the original proposed amendments submitted to the qualified electors of said City, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendment to said Charter, and each of them, are true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Redondo Beach to be attached on this 18th day of January, 1971.

WILLIAM F. CZULEGER
William F. Czuleger
Mayor of the City of Redondo Beach, California

(SEAL)

Attest:
FRED M. ARNOLD
Fred M. Arnold
City Clerk of the City of Redondo Beach, California

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Redondo Beach, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Redondo Beach.

---

## RESOLUTION CHAPTER 26

*Senate Concurrent Resolution No. 33—Relative to honoring Theodore J. Moniz on his retirement.*

[Filed with Secretary of State February 25, 1971.]

WHEREAS, Theodore J. Moniz is retiring as Agriculture Commissioner of Santa Clara County, after a total of 40 years' exemplary service with the county's department of agriculture, holding the office of commissioner for more than seven years; and

WHEREAS, Mr. Moniz, who has been a resident of the San Jose area for 56 years, is married and has one daughter and two grandchildren; and

WHEREAS, He is affiliated with such organizations as the Northern California Entomology Club (a past president), State Association of County Agricultural Commissioners, Coast Counties Agricultural Commissioners Association, Santa Clara County Agricultural Pesticide Advisory Committee, the American Camellia Society, and the Santa Clara County Camellia Society (charter member); and

WHEREAS, Mr. Moniz's favorite hobbies are hunting and fishing, having, of course, a great appreciation of the outdoors and the use of our lands; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members honor Theodore J. Moniz for his outstanding public service, wishing him well in his retirement years; and be it further

*Resolved,* That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Mr. Theodore J. Moniz.

## RESOLUTION CHAPTER 27

*Senate Joint Resolution No. 18—Relative to prisoners of war.*

[Filed with Secretary of State March 4, 1971.]

WHEREAS, The government of North Vietnam is a signatory to the Geneva Conventions, which embody the morality of world citizenship with respect to the treatment of prisoners of war; and

WHEREAS, The humane treatment, in accordance with the Geneva Conventions, of American men held prisoner by the North Vietnamese is the goal of the American people; and

WHEREAS, The American people, cognizant that these prisoners are being held under conditions far less than humane, seek adequate food, housing, and medical treatment for these prisoners, as well as inspection by an organization such as the International Red Cross and the constant exchange of mail between the prisoners and their families; and

WHEREAS, In addition to being a violation of the Geneva Conventions, the policy of the government of North Vietnam of not revealing the names of prisoners being held imposes a cruel situation on American families, in that they have no way of knowing whether members of the families who are missing in action have been taken prisoner or their whereabouts or condition when it is known they are prisoners; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes the President of the United States and the Con-

gress of the United States to take whatever diplomatic steps that may be appropriate to urge the government of North Vietnam to comply with the Geneva Conventions with respect to the treatment of American men who are prisoners in the Vietnam conflict; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 28

*Assembly Concurrent Resolution No. 47—Approving the Charter of the City of Chula Vista, County of San Diego, State of California, ratified by the qualified electors of the city at a special election held therein on the third day of November, 1970.*

[Filed with Secretary of State March 8, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the Charter of the City of Chula Vista, a municipal corporation in the County of San Diego, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows:

State of California }
County of San Diego } ss.
City of Chula Vista }

We, the undersigned, Thomas D. Hamilton, Jr., Mayor of the City of Chula Vista, and Jennie M. Fulasz, City Clerk of said City, do hereby certify and declare as follows:

That the City of Chula Vista, a municipal corporation, is now and since the year 1949 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8, Article XI of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion, proposed to the qualified electors of the City of Chula Vista certain amendments to the Charter of said City, which amendments were designated as Propositions "F", "G", "H", "J", "K", "L", and "M", and submitted said propositions to the qualified electors of the City of Chula Vista at the special election held on November 3, 1970.

That said proposed charter amendments were published and advertised in the Chula Vista Star News, a newspaper duly designated and qualified as a newspaper entitled to publish

legal notices, published in the City of Chula Vista, and published in the edition of September 10, 1970 and September 17, 1970, certified copies of which publications are attached hereto and made a part hereof by reference.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type not less than ten point, a certified copy of which is attached hereto and made a part hereof by reference; that said pamphlets were mailed to each of the qualified electors of said city, and that until the date fixed for the election herein described, a notice was advertised and published in the Chula Vista Star News, a daily newspaper of general circulation published in the City of Chula Vista, and the official newspaper of said City, that copies of said proposed charter amendments could be had upon application therefor at the Office of the City Clerk of said City until the date fixed for said election.

That said proposed amendments were submitted to the qualified electors of said City at said special municipal election held in said City.

That at said election on said proposed amendments to the Charter of the City of Chula Vista, a majority of the qualified voters of the City voting on said proposed amendments voted in favor of Propositions "F", "G", "H", "J", "K" and "M", and said proposed amendments were ratified by a majority of the qualified electors of said City voting thereon, as set forth in the Certificate of the Registrar of Voters of the County of San Diego, State of California on the 30th day of November, 1970, certifying the results of said election, a copy of which certificate is attached hereto and made a part hereof by reference.

That all of said proceedings were duly and regularly had and taken in accordance with Section 8 of Article XI of the Constitution of the State of California, the laws of the State of California, and the Charter of the City of Chula Vista.

That as to the amendments to the Charter of the City of Chula Vista hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of the City of Chula Vista which were so ratified by a majority of the electors of said City are in words and figures as follows:

PROPOSITION F

Amend Article IV, Sections 400, 401, 402 and 403 thereof, and add new Section 404, to change the title of the Administrative Officer to City Manager.

Article IV. City Manager

Sec. 400. City Manager.

Appointment; Salary. There shall be a City Manager who shall be the chief administrative officer of the City. He shall

be appointed by and serve at the pleasure of the City Council. He shall be chosen on the basis of his administrative qualifications and shall be paid a salary, fixed by the Council, commensurate with his responsibilities.

Removal. The City Manager may be removed from office by motion of the City Council adopted by at least three affirmative votes.

Ineligibility. No person shall be eligible to receive appointment as City Manager while serving as a member of the City Council, nor within one year after he has ceased to be a City Councilman.

Sec. 401. City Manager. Powers and Duties.

Generally. The City Manager shall be the head of the administrative branch of the City government. He shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

(a) Appoint and remove, subject to the civil service provisions of this Charter and to the approval of the City Council, all department heads and officers of the City except elective officers and those department heads and officers, the power of appointment of whom is vested in the City Council, and pass upon and approve all proposed appointments and removals by department heads and other appointive officers;

(b) Prepare the budget annually, submit such budget to the City Council, and be responsible for its administration after adoption;

(c) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable;

(e) Establish a centralized purchasing system for all city offices, departments and agencies;

(f) Prepare rules and regulations governing the contracting for, purchasing, storing, distribution, or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the City Council for adoption by it by ordinance;

(g) Enforce the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City; and

(h) Perform such other duties consistent with this Charter as may be required of him by the City Council.

Sec. 402. Participation at Council Meetings.

The City Manager shall be accorded a seat at the City Council table and shall be entitled to participate in the deliberations of the City Council but shall not have a vote.

Sec. 403. City Manager Pro Tempore.

The City Manager shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as City Manager pro tempore during any temporary absence or disability of the City Manager.

Sec. 404. Designation of City Manager.

Upon the adoption of the change of title of the Administrative Officer to City Manager by the voters of Chula Vista and approval by the State Legislature and certification by the Secretary of State, all references to the Administrative Officer or Chief Administrative Officer wherever they appear in the Charter of the City of Chula Vista shall be changed to City Manager.

PROPOSITION G

Amend Article V, Sections 500 and 501, and Article VIII, Section 801 thereof to be and to read as follows:

Sec. 500. Appointment and Removal of Officers and Department Heads.

(a) Appointment. In addition to the City Manager, there shall be a City Attorney and a City Clerk who shall be appointed by and serve at the pleasure of the City Council. All other officers and department heads of the City and the Assistant City Manager shall be appointed by the City Manager subject to the approval of the City Council. A private secretary for the City Manager shall be appointed by the City Manager, a private secretary for the Mayor and Council shall be appointed by the Council, and a private secretary for the City Attorney shall be appointed by the City Attorney. The City Attorney shall also appoint such Assistant or Deputy City Attorneys as may be authorized by the Council, subject to the approval of the City Council. Said officers and employees shall be in the Unclassified Service as hereinafter provided.

(b) Removal. Officers and employees in the Unclassified Service appointed by the City Council may be removed by them at any time by a majority vote of the members of the Council, and such officers and department heads in the Unclassified Service appointed by the City Manager may be removed by him at any time and, in the case of appointees in the Unclassified Service, the order of the City Council or the City Manager affecting said removal shall be final and conclusive. Any appointee or employee in the Unclassified Service so removed by the City Manager or the City Attorney may, however, within five (5) days after receipt of a notice of dismissal, demand a written statement of the reasons therefor. Thereupon it shall be the duty of the City Clerk, as directed by the City Council or the City Manager, to forthwith deliver to the dismissed officer or employee a written statement of the reason for such dismissal, a copy of which shall be forthwith filed with the City Council. Upon receipt of such written state-

ment so furnished by the City Manager or the City Attorney to the City Council, the Council shall fix a time and place for a public hearing, at which hearing the Council shall have authority to investigate the facts set forth in said written communication from the City Manager or the City Attorney containing the reason for said dismissal, and determine the truth or falsity of said facts. Council shall report its findings and recommendations made as a result of such hearing, and cause a copy of said findings to be delivered to the City Manager or the City Attorney and file the original with the City Clerk. The dismissed appointee or employee in such cases shall have the right to file with the Council a written reply or answer to any charges filed by the City Manager or the City Attorney. All written documents, including the City Manager's or the City Attorney's written reasons for such dismissal, the written order of dismissal, and the reply of the dismissed appointee or employee, the findings and decisions of the Council, and any documentary evidence used at the hearing shall be filed with the proper officer of the City as public records, open for inspection at any time. Nothing herein contained, however, shall be construed as in any way limiting the authority and power of the City Manager or the City Attorney to remove any appointee or employee in the Unclassified Service of the City, appointed or employed by him, and all such removals shall be final and conclusive.

Sec. 501. Administrative Departments.

The City Council may provide by ordinance not inconsistent with this Charter for the organization, conduct and operation of the several offices and departments of the City as established by this Charter, for the creation of additional departments, divisions, offices and agencies and for their alteration or abolition. It may further provide by ordinance or resolution for the assignment and reassignment of divisions, offices and agencies to departments, and for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

Each department so created shall be headed by an officer as department head who shall be appointed by the City Manager, subject to the approval of the City Council.

Sec. 801. Unclassified and Classified Service.

The Civil Service of the City shall be divided into the Unclassified and the Classified Service.

(a) Unclassified Service. The Unclassified Service shall include the following officers and positions:

1. All elective officers;

2. City Manager, Director of Finance, City Clerk, City Attorney, Assistant or Deputy City Attorneys, Assistant City Manager, a private secretary to the City Manager, a private secretary to the Mayor and Council, and a private secretary to the City Attorney, and all department heads;

3. All members of boards and commissions;

4. Positions in any class or grade created for a special or temporary purpose and which may exist for a period of not more than ninety (90) days in any one calendar year;

5. Persons employed to render professional, scientific, technical or expert service of any occasional and exceptional character; and

6. Part-time employees paid on an hourly or per diem basis.

(b) Classified Service. The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

(c) Any person holding a position or employment included in the Classified Service who, on the effective date of this Charter, shall have served continuously in such position, or in some other position included in the Classified Service, for a period of six (6) months immediately prior to such effective date, shall automatically be granted regular status in the Classified Service in the position held on such effective date, without preliminary examinations or other tests and shall thereafter be subject in all respects to the provisions of the Civil Service system provided for in this Charter.

Any person holding such a position or employment who, on the effective date of this Charter, shall have served in the Classified Service for a period of less than six months immediately prior to such effective date shall automatically be granted the status of a probationary appointee in the position held on such effective date, without preliminary examinations or other tests, and the length of his service in the position shall be credited to his probationary period as provided for in this Article.

PROPOSITION H

Amend Article V, Section 505 thereof, of the Charter of the City of Chula Vista to be, and to read as follows:

Sec. 505. Director of Finance; Powers and Duties.

There shall be a Finance Department headed by a Director of Finance, who shall have power and be required to:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager;

(b) Compile the budget expense and income estimates for the City Manager;

(c) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment all bills, invoices, payrolls, or demands against the City government and, with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges;

(d) Maintain a general accounting system for the City government and each of its offices, departments and agencies;

(e) Keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall

show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance, require reports of the receipts and disbursements for each receiving and expending agency of the City government to be made daily or at such intervals as he may deem expedient;

(f) Submit to the City Council through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; as of the end of each fiscal year and within one hundred and twenty days thereafter, submit to the City Council a summary statement of receipts and disbursements by departments and funds, including opening and closing fund balances in the treasury, and cause said statement to be published once in the official newspaper;

(g) Collect all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and receive all taxes or other money receivable by the City from the County, State or Federal government; or from any court or from any office, department or agency of the City;

(h) Have custody of all public funds belonging to or under the control of the City or any office, department or agency of the City government and deposit all funds coming into his hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, by the City Manager, and in compliance with all of the provisions of the State Constitution and the laws of the State, governing the handling, depositing and securing of public funds; and

(i) Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies.

Upon the adoption of the change of title of the Finance Officer to Director of Finance by the voters of Chula Vista and approval by the State Legislature and certification by the Secretary of State, all references to the Finance Officer wherever they appear in the Charter of the City of Chula Vista shall be changed to Director of Finance.

## PROPOSITION J

Amend Article VI, Sections 600 and 602 of the Charter of the City of Chula Vista to be and to read as follows, and repealing Section 603 thereof:

Sec. 600. In General.

There shall be the boards and commissions enumerated in this Article which shall have the powers and duties set forth in this Charter. In addition, the City Council may create by ordinance such boards or commissions as, in its judgment, are required and may grant to them such powers and duties as are consistent with the provisions of this Charter. Such boards and commissions shall consult with and advise the Mayor, Council or City Manager as may be provided herein or in the

ordinances establishing such boards and commissions, but they shall have no authority to direct the conduct of any department.

Sec. 602. Appointments; Terms.

The members of each of such boards or commissions shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least three affirmative votes. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified. Members of such advisory boards and commissions shall be limited to a maximum of two (2) consecutive terms and an interval of two (2) years must pass before a person who has served two (2) consecutive terms may by reappointed to the commission upon which he had served; provided, further, that for the purpose of this section, an appointment to fill an unexpired term of less than two (2) years in duration shall not be considered as a term; however, any appointment to fill an unexpired term in excess of two (2) years shall be considered to be a full term. The limitations provided herein shall not affect any presently appointed members of boards and commissions until the expiration of the term which they presently serve.

The members first appointed to such boards and commissions shall so classify themselves by lot that each succeeding July 1st the term of one (1) of their number shall expire. If the total number of members of a board or commission to be appointed exceeds four (4), the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one (1) member shall expire on each succeeding July 1st.

Sec. 603. Existing Boards. DELETE.

PROPOSITION K

Amend Article VI, Section 612, thereof, of the Charter of the City of Chula Vista to be and to read as follows:

Sec. 612. Civil Service Commission; Powers and Duties.

The Civil Service Commission shall have the power and be required to:

(a) Recommend to the City Council, after a public hearing thereof, the adoption, amendment or repeal of civil service rules and regulations not in conflict with this Article;

(b) Hear appeals of any person in the Classified Service relative to any suspension, demotion or dismissal;

(c) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the City Council and City Manager.

(d) Such other duties and powers as the City Council may, by ordinance or resolution confer upon the commission in order to carry out the principles of civil service in accordance with

the laws of the State of California and this Charter and to assist in the implementation of proper employee-employer relations.

PROPOSITION M

Amend Article X, Section 1000 thereof, of the Charter of the City of Chula Vista to be and to read as follows:

Sec. 1000. General Municipal Elections.

General municipal elections for the election of Councilmen and for such other purposes as the City Council may prescribe shall be held in said City on the second Tuesday in April in each even numbered year; provided, further, that at the general municipal election in 1972 a Mayor shall be elected by the people for a term of five (5) years and thereafter a general municipal election shall be held for the purpose of electing a Mayor and for such other purposes as the City Council may prescribe on the second Tuesday of April of each fourth odd numbered year, commencing with the year 1977.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Chula Vista with the original proposal submitting same to the electors of said City and find that the foregoing is a full, true and exact copy.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Chula Vista to be affixed hereto this 15th day of December, 1970.

(SEAL)

THOMAS D. HAMILTON, JR.
Thomas D. Hamilton, Jr.,
Mayor of the City of Chula Vista, California

JENNIE M. FULASZ
Jennie M. Fulasz,
City Clerk of the City of Chula Vista, California

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Chula Vista, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Chula Vista.

## RESOLUTION CHAPTER 29

*Assembly Concurrent Resolution No. 50—Relative to peace officer standards and training.*

[Filed with Secretary of State March 8, 1971.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That, notwithstanding the second resolved clause of Resolution Chapter 240 (ACR No. 55), Statutes of 1970, the results of the study be reported to the Legislature not later than March 20, 1971.

## RESOLUTION CHAPTER 30

*Senate Concurrent Resolution No. 36—Relative to constitutional recess of the Legislature.*

[Filed with Secretary of State March 10, 1971.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the 1971 Regular Session of the Legislature of the State of California shall recess for the 30-day period required by Section 3 of Article IV of the Constitution at 5 o'clock p.m. on July 30, 1971, and shall reassemble at 3 o'clock p.m. on August 30, 1971.

## RESOLUTION CHAPTER 31

*Assembly Concurrent Resolution No. 45—Approving amendments to the Charter of the County of Butte, State of California, ratified by the qualified electors of the county at a general election held therein on the third day of November, 1970.*

[Filed with Secretary of State March 15, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the County of Butte, State of California, as hereinafter set forth in the certificate of the chairman and clerk of the board of supervisors of the county, as follows:

Whereas, The County of Butte, State of California, has at all times mentioned herein been and now is a body politic of the State of California, and is now and has been, since the twenty-seventh day of January, 1917, organized and acting under and by virtue of a charter adopted under and by virtue of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the seventh day of November, 1916, and approved by the Legislature of the

State of California, on the twenty-seventh day of January, 1917 (Statutes 1917, page 1791 et seq.); and

Whereas, on September 1, 1970, the Board of Supervisors of the County of Butte passed Ordinance No. 1113 calling for an election to be consolidated with the General Election held on November 3, 1970, in which 18 charter amendments were proposed.

Whereas, said Ordinance and charter amendments were duly published in the Chico Enterprise Record, a newspaper of general circulation in the County of Butte, a total of ten times on ten separate days to wit, September 4, 5, 8, 9, 10, 11, 12, 14, 15, 16, 1970.

Whereas, said General Election was held in said County on November 3, 1970, which day was more than forty days and less than sixty days from the completion of the publication of the proposed charter amendments.

Whereas, the registrar of voters did in the manner provided by law duly and regularly canvass the returns of said election, and on the 1st day of December, 1970, duly certified to the Board of Supervisors the results of said General Election as determined from the canvass of the returns thereon.

Whereas, at said General Election so held on November 3, 1970, said amendments to the Butte County Charter were approved by a majority of the electors of said County voting thereon.

Whereas, the charter amendments so ratified by the electors of the County of Butte are now submitted to the Legislature of the State of California for approval as a whole without change by resolution of said Legislature in accordance with the provisions of Article XI of the Constitution of the State of California and are in words and figures as follows:

1. That Section 6 of Article II be amended to read as follows:

"After the year 1921, whenever it appears from the United States census that the population in any supervisorial district exceeds or lacks more than twenty-three percent as compared with the population in another district or districts then the board of supervisors shall change the boundaries of such district or districts so that the population of each district shall be as nearly equal as possible. Any changes in the boundaries of any district must be made in accordance with general law."

2. That Section 8 of Article II be amended to read as follows:

"The board of supervisors shall at its first meeting in January of each year, elect a chairman who shall preside at all meetings. In case of his absence or inability to act, the members present must by an order entered of record select one of their number to act as chairman pro tempore. Any member of the board of supervisors may administer oaths when necessary in the performance of his official duties. A majority shall constitute a quorum, and no act of the board shall be valid or

binding unless three members concur thereon, except as otherwise required by law."

3. That Section 3 of Article III be amended to read as follows:

"The board of supervisors shall at least once annually determine the number of deputies, assistants, clerks and stenographers, except as herein otherwise expressly provided, for each and every county officer and shall at said time fix the compensation of each and every deputy, assistant, clerk or stenographer."

4. That Section 6 of Article IV be amended to read as follows:

"The compensation of members of the board of supervisors shall be regulated by the Legislature of the State of California by statute applicable to the class of county in which Butte County is now, or shall hereafter be placed. The board of supervisors shall regulate and set the salaries of county and township officers, including judges of inferior courts except as otherwise provided by the Constitution of the State of California."

5. That Section 10 of Article IV be amended to read as follows:

"Each County officer shall be allowed, in addition to salaries as provided for herein, such expenses as are now payable to him under the provisions of the general law or this Charter, provided that all such expenses shall be limited to actual and necessary expenses incurred by each officer in the performance of his particular duties, and provided further that the board of supervisors may by ordinance, set forth additional limitations and additional rules which may define and set forth procedure to determine what are actual and necessary expenses as referred to herein."

6. That Section 2 of Article IV be amended to read as follows:

"The following offices are hereby consolidated:

(a) The district attorney shall be ex-officio public administrator;

(b) The sheriff shall be ex-officio coroner;

(c) The treasurer shall be ex-officio tax collector and ex-officio license collector;

(d) The surveyor shall be ex-officio road engineer;

(e) The health officer shall be ex-officio county physician."

7. That Section 1 of Article V be repealed.

8. That Section 3 of Article V be amended to read as follows:

"The board of supervisors shall provide by ordinance for one or more judicial districts and for one or more judges for each judicial district and one constable or marshal as the case may be in each judicial district; and may provide for deputy constables or deputy marshals as the board deems necessary, provided further that should the legislature hereafter, instead of the system of courts now established by law, substitute some

other system of inferior courts, then and in that event, it shall not be compulsory upon the board of supervisors to make any set number of judges or constables or marshals for said districts, and the board may discontinue the existence of the offices as provided herein, and; that the board shall provide for such number of inferior justices or judges as may be necessary for the needs of the County under such substituted system; provided further the board of supervisors may, by ordinance, appoint the sheriff of the County of Butte as ex-officio constable or marshal to any judicial district, and in such event the incumbent marshals or constables may be employed as deputy sheriffs and provided further that the reference made herein to marshals shall apply only to the extent allowed under the constitution and laws of the State of California."

9. That Section 6 of Article V be amended to read as follows:

"Each township officer shall be allowed in addition to his salary such expenses as are now payable to him under the provisions of the general law, or this charter provided however, that all such expenses shall be limited to actual and necessary expenses, and provided further that the board of supervisors may by ordinance, set forth additional limitations and additional rules which may define and set forth procedure to determine what are actual and necessary expenses as referred to herein."

10. That Section 9 of Article V be added to read as follows:

"Wherever the term township officer is made reference to in this charter, that term shall be deemed to include justice court officers."

11. That Section 3 of Article VIII be amended to read as follows:

"Each county officer shall file with the auditor or county administrative officer, as the board of supervisors directs, on or before a date each year as set by law, an estimate of the amount that he will need to run his office for the forthcoming fiscal year, and in no case shall he be permitted to expend more than is allowed his office in the budget, except as permitted by the board of supervisors pursuant to law."

12. That Section 4 of Article VIII be amended to read as follows:

"The auditor, or the county administrative officer, as designated by the board shall prepare a compiled report for the board containing all budget and tax information as required by law, and in the form required by law, and within the time as required by law and shall submit same to the board within the time required by law."

13. That Section 12 of Article VIII be repealed.

14. That Section 4 of Article X be repealed.

15. That Section 8 of Article X be amended to read as follows:

"That whenever the term road engineer appears in the charter, it would be deemed to also include the office of the

Director of Public Works, and provided further that the Director of Public Works shall have such other duties as are required by law or as directed by the Board of Supervisors."

16. That Section 2 of Article X be amended to read as follows:

"The board of supervisors shall appoint a director of public works, who shall thereafter serve at the pleasure of the board of supervisors. The director of public works shall be a civil engineer and shall have had prior to his appointment, at least 3 years actual experience in road construction. He need not be an elector of the County, but must reside therein during his service as director of public works. He shall, under the general direction and supervision of the board of supervisors, have complete direction and control over all work of construction, improvements, maintenance and repair of county roads, highways and bridges."

17. That Section 2 of Article XII be repealed.

18. That Section 3 of Article XII be amended to read as follows:

"No member or members of the Board of Supervisors shall directly or indirectly coerce or attempt to coerce the head of any county department or other county officer appointed or confirmed by the board of supervisors in the performance of the duties of his office, or attempt to exact promises from any candidate for any such office relative to any appointment or removal of any county officer or employee; and provided further that no county officer shall request or require any employee within his department to assist said officer in any political activities pertaining to the election of such officer nor request or require from any employee within the department of said officer any contribution of money for the election of said officer."

State of California }
County of Butte } ss

This is to certify that we, Jere E. Reynolds, Chairman of the Board of Supervisors of the County of Butte and Clark A. Nelson, County Clerk of the County of Butte and ex-officio Clerk of the Board of Supervisors of said County, have compared the foregoing proposed and ratified amendments to the Charter of the County of Butte with the original proposals which were submitted to the electors of said County at the General Election held on Tuesday, the Third day of November, 1970, and find that the foregoing is a full, true correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the County of Butte this 16th day of February, 1971.

JERE E. REYNOLDS
(SEAL) Jere E. Reynolds, Chairman of the Butte County Board of Supervisors
CLARK A. NELSON
Clark A. Nelson, County Clerk of the County of Butte

Attest:
Clark A. Nelson, County Clerk and ex-officio Clerk of the Board of Supervisors
By MARGIE CATT
Approved as to form
DANIEL V. BLACKSTOCK
Daniel V. Blackstock
Butte County Counsel

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the County of Butte, as proposed to, and adopted and ratified by, the electors of the county, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the County of Butte.

---

## RESOLUTION CHAPTER 32

*Senate Concurrent Resolution No. 47—Approving amendments to the Charter of the County of San Bernardino, State of California, ratified by the qualified electors of the county at a general election held therein on the third day of November, 1970.*

[Filed with Secretary of State March 15, 1971.]

WHEREAS, Proceedings have been taken and had for the proproposal, adoption, and ratification of amendments to the Charter of the County of San Bernardino, State of California, as hereinafter set forth in the certificate of the chairman and clerk of the board of supervisors of the county as follows:

State of California
County of San Bernardino } ss.

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY OF SAN BERNARDINO, SUBMITTED TO THE QUALIFIED ELECTORS OF SAID COUNTY OF SAN BERNARDINO ON TUESDAY, THE 3RD DAY OF NOVEMBER, 1970.

Be it known that:

Whereas, the County of San Bernardino, State of California, has been at all times mentioned herein, and now is, a body politic and corporate, and a political subdivision of the State of California, and is now and has been, since the 7th day of April, 1913, organized and acting under and by virtue of a freeholder's charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the 5th day of November, 1912, and approved by the Legislature of the State of California in regular session in the year 1913, and filed in the office of the Secretary of State on the 7th day of April, 1913; and

Whereas, the Board of Supervisors of said county pursuant to the provisions of said Section 3 of Article XI of said Constitution did, by Ordinance No. 1583, adopted August 18, 1970, duly propose to the qualified electors of said county certain amendments to the charter of said county, said proposed amendments being more specifically designated as County Charter Amendment Number Twenty-Five of the County of San Bernardino and County Charter Amendment Number Twenty-Six of the County of San Bernardino, and directed that said proposed amendments be designated Propositions "A" and "B" respectively and submitted to the qualified electors of said county at the general election to be held in said county on the 3rd day of November, 1970, which date was fixed in said ordinance as the day for holding said general election; and

Whereas, the said proposed county charter amendments were published for ten times in the San Bernardino Sun, a daily newspaper of general circulation printed, published, and circulated in said county, to wit: on August 26, 27, 28, 29, 30, and 31 and September 1, 2, 3, and 4 in the year 1970; and

Whereas, said general election, at which said proposed amendments were submitted to the qualified electors of said county, was not less than 30 nor more than 60 days after publication of said proposed amendments; and

Whereas, a copy of the proposed county charter amendments, and a sample ballot containing said propositions, was mailed

to every qualified elector in said County of San Bernardino; and

Whereas, thereafter the Registrar of Voters of the County of San Bernardino did, in the manner provided by law, duly and regularly canvass the returns of said election, and the said Board of Supervisors of said county, on the 16th day of November, 1970, did duly declare the results of said November general election as determined from the canvass of the returns thereof; and

Whereas, at said November general election held on the said Tuesday, the 3rd day of November, 1970, 97,211 votes were cast in favor of the said proposed Charter Amendment Number Twenty-Five (Proposition A) and 51,117 votes were cast in opposition to said amendment, and 74,930 votes were cast in favor of the said proposed Charter Amendment Number Twenty-Six (Proposition B) and 69,320 votes were cast in opposition to said amendment; and

Whereas, said proposed Charter Amendment Number Twenty-Five (Proposition A) and Charter Amendment Number Twenty-Six (Proposition B) were ratified by a majority of the electors of said county voting thereon; and

Whereas, said charter amendments appeared as Proposition A and B on the official ballot in the following words:

A Shall Articles I, II, III, IV, and VII of the Charter of the County of San Bernardino be amended and Articles 2½ and VI be repealed to eliminate obsolete and unnecessary language and renumber Charter provisions?

B Shall Section 1.1 be added to Article II of the Charter of the County of San Bernardino and Sections 9 and 10 of Article II and Article IV be repealed, to place all county department heads in the Unclassified Service?

; and

Whereas, said charter amendments so ratified by the electors of the County of San Bernardino are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of Section 3 of Article XI of the Constitution of the State of California, and are in words and figures as follows, and are and shall, if so approved by said Legislature, be in the words and figures following, to wit:

COUNTY CHARTER AMENDMENT
NUMBER TWENTY-FIVE

SECTION 1, Article I, relating to the Board of Supervisors, is amended to read as follows:

Article I
Board of Supervisors

Section 1. The Board of Supervisors shall consist of five members, one from each supervisorial district. The Supervisors shall be nominated and elected at the time and in the manner

provided by general laws, except and provided that each supervisor shall be elected by the electors of such district and not by the electors of the County at large.

Section 2. At each general election there shall be elected two or three supervisors, as the case may be, for a term of four years beginning at noon on the first Monday in December next following their election and ending at noon on the first Monday in December four years thereafter. Supervisors shall be elected from the First, Third, and Fifth Supervisorial Districts in those years in which a presidential election is held, and supervisors shall be elected from the Second and Fourth Supervisorial Districts in those years in which a gubernatorial election is held.

Section 3. The Board of Supervisors, and each supervisor, shall have and perform such powers and duties as are or shall be provided by general laws, except as otherwise provided in this Charter and not in conflict with the provisions hereof; and shall have and perform such other and further powers and duties as are or shall be provided for in this Charter.

Section 4. At the first regular meeting of the Board of Supervisors after noon of the first day of January following an election of supervisors, the Board shall elect one of its members as Chairman of the Board to serve until noon of the first Monday after the first day in January two years thereafter.

Section 5. The Chairman of the Board of Supervisors shall be the general executive agent of the Board. It shall be his duty, subject to regulation and control by the Board, to exercise general supervision over the official conduct of all county officers and officers of all districts and other subdivisions of the county charged with the assessment, collecting, safekeeping, management, or disbursement of public revenue; also over all county institutions, buildings, and property. He shall report to the Board from time to time with such recommendations as he shall deem proper. He shall devote his entire time during usual office hours to the duties of his office. He shall keep an office in the room or rooms where the Board usually meets, and shall be in attendance at such office during usual office hours, except when elsewhere engaged in the performance of his official duties.

Section 6. Each member of the Board of Supervisors shall receive as compensation for his services as such Supervisor, the salary as fixed by general law.

Section 7. A Supervisor may be removed from office in the manner provided by law. Any vacancy in the office of Supervisor will be filled by appointment by majority vote of the remaining members of the Board from amongst the qualified electors of the supervisorial district in which such vacancy exists. The appointee shall hold office until the election and qualification of his successor. An election shall be held to fill the vacancy for the unexpired term at the next general election unless the term expires on the first Monday of December next

succeeding the election. Nomination and election of a supervisor for the unexpired term shall be by district in like manner as hereinbefore provided for such officer.

Section 8. It shall be the duty of the Board of Supervisors by ordinance to insure that any elective officer required by general law to post individual bond shall do so and that any other county officers or employees required to be bonded shall be covered under a master bond.

SECTION 2. Article II, relating to County Officers Other Than Supervisors, is amended to read:

## Article II
## Other County Officers

Section 1. The county officers other than Supervisors shall be such officers as are required or authorized by the Constitution, this Charter, general law, or by ordinance of the Board of Supervisors.

Section 2. The duties of the following county officers are hereby consolidated:

A. Treasurer, Tax Collector, and License Collector.

B. Public Administrator and Coroner.

The Board of Supervisors may, by ordinance, consolidate any two or more county offices or may separate any offices now or hereafter consolidated. In the event of consolidation of an elective office with an appointive office, such consolidated office shall be filled in the same manner in which the elective office is filled.

Section 3. All county offices in this county, now or hereafter existing, other than the office of supervisor, that would under the general laws of this state be filled by election, if no County Charter had been adopted, are hereby declared to be and are made elective county offices and the incumbents thereof are declared to be and are made elective county officers, and all such elective county officers shall be elected at the general election at which the Governor is elected, and shall take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election and shall hold office until their successors are elected or appointed and qualified, and all such elective county officers shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

Section 4. All county offices in this county that would under the general laws be filled by appointment if no County Charter had been adopted, and all county offices hereafter created or existing in this county under or pursuant to general law, in which such general law a method of filling such offices by appointment is provided, are hereby declared to be and are made appointive county offices, and the incumbents thereof are declared to be and are made appointive county officers; and all such appointive county offices be respectively filled in the same manner, and by the same appointing body or

person as is provided in such general laws, and such appointive county officers shall be appointed and hold office for the same time and upon the same conditions as to tenure of office and subject to the same right of removal as though such appointment had been made under such general laws provided nothing in this section contained shall be deemed to relate to the appointment of assistants, deputies, attaches, and other persons to be employed in such appointive offices.

Section 5. Compensation of all county officers and employees, other than members of the Board of Supervisors, shall be established by ordinance by the Board of Supervisors.

Section 6. Any county officer other than supervisor may be removed from office in the manner provided by law; also any such officer may be removed by a four-fifths vote of the Board of Supervisors, for cause, after first serving upon such officer a written statement of alleged grounds for such removal, and giving him a reasonable opportunity to be heard in the way of explanation or defense.

Section 7. Any vacancy in a county office other than that of supervisor, shall be filled by the Board of Supervisors by appointment for the unexpired term.

Section 8. There is hereby established the office of County Counsel. He shall act as legal adviser and counsel for the various county officers, boards and commissions as prescribed by general law. The County Counsel shall be a duly qualified and licensed attorney admitted to practice in all the courts of the State of California. The County Counsel shall be appointed by the Board of Supervisors from an eligible list certified by the Civil Service Commission in the manner provided by law and regulations of the Civil Service Commission.

Section 9. There is hereby established the office of Registrar of Voters. The Registrar of Voters shall have the powers and duties of supervision of all elections now vested by general law in the County Clerk. The Registrar of Voters shall be appointed by the Board of Supervisors from an eligible list, certified by the Civil Service Commission in the manner provided by law and the regulations of the Civil Service Commission.

Section 10. Each county officer shall be the appointing authority for all assistants, deputies, clerks, attaches, and other persons employed or serving in his office, whenever a vacancy shall exist. The number, compensation, powers, duties, and qualifications of such persons shall be prescribed or provided for by the Board of Superivsors. All such employees, except those designated by the Board of Supervisors by ordinance, shall be in the classified service of the county and subject to Civil Service rules and regulations. The appointment of any deputy must be made in writing and filed in the office of the County Clerk, and until such appointment is so made and filed, no one shall be or act as such deputy.

SECTION 3. Article 2½, Sections 2, 3, 4, 5, and 6 of Article IV, and Article VI are repealed.

SECTION 4. Article III is amended to read as follows:

Article III
Justice Court Officers

Section 1. There shall be one judge and one constable for each judicial district containing a justice court.

Section 2. Justice court judges and constables shall be nominated and elected at the times and in the manner and for the terms provided by general law. Vacancies in the office of judge or constable of a justice court shall be filled by majority vote of the Board of Supervisors for the unexpired term.

Section 3. Compensation of justice court judges and constables shall be fixed by the Board of Supervisors and shall in every case be a fixed salary but such salary need not be uniform in the justice courts nor in proportion to population.

SECTION 5. Article VII, entitled "Miscellaneous," is renumbered to be Article VI and is amended to read as follows:

Article VI
Miscellaneous

Section 1. In all cases in which the Board of Superivsors is authorized by law or by this Charter to fix the compensation of any elective officer, such compensation shall be fixed prior to the election of such officer, and shall not be increased or diminished during the term for which such officer shall be elected. The Board of Supervisors, by a four-fifths vote, may suspend the provision of this section prohibiting the increase in compensation of any officer after his election or appointment or during this term of office for any period which the United States is engaged in war and for one year after the termination of hostilities therein as proclaimed by the President of the United States.

Section 2. In all cases in which an officer is to receive a fixed salary, such salary shall be in full compensation for all service by such officer; and in all cases in which such officer is, by general law, entitled to charge or receive any fees or commissions, it shall be the duty of such officer to charge, collect and receive such fees and commissions, and to pay the same monthly to the County Treasurer; provided, that the necessary actual traveling expenses properly incurred by any officer or by any assistant, deputy, clerk or attache of such officer, in the performance of his official duties, shall be a legal charge against the county.

Section 3. All annual salaries of officers, assistants, deputies, clerks and attaches, whether fixed by general law or by this Charter or by the Board of Supervisors, shall be payable in equal bi-weekly or other period installments as determined by the Board of Supervisors. Compensation earned during any pay period shall not be payable prior to the payday established for that period.

Section 4. The Board of Supervisors may, by ordinance, provide for the appointment of a Civil Service Commission and prescribe its duties and fix the compensation and terms of office of its members; and the Board may prescribe such Civil Service rules and regulations as they shall deem proper to govern themselves in the appointment of any or all officers, assistants, deputies, clerks and attaches, whose appointment they are authorized to make, by general law or by this Charter.

Section 5. Nothing in this Charter is intended to affect, or shall be construed as affecting, the tenure of office of any of the elective officers of the county, or of any district or division thereof, in office at the time this Charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law; nor shall anything in this Charter be construed as changing or affecting the compensation of any such officer during the term for which he shall have been elected. But the successors of each and all of such officers shall be elected or appointed as in this Charter provided, and not otherwise.

Section 6. This Charter, as amended, shall take effect and be in force from and after the time of its approval by the legislature.

COUNTY CHARTER AMENDMENT
NUMBER TWENTY-SIX

SECTION 1. Section 1.1 is added to Article II of the Charter of the County of San Bernardino, State of California, to read:

Section 1.1. County officers of department head status shall be in the Unclassified Service of the county.

SECTION 2. Sections 9 and 10 of Article II and Article IV of the Charter of the County of San Bernardino, State of California, are repealed.

SECTION 3. Sections 8 and 9 of Article II and Article IV of the Charter of the County of San Bernardino, State of California, are repealed.

SECTION 4. Section 3 hereof shall become operative only if proposed County Charter Amendment Number Twenty-Five is approved, and in that event shall repeal Sections 8 and 9 of Article II as proposed by that amendment and Section 2 hereof shall be inoperative.

State of California }
County of San Bernardino } ss.

We, the undersigned, Ruben S. Ayala, Chairman of the Board of Supervisors of the County of San Bernardino, State of California, and V. Dennis Wardle, County Clerk and ex-officio Clerk of the Board of Supervisors of the said County of San Bernardino, do hereby certify:

That the foregoing proposed and ratified amendments to the charter of the County of San Bernardino, submitted to the

electors of said county at a general election held in said county on Tuesday, the 3rd day of November, 1970, have been compared by us, and each of us, with the proposed amendments County Charter Amendment Number Twenty-Five and County Charter Amendment Number Twenty-Six incorporated by reference in the ordinance adopted by said Board of Supervisors, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and cause the same to be authenticated by the seal of said Board of Supervisors of the County of San Bernardino this 3rd day of February, 1971.

RUBEN S. AYALA
(SEAL) Ruben S. Ayala, Chairman
Board of Supervisors of the
County of San Bernardino,
State of California
V. DENNIS WARDLE
V. Dennis Wardle
County Clerk and ex-officio Clerk
of the Board of Supervisors, County
of San Bernardino, State of California

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the County of San Bernardino, as proposed to, and adopted and ratified by, the electors of the county, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the County of San Bernardino.

---

## RESOLUTION CHAPTER 33

*Assembly Joint Resolution No. 10—Relative to the Federal Clean Air Act.*

[Filed with Secretary of State March 22, 1971.]

WHEREAS, Under Section 233 of the Clean Air Act, as amended by the Clean Air Amendments of 1970, the federal

government has forbidden any state, or political subdivision thereof, from adopting or enforcing any standard respecting emissions of any air pollutant from any aircraft or engine thereof, unless such standard is identical to the standard adopted by the Administrator of the Environmental Protection Agency for such an aircraft; and

WHEREAS, The Administrator of the Environmental Protection Agency is not required to adopt aircraft emission standards until 360 days after December 31, 1970, the date of enactment of the Clean Air Amendments of 1970; and

WHEREAS, The standards would not take effect upon adoption if the Administrator of the Environmental Protection Agency finds that additional time is necessary for the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period; and

WHEREAS, Only after over two years of extensive hearing and study did the California Legislature enact Section 39077.2 of the Health and Safety Code to provide that, commencing on January 1, 1971, emissions from any aircraft for a period over 10 seconds in any one hour may not equal or exceed the darkness in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines; and

WHEREAS, Sufficient technology has been developed and is available to enable a majority of the aircraft engines used in California to be operated within the Ringelmann No. 2 standard; and

WHEREAS, Aircraft emissions constitute a major source of air pollution in California and it is essential that this source of air pollution be controlled at the earliest possible time in order to attain the statewide ambient air quality standards adopted by the California State Air Resources Board on November 19, 1970, which standards were based on health recommendations of the State Department of Public Health; and

WHEREAS, The preeminence of California in the control of air pollution is recognized by the federal government as exemplified by Section 209 of the Clean Air Act, which authorized California, upon approval of the Administrator of the Environmental Protection Agency, to adopt standards stricter than federal standards for motor vehicle emissions; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Administrator of the Environmental Protection Agency to adopt as soon as possible an emission standard for aircraft, operated in California and propelled by engines for which smoke control devices have been developed, to prohibit emissions therefrom for a period of over 10 seconds in any one hour to equal or exceed the darkness in shade as that designated as No. 2 on the Ringelmann Chart, as

published by the United States Bureau of Mines; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Administrator of the Environmental Protection Agency.

---

## RESOLUTION CHAPTER 34

*Senate Concurrent Resolution No. 51—Relative to the late Jack B. Tenney.*

[Filed with Secretary of State March 23, 1971.]

WHEREAS, Death has claimed the distinguished Jack B. Tenney, the former Senator and Assemblyman, who stands high in the memory of his colleagues as one who represented the most populous county in the state with dignity and resourcefulness, with its wide and varied interests and its multiplicity of claims for legislative attention; and

WHEREAS, During almost 20 years as a member of the Legislature he rendered conspicuous and valuable service to the people of the State of California as the chairman of important committees; and

WHEREAS, As Chairman of the Joint Fact-Finding Committee on Un-American Activities for nearly 10 years, he alerted the people of this state and the nation to the menace of communism and, although urged by the Senate to continue in this position, he declined reappointment in 1949 in order to devote more time to his other heavy duties; and

WHEREAS, He distinguished himself in the military service, serving his country in World War I at General Headquarters, U.S. Army, American Expeditionary Forces, Chaumont, Haute Marne, France, and became a nationally recognized leader in veterans organizations; and

WHEREAS, A member of the American Federation of Musicians since 1919 and past President of Local 47, he composed the nationally famous "Song of the Legionnaire," as well as numerous other songs, including the all-time favorite, "Mexicali Rose"; and

WHEREAS, He was a prominent attorney in southern California and a man of diversified talents, geniality and conviviality, and one much beloved by his fellowmen; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Legislature of the State of California pay this tribute to a distinguished and respected leader, Jack B. Tenney, who will be long and dearly remembered; and be it further

*Resolved,* That the Secretary of the Senate transmit suitably prepared copies of this resolution to his widow, Linnie Tenney,

his daughters, Leila Florence Donegan and Virginia Woodward, his sister, Marie O'Connor, and his stepfather, J. W. Crawford.

## RESOLUTION CHAPTER 35

*Assembly Concurrent Resolution No. 53—Relative to Blue Angels Peak.*

[Filed with Secretary of State March 31, 1971.]

WHEREAS, A group of citizens of Imperial County are desirous of naming the highest mountain in Imperial County, which is 4,548 feet high, in honor of the United States Navy's flight demonstration team known as the Blue Angels; and

WHEREAS, The naming of this prominent peak in the San Diego Mountain Range overlooking Smugglers Cave after the Navy's famed flight demonstration team is a fitting tribute to this outstanding unit; and

WHEREAS, The name Blue Angels Peak has been proposed by the Board of Supervisors of Imperial County and has been approved by the United States Department of Interior Board on Geographic Names; and

WHEREAS, The Blue Angels flight demonstration team has indicated that it is happy and honored to have the highest mountain in Imperial County named Blue Angels Peak; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the name Blue Angels Peak, honoring the United States Navy flight demonstration team, is hereby recognized as the name of the highest peak in Imperial County with an elevation of 4,548 feet; and be it further

*Resolved,* That the Chief Clerk transmit a copy of this resolution to the Board of Supervisors of Imperial County.

## RESOLUTION CHAPTER 36

*Assembly Concurrent Resolution No. 67—Approving an amendment to the Charter of the City of Los Alamitos, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the third day of November, 1970.*

[Filed with Secretary of State April 2, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Los Alamitos, a municipal corporation in the County of Orange, State of California, as hereinafter

set forth in the certificate of the mayor and city clerk of the city, as follows:

CHARTER AMENDMENT CERTIFICATE

State of California
County of Orange } ss.
City of Los Alamitos

We, the undersigned, William S. Brown, Mayor of the City of Los Alamitos, State of California, and Doris G. Pass, City Clerk of the City of Los Alamitos, State of California, and ex officio Clerk of the City Council of said City, do hereby certify and declare as follows:

Whereas, A Special Municipal Election was held within the City of Los Alamitos, California, on the 3rd day of November, 1970, said Election being Consolidated with the Statewide General Election, for the purpose of submitting to the qualified voters of said City an Amendment to the Charter of said City relating to granting to the City Council authority to fix compensation for commissioners.

Now, therefore, I, William S. Brown, Mayor of the City of Los Alamitos, and Doris G. Pass, City Clerk of the City of Los Alamitos, do hereby certify as follows:

That, the undersigned, Doris G. Pass, was at all times herein mentioned the Clerk of the Legislative Body of the City of Los Alamitos and the City Clerk of the said City of Los Alamitos; that, heretofore, and prior to this date, the City Charter, for the City of Los Alamitos, was adopted by a vote of the people on the 6th day of September, 1966, and was adopted by the Senate of the State of California on March 29, 1967 and by the Assembly thereof concurring on April 4, 1967. Senate Concurrent Resolution No. 28 was received and certified to by the then Assistant Secretary of State, H. P. Sullivan, on the 11th day of April, 1967.

That, at a Regular Adjourned Meeting of the City Council of the City of Los Alamitos, California, held on the 17th day of August, 1970, the City Council, by Resolution No. 476, adopted by the unanimous vote of all its members present, three members being present, ordered said City Clerk to place the proposition of the adoption of said proposed Charter Amendments on the ballot at the Special Municipal Election ordered in the City of Los Alamitos for the 3rd day of November, 1970, for the purpose of submitting said proposition to the electors of the City of Los Alamitos, and which Resolution ordered that said Charter Amendments be filed with the City Clerk of the City of Los Alamitos, consisting of one page, was filed in the office of the City Clerk in the City Hall, at Los Alamitos, California, and said Resolution further ordered that the adoption of the Charter Amendments should be submitted to the electors at said Special Municipal Election held on the 3rd day of November, 1970, and directed that said City

Clerk publish said proposed Charter Amendments in the News-Enterprise, the official newspaper of the said City, which is a newspaper of general circulation printed and published in the City of Los Alamitos.

That, said proposed Charter Amendments were published pursuant to said order in the Los Alamitos News-Enterprise on September 3rd and September 10, 1970, that the date set for the submission to the electors of said proposed Charter Amendments, to wit: November 3, 1970, was not less than forty nor more than sixty days after the completion of the advertising in said official paper, as aforesaid mentioned.

That, until the day fixed for the election upon said Charter Amendments, there were copies of said Charter Amendments available in the office of the City Clerk.

That, the population of the City of Los Alamitos is more than 10,000 inhabitants, as ascertained by the last preceding census, taken under the authority of the Congress of the United States.

That, said Election was duly and regularly held on the 3rd day of November, 1970, and that at said Election a majority of the qualified voters voting thereon voted in favor of said proposed Charter Amendments and for the ratification and adoption thereof. Said Charter Amendment as set forth was as follows:

Section 1005 of the City Charter shall be amended as follows:

"The first paragraph of Section 1005 shall be deleted in its entirety and the following language shall be inserted in lieu thereof:

Section 1005. Compensation. Vacancies. : The members of Boards, and Commissions may be compensated for their services as such, and may receive reimbursement for necessary traveling and necessary expenses incurred on official duty when such expenditures have received authorization by the City Council. Prior to the payment of any compensation to any member of the Board or Commission, the City Council shall be Ordinance establish the amount of compensation to be paid."

The balance of Section 1005 as originally adopted shall remain unchanged.

That, the Argument for Proposed Charter Amendment was set forth as follows:

A Yes vote on the proposed Charter Amendment is a vote by the community to express appreciation to those Los Alamitos citizens who serve on various City Boards and Commissions, such as the Planning Commission and the Park-Recreation Commission. A Yes vote will permit those citizens, who devote much time and effort each month on the various Commissions, to "receive compensation for their services, as well as reimbursement for necessary traveling and necessary ex-

penses incurred on official duty when said expenditures have received authorization by the City Council". We feel that continued service to our community will be greatly enhanced if we can provide a token of appreciation to these men and women, if compensation and reimbursement is provided by the City.

s/s WILLIAM S. BROWN, Mayor
JOSEPH H. HYDE, Mayor Pro Tem
DALE KROESEN, Councilman
CHARLES H. LONG, Councilman

That, there was no Argument against the Proposed Charter Amendment filed.

That, said City Council of the City of Los Alamitos, at a meeting duly held on the 23rd day of November, 1970, at the time and in the form and manner required by law in accordance with the law in such cases made and provided, duly adopted Resolution No. 488, declaring the results of said election, as Certified by the Certificate of Registrar of Voters as to the Canvass of the Special Election Returns, and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of said proposed Charter Amendments and for the ratification and adoption thereof and that the same was adopted and ratified by more than the majority of the qualified voters of the City of Los Alamitos voting thereon, as follows, to wit:

| | |
|---|---|
| Votes in favor of the ratification of said proposed charter amendment | 1491 |
| Votes against the ratification of said proposed charter amendments | 1208 |

That said Election was held in accordance with the election laws of the State of California relating to and governing elections in cities and further, that said Election was consolidated with the Statewide General Election and was conducted by the Registrar of Voters, County of Orange, State of California.

WILLIAM S. BROWN
(SEAL) Mayor of the City of Los Alamitos

Attest:
DORIS G. PASS
City Clerk of the City of Los Alamitos
Dated: January 5, 1971

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Los Alamitos, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Los Alamitos.

## RESOLUTION CHAPTER 37

*Assembly Joint Resolution No. 13—Relative to space shuttle program.*

[Filed with Secretary of State April 12, 1971.]

WHEREAS, The hub of NASA's future space plans is the earth-orbited manned space station, from which interorbital ferries and planetary expeditions will depart, and hopefully, it will prove to be the precursor for the module that will eventually carry men to Mars and back; and

WHEREAS, In order to support the station and its subsequent additions, an earth-to-orbit shuttle is required; and

WHEREAS, Together, the space station and shuttle are the keystones to the next major accomplishments of the nation's space program; and

WHEREAS, California's year-round climatic conditions are ideal for the earthside operations of the so-called "shuttle ship" to the future United States space station; and

WHEREAS, California has a tremendous reserve of highly trained engineers and technicians experienced in aerospace; and

WHEREAS, California's aerospace industry presently has unused capacity and the capability to supply all project components at the lowest cost; and

WHEREAS, California offers a variety of launch and recovery sites in clear weather areas; and

WHEREAS, California offers the necessary open space to allow for a launch area 7,000 miles long free of any population and not crossing over any foreign country, or miles of dry lakebed areas for recovery; and

WHEREAS, California has available, in place, most of the operating facilities required; and

WHEREAS, California's vast unemployment problem would be greatly alleviated with the employment that would be generated by locating the space shuttle project here; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of

the United States, and requests the National Aeronautics and Space Administration, to permanently locate the launch and reentry facilities for the space station shuttle ship project in the State of California; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the National Aeronautics and Space Administration.

---

## RESOLUTION CHAPTER 38

*Assembly Concurrent Resolution No. 75—Approving an amendment to the Charter of the City of San Bernardino, State of California, ratified by the qualified electors of the city at an election held therein on the second day of February, 1971.*

[Filed with Secretary of State April 15, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California
County of San Bernardino } ss
City of San Bernardino

We, the undersigned, Al C. Ballard, Mayor of the City of San Bernardino, State of California, and Lucille Goforth, City Clerk of said City, do hereby certify and declare as follows:

The City of San Bernardino, in the County of San Bernardino, State of California, was at all times mentioned herein and now is a City of the State of California existing and acting under a Charter duly adopted and approved under and by virtue of the Constitution of the State of California, containing a population of over fifty thousand inhabitants.

The legislative body of said City on its own motion submitted to the electors of said City, at a Primary Municipal Election held within said City on the 2nd day of February, 1971, a proposed amendment to the City Charter of said City.

Said proposed amendment was published in The San Bernardino Evening Telegram, being a newspaper of general circulation therein, and being an official newspaper of said City, on the 23rd day of December, 1970, in each edition thereof on said day and said publication was made at the time and in the

manner prescribed in Part 1 Chapter 3 Sections 34450 through 34466 of the Government Code of State of California Title 4 Division 2.

Said legislative body caused copies of said amendment to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said City and, until the day fixed for said election, advertised in The San Bernardino Evening Telegram, being a newspaper having a general circulation in said City, a notice that copies thereof could be had upon application therefor, and in accordance with said notice copies thereof could be had upon application therefor.

Said election was duly and regularly held on the said 2nd day of February, 1971, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendment, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendment to said City Charter.

Said proposed amendment was duly and regularly submitted to, and duly ratified by, the said qualified voters of said City, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said City have been complied with.

Said amendment is as follows:

Article II, Section 13 of the Charter of the City of San Bernardino is amended to read as follows:

Section 13. There shall be elected at the general election in 1969, and every fourth year thereafter, three members of the Common Council, one each from the First, Second and Fourth Wards, who shall have been residents of their respective wards for at least one year next preceding their election and who shall be elected by the qualified electors of their respective wards for terms of four years commencing on the second Monday in May next succeeding their elections.

Article II, Section 14 of the Charter of the City of San Bernardino is amended to read as follows:

Section 14. There shall be elected at the general election in 1967, and every fourth year thereafter, four members of the Common Council, one each from the Third, Fifth, Sixth and Seventh Wards, who shall have been residents of their respective wards for at least one year next preceding their election and who shall be elected by the qualified electors of their respective wards, a City Attorney, City Clerk, and City Treasurer elected at large, who shall hold office for terms of four years from and after the second Monday in May next succeeding their elections.

There shall be elected at the general election in 1967, and every second year thereafter, a Mayor who shall be elected at

large for a term of two years commencing on the second Monday in May next succeeding his election.

Article II, Section 14-A of the Charter of the City of San Bernardino is amended to read as follows:

Section 14-A. A vacancy in the Common Council, from whatever cause arising, shall be filled for the unexpired term thereof through the election of a successor councilman by the qualified electors of the ward in which the vacancy has occurred. Such councilman shall have been a resident of the ward for at least one year next preceding his election.

Said election shall be held at the time established by the Mayor and Common Council and shall be conducted in the manner provided for by general law; provided that the Mayor and Common Council shall have power by ordinance to provide for the manner of holding such election and such ordinance shall prevail over the general law.

We have compared the said ratified amendment with the original proposed amendment submitted to the qualified electors of the said City, and find that the foregoing is a full, true and correct copy of said amendment.

We further certify that the facts set forth in the preamble preceding said amendment to said Charter, and each of them, are true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of San Bernardino to be attached on this 1st day of March, 1971.

(SEAL)

AL C. BALLARD
Mayor of the City of
San Bernardino, California
LUCILLE GOFORTH
City Clerk of the City of
San Bernardino, California

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of San Bernardino, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of San Bernardino.

## RESOLUTION CHAPTER 39

*Senate Concurrent Resolution No. 35—Relative to Los Angeles earthquake.*

[Filed with Secretary of State April 16, 1971.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members request the Governor, the Departments of Human Resources Development, Social Welfare, Public Works, Water Resources, the Office of Emergency Services, and any other state departments or agencies when using state and federal disaster funds to employ personnel, other than regularly employed personnel, to perform work in connection with the Los Angeles area earthquake disaster, to give priority to employing able-bodied men and women, including aerospace engineers, who are now unemployed or who are now receiving welfare benefits, for such work; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Governor, the Departments of Human Resources Development, Social Welfare, Public Works, Water Resources, and the Office of Emergency Services.

## RESOLUTION CHAPTER 40

*Senate Joint Resolution No. 16—Relative to earthquake-damaged dwellings.*

[Filed with Secretary of State April 16, 1971.]

WHEREAS, The northeast San Fernando Valley, situated in Los Angeles County, suffered a disastrous earthquake on the morning of February 9, 1971; and

WHEREAS, It has been estimated that approximately 1,000 dwellings will be condemned as unsafe for human occupancy; and

WHEREAS, The affected homeowners face staggering monetary expenditures as they attempt to repair and replace their domiciles; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Secretary of the Treasury to establish interest rates not to exceed 1 percent on Federal Small Business Administration loans to homeowners for repair or replacement of earthquake-damaged dwellings; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States and to the Secretary of the Treasury.

## RESOLUTION CHAPTER 41

*Senate Joint Resolution No. 25—Relative to economic dislocation caused by curtailment of the SST program.*

[Filed with Secretary of State April 16, 1971.]

WHEREAS, The recent decision of the Congress of the United States to suspend continued federal support of development of a supersonic transport will result in severe economic dislocation in parts of California; and

WHEREAS, The elimination of subcontracted work related to SST development will result in yet more unemployment in an already severely depressed aerospace and technical job market in California; and

WHEREAS, This economic crisis should be met by immediate federal action to provide California workers and California industry with new jobs and new contracts; and

WHEREAS, It is hoped that Senator Alan Cranston and Senator John V. Tunney will especially do whatever they can to obtain federal assistance for the California economy; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide economic assistance to California to meet the economic dislocation caused by the curtailment of the SST program; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 42

*Assembly Concurrent Resolution No. 17—Relative to child support enforcement activities.*

[Filed with Secretary of State April 16, 1971.]

WHEREAS, Tens of thousands of children and mothers in this state are left behind by vanishing, nonsupporting fathers who are costing this state millions of dollars a year for their support; and

WHEREAS, A critical problem in child support enforcement activities is the tracing and location of parents who have deserted or abandoned their children; and

WHEREAS, When it comes to tracing, California, which leads all other states in the number of absent fathers, lags behind

many other states whose problems with absconding fathers cannot possibly compare; and

WHEREAS, This state, with 60,000 "hard" core cases a year, maintains a four-member staff in the central registry of the Department of Justice; Arizona, with an annual caseload of 9,000, employs 19 persons to do its tracing; and Washington, D.C., with 3,000 missing cases a year, has 25 employees; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Justice conduct a study of staffing requirements at state and local levels to adequately carry out a program of tracing and locating parents who have deserted or abandoned their children and to report its findings and recommendations to the Legislature by May 1, 1971; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Department of Justice.

## RESOLUTION CHAPTER 43

*Assembly Concurrent Resolution No. 76—Approving the Charter of the City of Temple City, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the ninth day of March, 1971.*

[Filed with Secretary of State April 16, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of the Charter of the City of Temple City, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California
County of Los Angeles } ss:
City of Temple City

We, the undersigned, Louis W. Merritt, Mayor of the City of Temple City, State of California, and Karl L. Koski, City Clerk of the City of Temple City, do hereby certify as follows:

That the City of Temple City, a municipal corporation in the County of Los Angeles, State of California, is now and at all times herein mentioned, was a city containing a population of more than thirty-five hundred (3,500) inhabitants (but less than 50,000) and has been ever since the year, 1960, and now is organized and existing and acting as a General Law City under the statutes of the State of California.

That in accordance with the provisions of Article XI Section 8 of the Constitution of the State of California, and on its own motion, the City Council of the City of Temple City being the legislative body of said City, duly and regularly submitted to the qualified electors of said City a proposal to adopt a Charter

for said City and to be voted upon by said qualified electors at a Special Municipal Election held in said City on the 9th day of March, 1971.

That said proposed Charter was published and advertised in accordance with the provisions of Article XI Section 8 of the Constitution of the State of California on the 17th day of January, 1971, in the Temple City Times, a bi-weekly newspaper of general circulation, printed, published and circulated in the City of Temple City.

That copies of said proposed Charter were printed in pamphlet form in type of not less than 10 point and copies thereof were available at the office of the City Clerk of the City of Temple City to and including the 9th day of March, 1971, the day fixed for said election. That all requisite procedural steps and notices required for said election were duly performed.

That said Special Municipal Election was duly and regularly held in the City of Temple City on the 9th day of March, 1971, which day was not less than forty (40) days nor more than sixty (60) days after the completion of the published advertisement of the aforementioned proposed Charter.

That the returns of said election were in accordance with the law in such cases, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers duly authorized thereunto, that the Charter of the City of Temple City hereinafter set forth was ratified by a majority of the electors of said City voting thereon. That the City Council of the City of Temple City did, by its Resolution No. 71-1084, on March 16, 1971, duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Charter of the City of Temple City, so ratified by the electors, is in the following words and figures:

## CHARTER

### CITY OF TEMPLE CITY

## CHARTER OF THE CITY OF TEMPLE CITY

### Preamble

We, the people of the City of Temple City, County of Los Angeles, State of California, do ordain and establish this Charter as the organic law of said City under and by virtue of the Constitution of the said State.

### Article I

### Status of City

Section 100. Name of City. The general law city, in existence prior to the effective date of this Charter, known as the "City of Temple City", shall be deemed, for all purposes, to continue in existence, as a chartered city, from and after the effective date of this Charter. Said City, as a chartered city, shall continue to be known as the "City of Temple City".

Section 101. Boundaries. The boundaries of the City of Temple City, as a chartered city, shall be identical to the boundaries of said City of Temple City, a general law city,

as were lawfully in existence as of the effective date of this Charter. After the effective date of this Charter, the boundaries may be altered only as provided by applicable or general law.

Section 102. Effective Date of Charter. This Charter shall be effective from and after the date of its approval by the Legislature of the State of California.

## Article II

### Definitions and Interpretation of Charter

Section 200. Definitions. For the purpose of this Charter, the following words and phrases shall be deemed to have the meanings hereinafter ascribed to them, unless from the context thereof a contrary meaning is clearly intended:

(1) "Adjudicated Newspaper" shall mean a newspaper which is adjudicated as such pursuant to the provisions of Section 6000 et seq. of the Government Code of the State of California.

(2) "Applicable Law" shall mean an enactment of the Legislature which lawfully governs, allows or regulates activities of cities having a charter adopted pursuant to the provisions of the Constitution.

(3) "Appointive Officers" shall mean those officers designated as such by this Charter.

(4) "Ralph M. Brown Act" shall mean that Act of the State Legislature entitled as such, as the same now exists or as the same may hereinafter be lawfully amended, designated as Section 54950 et seq. of the Government Code.

(5) "Charter" shall mean this Charter as it now exists, or as it may hereafter be amended.

(6) "City" shall mean the City of Temple City, established as a charter city by this Charter.

(7) "City Attorney" shall mean the duly appointed, qualified and acting City Attorney of City.

(8) "City Clerk" shall mean the duly appointed, qualified and acting City Clerk of City.

(9) "City Council" shall mean the legislative body of City.

(10) "City Manager" shall mean the duly appointed, qualified and acting City Manager of City.

(11) "City Treasurer" shall mean the duly appointed, qualified and acting City Treasurer of City.

(12) "Constitution" shall mean the Constitution of the State of California.

(13) "Councilman" shall mean a member of the City Council of City.

(14) "County" shall mean the County of Los Angeles.

(15) "Elections Code" shall mean the Elections Code of the State of California as the same exists as of the effective date of this Charter, and as the same may hereinafter be amended by lawful authority.

(16) "Elective Officers" shall mean those officers designated as such by this Charter.

(17) "Elector" shall mean any person who qualifies for the right of suffrage pursuant to Article II, Section 1 of the Constitution of the State.

(18) "Former City" shall mean the City of Temple City, a general law city, organized and existing as such, prior to the effective date of this Charter, and, as to which the City is its successor in interest, by reason of the adoption of this Charter.

(19) "General Law" shall mean an enactment of the Legislature of the State which lawfully governs, allows or regulates activities of a general law city, as defined in Section 34100 of the Government Code of the State of California, which applies to the City of Temple City, solely by reason of the provisions of this Charter, or an ordinance adopted by the City Council of the City.

(20) "Government Code" shall mean the Government Code of the State of California as the same exists as of the effective date of this Charter, and as the same may hereinafter be amended by lawful authority.

(21) "May" is permissive.

(22) "Mayor" shall mean the duly appointed, qualified and acting Mayor of City.

(23) "Mayor Pro Tempore" shall mean the duly appointed, qualified and acting Mayor Pro Tempore of City.

(24) "Municipal Affair" shall mean those matters which have been, and continue to be, held to be such by courts of record in the State of California.

(25) "Person" shall mean any person, firm, association, organization, partnership, business, trust company or corporation, and any municipal, political or governmental corporation, district, body or agency, other than the City of Temple City.

(26) "Registered Qualified Voter" shall mean an elector who is lawfully registered, pursuant to applicable provisions of the Elections Code, and is thus entitled to cast a ballot in any national, state or local election held within the City.

(27) "Shall" is mandatory.

(28) "State" shall mean the State of California.

Section 201. Reference to Laws. Wherever reference is made in this Charter to any law or Code provision enacted by the Legislature of the State, or to any constitutional provision, said reference shall mean and include any amendment thereto, enacted after the effective date of this Charter; provided, however, if any such law is repealed in whole or in part, the City Council, by ordinance, may enact provisions, consistent with this Charter, covering the substance of such repealed legislation.

## Article III

### Succession

Section 300. Rights and Liabilities. The City shall be deemed, for all purposes, to be the successor in interest to the former City. The said City shall succeed to, own, possess, hold and control all rights, including, but not limited to, rights in and to personal and real property, owned, possessed, controlled or held by said former City, as of the effective date of this Charter. Said City shall be deemed, for all purposes, to be subject to all debts, obligations, liabilities and duties of the said former City, as such existed as of the effective date of this Charter.

Section 301. Validation of Prior Acts. All lawful acts heretofore taken by, or on behalf of, the said former City, by its City Council, or any officer, employee, commission, committee or board thereof, shall be deemed, for all purposes, to continue in full force and effect from and after the effective date of this Charter. The validation of such acts as provided for herein shall include, but not be limited to, all lawful ordinances, resolutions, rules, regulations or any portion thereof, in force as of the effective date of this Charter, except to the extent that any such act is inconsistent, in whole or in part, with any provisions of this Charter; to that extent the same shall be deemed void for all purposes. Any such act, so validated, shall be subject to amendment, modification or repeal by lawful authority pursuant to this Charter.

Section 302. Continuation of Status of Officers and Employees. All officers and employees, including but not limited to, elective officers of the said former City shall, as of the effective date of this Charter, continue to perform the duties of their respective offices and positions. Except as otherwise expressly provided in this Charter, the adoption hereof, as to such officers and employees, shall not affect or impair any right, privilege or retirement benefit of such officers and employees lawfully held by them as of the effective date of this Charter. The tenure of, and the performance of duties by, all such officers and employees shall be subject to the provisions hereof.

Section 303. Public Contracts. All contracts lawfully entered into by the said former City, prior to the effective date of this Charter, shall continue in full force and effect, notwithstanding the adoption of this said Charter.

Section 304. Pending Proceedings. Any action or proceeding, civil, criminal or administrative, pending as of the effective date of this Charter, as to which the said former City, or any officer or employee thereof, is a party or participant, shall not be affected, altered or abated by reason of the adoption of this Charter or by any provision hereof. Any such action or proceeding shall be processed to its conclusion, in accordance with all laws applicable thereto, notwithstanding the adoption of this said Charter.

## Article IV

### Powers of City

Section 400. Powers. The City, from and after the effective date hereof, shall have the power to make and enforce all ordinances and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter, and in the Constitution of the State of California. The said City shall also have the rights, powers and privileges heretofore or hereafter established, granted or prescribed by any lawful authority, including, but not limited to, those rights, powers and privileges now or hereafter accorded to general law cities, and such authority as a chartered City might lawfully exercise under and by virtue of, the Constitution of the State.

Section 401. Limitation of Powers. The enumeration in this Charter of any specific power shall not be deemed, for any purpose, to be a limitation upon the general grants of power, as set forth in this Charter.

Section 402. Exercise of Powers. The City shall exercise its powers in the manner established by applicable laws of the State, unless a different procedure is established by this Charter or by an ordinance lawfully adopted by the City Council of said City.

Section 403. Joint Powers. The City may exercise all or any of the powers herein set forth singly or jointly with other public agencies in the manner provided by general law.

## Article V

### Municipal Elections

Section 500. Conduct of Elections. Except as otherwise provided by ordinance, all municipal elections hereafter conducted by or on behalf of the City shall be held and processed in accordance with the provisions of the Constitution and the Elections and Government Codes.

Section 501. Elective Officers. The elective officers of this City shall be five (5) members of the City Council, each of whom shall hold the office of Councilman.

Elective officers of the City shall be elected for four year terms by the registered qualified voters of the City, on an at large basis, at general or special municipal elections, held for that purpose. General municipal elections shall be conducted on the 2nd Tuesday in April of each even-numbered year, commencing on and after the effective date of this Charter.

Section 502. Qualification for Elective Office. The qualifications for any person to hold an elective office of the City shall be as follows:

1) any such person shall be an elector, within the meaning of the Constitution of the State; and

2) any such person shall have been a bona fide resident of the City for at least one year next preceding the date of the

cil shall choose one of its members as Mayor, and one of its members as Mayor Pro Tempore, upon the following occasions:

(a) in even numbered years, at the regular Council meeting held for the purpose of canvassing the results of the general municipal election; and

(b) in odd numbered years, at the first regular Council meeting held during the month of April; or

(c) at such other times as a majority of the Council shall so order.

The Councilman chosen as Mayor shall, in addition to the performance of his duties as a Councilman, preside at all City Council meetings, represent the City as the ceremonial head of City government, and perform such other acts as may be required of him, as directed by the City Council, consistent with this Charter, ordinance of the City or other applicable law. In the case of the absence or disability of the Mayor, the Mayor Pro Tempore shall act in his place and stead.

Section 602. Vacancies in Elective Offices. Any vacancy occurring in any elective office of the City, may be filled by the City Council, by resolution, adopted by the affirmative votes of not less than three (3) members of the City Council. If the City Council fails, for any reason, to fill such vacancy within a period of thirty days from and after such office becomes vacant, it shall within not to exceed six (6) months, call and hold an election to fill such vacancy. A person appointed or elected to fill a vacancy in an elective office shall hold such office for the unexpired term of the former incumbent.

If at any time, three (3) or more vacancies occur in elective offices of the City, then the following procedure shall take place:

1) if such situation qualifies under the provisions of a disaster as provided by applicable law, and the City has provided for the preservation of local government as provided thereunder, then such preservation shall be observed; or

2) if such situation does not so qualify, or if such preservation has not been provided, then the then Chairman of the Board of Supervisors of the County shall temporarily appoint qualified persons to such three or more vacant offices for the limited purpose hereinafter set forth. Upon such persons being so appointed, the City Council as thus constituted, shall meet forthwith at a time and place to be selected by the City Clerk for the purpose of calling a special election to elect qualified persons to the offices temporarily filled by such appointments. Such temporary appointees shall continue to hold such elective offices until their successors have been duly elected and qualified.

Section 603. Council Meetings.

(1) Time and Place. Regular meetings of the City Council shall be conducted at such time and place as are established by ordinance.

(2) Open to Public. Except as otherwise herein provided, each and every meeting of the City Council, be it a regular

or special meeting, or an adjourned regular or special meeting, shall be open to all members of the general public.

(3) Application of Brown Act. Except as otherwise herein provided, the provisions of the "Ralph M. Brown Act" shall apply to all meetings and acts of the City Council, and its members.

(4) Executive Sessions of the City Council may be conducted only:

(a) to consider the appointment, dismissal or imposition of disciplinary action with respect to any officer, employee or contractor of the City; or

(b) to meet with the City Attorney or other appointed special counsel of the City, to consider matters relating to pending or potential litigation involving the City; or

(c) for such other purposes as are permitted by general law.

For the purpose of this Section, an "executive session" shall mean a session of the City Council at which only Councilmen and persons specifically directed by the City Council or authorized by applicable law shall be permitted to attend.

(5) Quorum. Three (3) members of the City Council shall constitute a quorum for the purpose of transacting business of the City Council.

(6) Oaths. The Mayor, each member of the Council and the City Clerk shall have the power to administer oaths or affirmations in proceedings pending before the City Council.

(7) Subpoenas. The City Council shall have the power to compel, by subpoena, the attendance of witnesses, and the production of any relevant evidence, at any meeting of the City Council, or of any duly appointed Board or Commission or at any hearing held before any officer or employee of the City. Subpoenas shall be issued by the City Clerk, upon order of the City Council, in the name of the City, and shall be served in the manner prescribed by applicable law for the service of subpoenas in judicial actions. Disobedience to a subpoena, or the refusal to testify to relevant matters before the City Council, except upon valid constitutional grounds, shall constitute a misdemeanor and shall be punishable as such.

(8) Rules for Proceedings. The City Council may establish rules for the conduct of its proceedings, including, but not limited to, provision for the punishment of any person who engages in disorderly conduct at a City Council meeting.

Section 604. Reimbursement for Expenses. Councilmen of the City shall be reimbursed for necessary expenses actually incurred in the performance of official duties. Such reimbursement shall not be made, unless approved by the affirmative vote of not less than three (3) members of the City Council. The City Council shall establish a procedure for the reimbursement of other officers and employees of the City for ex-

penditures incurred by them in the performance of official duties.

Section 605. Compensation of Councilmen. Compensation of Councilmen, other than reimbursement for expenses, may be established in the manner and amount as provided by general law, relating to councilmanic salaries in general law cities in this State.

Section 606. Ordinances. Except as otherwise provided in this Charter or by applicable law, the enactment of ordinances by the City Council, shall be accomplished in accordance with the provisions of this Section.

(a) Meetings. Ordinances may be adopted at either regular, special or adjourned regular or special meetings of the City Council.

(b) Adoption of Ordinances. Ordinances shall be adopted in the manner and according to the procedure provided by general law.

(c) Effective Date of Ordinances. Ordinances shall be effective in the time and manner provided by general law.

(d) Vote Required. No ordinance of this City shall become effective unless the same is adopted by the affirmative votes of at least three (3) members of the Council, except for ordinances for the adoption of which, this Charter or applicable or general law, requires a greater number of affirmative votes.

(e) Form. Each ordinance shall bear a title which shall briefly describe the subject matter of the ordinance and shall contain the following enacting clause: "The City Council of the City of Temple City does ordain". Each ordinance adopted by the City Council shall be signed by the Mayor, whose signature thereon shall be attested to by the City Clerk.

(f) Violation. Penalty. A violation of any duly enacted ordinance of the City shall constitute a misdemeanor which shall be prosecuted in the manner prescribed by applicable law. The maximum fine or penalty for the violation of any ordinance shall be in the sum of $500.00 or a term of imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. The City Council, by ordinance, shall provide for the place of imprisonment for such violation and may provide that persons convicted of a violation of any such ordinance may be compelled to perform labor on public works of the City.

(g) Codification. Any and all ordinances of the City may be compiled, consolidated, or recompiled and/or reconsolidated, and indexed and arranged in a comprehensive municipal ordinance code. Such code may be adopted by ordinance, by reference. Such code, if adopted by reference, need not be published in the manner required for other ordinances, provided that:

(1) not less than three (3) copies thereof shall be on file in the office of the City Clerk, available for examination by members of the public, prior to the adoption thereof; and

(2) that the final adoption of such Code shall not take place until a public hearing is held before the City Council to allow

interested persons to express their views on such proposed Code; and

(3) that notice of such public hearing is given by publication in an adjudicated newspaper at least ten (10) days in advance of such hearing.

Detailed regulations pertaining to any subject, such as building regulations, when arranged in a comprehensive code, including maps, charts or diagrams, may also be adopted by reference in the manner provided in this Section.

Amendments to such Code shall be enacted only by ordinance and, if no adoption by reference is involved, the procedure set forth in this subparagraph shall not apply to such adoption.

Section 607. Contracts.

(a) Council Action. No contract, for any purpose, shall obligate the City, in any manner, unless and until such contract has been approved or ratified, in written form, by the affirmative votes of not less than three (3) members of the City Council; except that:

(1) where a contractual expenditure by the City has been included in an approved City budget, City Council approval thereof shall be conclusively presumed; and

(2) where the City Manager reasonably determines that an emergency immediately requires the obtaining of goods or services, he shall be empowered to contract for the same without prior City Council approval, and such contract shall be a binding obligation of the City. The authority of the City Manager hereunder as to a particular emergency shall terminate at the next meeting of the City Council unless specifically extended.

(b) Leases. No agreement for the lease of City owned real property to any person, for a non-municipal purpose, shall be valid unless the City Council finds that the property proposed for such lease is not required, and will not be so required during the term of the agreement, for municipal purposes.

(c) Supplies and Equipment. Notwithstanding the provisions of this Section relating to contracts, the City Council shall, by ordinance, provide for the acquisition of equipment, materials or supplies, other than for public works contracts, if the same are included within a budget approved by the City Council.

(d) Surplus Property. The City Council may provide for a system for the sale, disposal or exchange of real and/or personal property which is surplus to the needs of the City.

(e) Public Works Contracts. Except as otherwise herein provided, the City shall contract for the construction or reconstruction of any public building, works, streets, drain, sewer, utility, park or playground (hereinafter "public project") in the time and manner and in accordance with general law.

Section 608. Franchises. Franchises shall be granted by the City Council only in the time and manner, and for such

purposes, as may be prescribed or authorized by the Constitution or by applicable laws of this State.

Section 609. Interference with Administrative Service. No member of the City Council shall interfere with the execution by the City Manager of his powers and duties; nor shall any Councilman direct the City Manager to appoint or remove any officer or employee of the City. Except for the purpose of inquiry, no Councilman shall deal with the administrative services of City except by and through the City Manager; nor shall any Councilman give any order or direction to any subordinate officer or employee of City. This Section shall not apply during periods of disaster proclaimed by the Governor or City Council, nor during such times as there shall be no Council designated City Manager acting in that capacity.

Section 610. Conflict of Interest. The lawful provisions of applicable and/or general law, with regard to conflict of interests, prohibited interests and disclosure of assets shall apply to, and govern the activities of each elective officer of the City.

## Article VII

## Appointive Officers

Section 700. Form of Government. The system of government established by this Charter shall be known as the "Council-Manager" form of government.

Section 701. Appointive Offices. The municipal offices, established by this Article, shall be known as appointive offices of the City. Persons shall be appointed to and removed from, such offices by the City Council, in accordance with the provisions hereof.

Section 702. City Manager. Appointment. Qualification. Compensation. The appointive office of City Manager for the City is hereby created. The qualification, appointment, salary, duties, tenure and discharge of the City Manager shall be prescribed by ordinance of the City Council.

Section 703. City Attorney. Appointment. Qualification. Compensation. The appointive office of City Attorney of City is hereby created. The City Attorney shall be directly responsible to the City Council for the performance of his duties.

(a) Appointment. A qualified person shall be appointed to the office of City Attorney, by resolution of the City Council, adopted by the affirmative votes of not less than three (3) members thereof.

(b) Compensation. The City Council shall, from time to time, by resolution, set the compensation for the office of City Attorney.

(c) Qualification. No person shall be eligible for appointment to the office of City Attorney, unless at the time of such appointment he is duly licensed as an attorney at law by the State of California, and has engaged in the practice of law for

a period of not less than five (5) years immediately preceding the date of such appointment.

Section 704. City Attorney. Duties. The duties of the office of City Attorney shall be as follows:

(a) he shall act as the legal advisor for the City, and to its officers and employees, in all matters relating to City affairs;

(b) he shall be required to appear and defend the City in all matters in civil litigation involving the City and its officers and employees. He shall prosecute all violations of City ordinances, but may, with the approval of the City Council, delegate such authority to the District Attorney;

(c) he shall prepare all ordinances, resolutions, contracts, opinions and other legal documents as required by the City Council, relating to the affairs of the City; and

(d) he shall perform such other duties as may be required of him by the City Council.

Section 705. City Attorney. Deputies. Special Counsel. The City Attorney shall have the authority to appoint deputy city attorneys, to act as such, under the control and direction of the City Attorney. Compensation for such deputies, if any, shall be set by the Council. The City Attorney may, with the approval of the City Council, engage the services of special counsel to assist him in the performance of his said duties.

Section 706. City Attorney. Removal. The City Attorney shall serve at the pleasure of the City Council and may be removed from such office, on 90 days notice, by the affirmative votes of not less than three (3) members of the City Council.

Section 707. City Clerk. Appointment. Qualification. Compensation. The appointive office of City Clerk of City is hereby created. Such office may be combined with that of any other appointive office. The City Clerk shall be appointed and removed by, and be responsible to, the City Manager.

Section 708. City Treasurer. The appointive office of City Treasurer is hereby established. The duties of the City Treasurer shall be those imposed by applicable and/or general law, except as those duties may be modified by ordinance of the City. The salary, tenure, appointment and removal of the City Treasurer shall be as prescribed by the City Council.

Section 709. Bonds. The appointive officers shall post such fidelity bonds as may be required by the City Council. Such bonds shall be a proper charge upon the City.

## Article VIII

## Officers and Employees

Section 800. Merit System. Establishment. The City Council, by ordinance, may establish a Merit System for City employees. Such system may include provisions for the method of the selection of employees, the classification, advancement, suspension, discharge, termination of such employees, and the

consolidation and elimination of positions. The said Merit System shall apply as to each office or position of employment with the City, except:

(a) elective and appointive officers; and

(b) part-time or temporary officers and employees; and

(c) members of boards and commissions.

Such system may be amended, by ordinance of the City Council, from time to time, as may be required in the discretion of the City Council in the public interest.

Section 801. Retirement. Plenary authority and power is hereby vested in the City, its City Council and its several officers and employees to do and perform any act, or exercise any authority granted, permitted or required under the provisions of the Public Employees' Retirement Act, as it now exists or hereafter may be amended, so as to enable the City to continue as a contracting City under said Retirement System. The City may terminate any such contract with the Board of Administration of the Public Employees' Retirement System only under authority granted the enabling act relating to said system.

Section 802. Compensation. The City Council, by resolution, shall from time to time establish the salaries and/or other forms of compensation for each officer or employee of the City.

## Article IX

### Fiscal Administration

Section 900. Fiscal Year. The fiscal year of the City shall begin on the first day of July of each calendar year and shall end on the thirtieth day of June of the following year.

Section 901. Budget. Submission to City Council. At least thirty-five (35) days prior to the beginning of each fiscal year, the City Manager shall prepare and submit to the City Council, a proposed annual budget, covering expected income and all proposed expenditures of City for the forthcoming fiscal year. In preparing the budget the City Manager shall utilize the most accurate available income estimates and the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object.

Not less than ten (10) copies of the proposed budget, and the City Manager's budget message, shall be on file in the office of the City Clerk, available for examination by members of the general public. Upon submission of the budget, the City Council shall select a convenient date for the conduct of a public hearing upon the adoption of such budget. Notice shall be given of such public hearing in such manner as the City Council deems appropriate to give complete and adequate notice thereof, to residents of the City. At the time of such public hearing, the City Council shall consider evidence presented by any interested person concerning any or all of the items as

contained in the proposed budget. Upon conclusion of the said public hearing, the City Council shall make such alterations, deletions or additions to the budget as proposed, is in the public interest, and thereafter, it shall approve the budget as revised. Such approval shall take place prior to the commencement of the fiscal year to which such budget relates. Upon its adoption, by the affirmative votes of at least three (3) members of the City Council, the budget shall be in effect for the ensuing fiscal year. The budget as approved shall be filed with the City Clerk, and shall be reproduced and copies made available for the use of the public and of departments, officers and agencies of the City.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget, by motion, adopted by the affirmative votes of at least three (3) members of the City Council.

Section 902. Budget. Appropriations. From and after the effective date of the budget, the several amounts stated therein as proposed expenditures, shall be deemed appropriated to the several departments, offices and agencies for the respective objects and purposes therein stated. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

Section 903. Tax Levies. The City Council shall have the authority to levy property taxes in the same time, manner and amount as is now, or hereafter, authorized by general law.

Section 904. Imposition of Other Taxes. The City Council may, by ordinance, impose any other tax, in addition to those specifically referred to in this Charter, if such tax can lawfully be imposed by a charter or general law city by virtue of the Constitution of the State, or by virtue of any general law.

Section 905. Tax Procedure. The procedure for the assessment, levy and collection of all municipal taxes and special assessment shall be prescribed by ordinance of the City Council.

Section 906. Debt. The City may incur debts, issue bonds, enter into long term leases or contracts, or otherwise financially obligate itself over one or more years, in the manner as is authorized by general law.

Section 907. Claims Against the City. Claims for money or damages against the City or any officer or employee thereof, and civil actions to enforce the same, shall be presented, filed and acted upon in the time and manner as is prescribed by the Government Code of the State of California, as the same now exists, or may hereafter be amended.

Section 908. Payment of Claims and Demands. The City Council, by ordinance, shall provide for the method and manner for the approval and payment of claims and demands against the City.

## Article X.

### Board of Education

Section 1000. Effect of Charter on School Districts. The adoption of this Charter shall not have the effect of creating any new school district nor shall the adoption of this Charter have any effect upon the existence, the boundaries or manner of operation of any school district located within the boundaries of the City, wholly or partially, as of the effective date of this Charter. Each such present school district shall continue in existence subject, in all respects, to the provisions of the Constitution and the laws of the State of California, as the same now exist or hereafter may be amended.

Section 1001. Application of State Law. The manner, the time, tenure and terms of office, with reference to the members of Boards of Education of such school districts, their qualifications, compensation and removal and the number which shall constitute any one of such boards, shall continue to be as prescribed by the Constitution and the laws of the State of California, as the same now exist or may hereafter be amended.

## Article XI

### City Boards and Commissions

Section 1100. Creation of Commissions. The City Council, by ordinance, may create such permanent or temporary boards or commissions, as it finds, in its judgment, are required to assist in the performance of any municipal function.

Section 1101. Enabling Ordinances. An ordinance establishing a board or commission shall specify the following:

(a) the number of members comprising such commission or board; and

(b) their term of office; and

(c) the powers and duties assigned to the board or commission; and

(d) the conditions under vacancies in membership shall occur automatically; and

(e) the qualifications for appointment to such board or commission; and

(f) such other matters as may be necessary, in the judgment of the Council, to enable the commission to perform its assigned functions.

Section 1102. Appropriation of Funds. The City Council in its annual budget shall include an appropriation of funds for each board or commission, in such amounts as it deems adequate for the performance of the functions assigned to such bodies.

Section 1103. Appointment and Removal of Members. Members of all commissions and boards of the City shall be appointed by the City Council and shall serve at the pleasure of said City Council. Such appointments shall be made, by resolution, adopted by the affirmative votes of not less than

three (3) members of the City Council. Any member of a board or commission may be removed, with or without cause, at any time by the affirmative vote of three (3) members of the City Council.

Any vacancy on any board or commission, from whatever cause arising, shall be filled by resolution, carried by not less than three (3) affirmative votes of the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term.

Section 1104. Meetings. Conduct of. The meetings and acts of all commissions and boards, and members thereof, of the City, shall be conducted and taken in accordance with the provisions of the "Ralph M. Brown Act." Each board or commission may adopt, by resolution, rules for the conduct of its meetings, a copy of which shall be filed with the City Clerk.

Section 1105. Compensation. Expenses. The City Council, by resolution, may provide for reimbursement for expenses and insurance coverage of board or commission members.

Section 1106 Secretary. Records The City Manager shall provide the secretarial services for each board or commission. The City Manager shall insure the adequate preparation of the minutes of board or commission meetings and shall maintain permanent files containing copies of the minutes as approved by each such board or commission, and other records relating thereto.

Section 1107. Existing Commissions. Members of existing boards and commissions holding office as such, as of the effective date of this Charter, shall continue to hold such office thereafter until their respective terms shall expire and their successors shall be appointed and qualified or until they have been removed as set forth herein.

## Article XII

### Violations. Validity.

Section 1200. Violations. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding $500.00 or by imprisonment for a term of not exceeding six (6) months, or by both such fine and imprisonment.

Section 1201. Validity. If any provision of this Charter, or the application thereof to any person or circumstance, is held judicially invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

We further certify that we have compared the foregoing proposed and ratified Charter of the City of Temple City with the original proposal submitting the same to the electors of

said City, and find that the foregoing is a full, true, correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Temple City to be affixed hereto this 16th day of March, 1971.

(SEAL)

LOUIS W. MERRITT
Mayor of the City of Temple City
KARL L. KOSKI
City Clerk of the City of Temple City

and

WHEREAS, The proposed charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the Charter of the City of Temple City, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as, the Charter of the City of Temple City.

---

## RESOLUTION CHAPTER 44

*Assembly Joint Resolution No. 6—Relative to housing.*

[Filed with Secretary of State April 20, 1971.]

WHEREAS, The homebuilding industry in California has been in a severely depressed state due to the unavailability of adequate mortgage financing at interest rates within the ability of many prospective home purchasers; and

WHEREAS, Thousands of craftsmen have had to leave their trades and seek jobs elsewhere and hundreds of contractors have been forced out of business; and

WHEREAS, California needs at least 260,000 houses a year for the next 10 years to meet the demands of the people, present levels of production fall well below that level, and a housing crisis now exists in many areas of California; and

WHEREAS, Even though several banks recently have announced lower interest rates, the housing industry has regularly suffered from severe business fluctuations, causing great instability in the industry; and

WHEREAS, The Honorable Representative, Wright Patman, Chairman of the House Banking and Currency Committee, has called for support of legislation to eliminate this recurring problem; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States: (a) that legislation be enacted which will provide long-range stability for housing construction by providing a source of funds which cannot be cut off to facilitate economic policies which will cause the building industry to carry the brunt of any economic dislocation; (b) that this Legislature supports federal revenue-sharing programs to assist housing, but opposes any such program which would dismantle present federal housing programs; (c) that this Legislature opposes any separate attempt to cut back such loan guarantee programs, as by the Farmers Home Administration; (d) that the Legislature requests the Federal Reserve System to ease reserve requirements of banks so that more money is available for use as housing loans; (e) that legislation be enacted to establish a "bank of last resort," a development bank which can make a large-scale credit available on reasonable terms for projects which the commercial banking system either will not or cannot finance; and (f) that the Federal Reserve System be reformed to require—in unmistakable terms—coordination between the Federal Reserve System and the various elements of the executive branch; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Honorable Wright Patman, Chairman of the House Banking and Currency Committee, and to the Secretary of Housing and Urban Development.

---

## RESOLUTION CHAPTER 45

*Senate Joint Resolution No. 22—Relative to ratification of an amendment to the Constitution of the United States, proposed by the Congress of the United States, relating to lowering the voting age to 18 for all elections.*

[Filed with Secretary of State April 20, 1971.]

WHEREAS, The 92nd Congress of the United States of America has adopted Senate Joint Resolution No. 7, two-thirds of each house concurring therein, proposing an amendment to the Constitution of the United States, in the following words, to wit:

"Joint Resolution

"Proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'Article __

" 'Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.' ";

and

WHEREAS, Said proposed amendment will be valid as part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several states; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* A majority of all the members elected to each house of said Legislature voting in favor thereof, that the proposed amendment be and the same is hereby ratified by the Legislature of the State of California; and be it further

*Resolved,* That certified copies of the foregoing preamble and resolution be forwarded by the Governor of the State of California to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Secretary of State of the United States.

---

## RESOLUTION CHAPTER 46

*Assembly Concurrent Resolution No. 77—Approving an amendment to the Charter of the City of Newport Beach, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the ninth day of March, 1971.*

[Filed with Secretary of State April 26, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Newport Beach, a municipal corporation in the County of Orange, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENT BY ELECTORS OF THE CITY OF NEWPORT BEACH

State of California }
County of Orange } ss
City of Newport Beach }

We, the undersigned, E. F. Hirth, Mayor of the City of Newport Beach, and Laura Lagios, City Clerk of said City, do hereby certify and declare as follows:

That the City of Newport Beach, a municipal corporation in the County of Orange, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California;

That in accordance with the provisions of Article 3, Chapter 3, Division 4 of the Elections Code of the State of California an initiative petition for submission of a Charter amendment to the electors of said City, signed by the number of voters required by law, was submitted to the City Council of said city and a special municipal election was duly and regularly called and held in said city on the 9th day of March, 1971;

That on the 21st day of January, 1971, said City Council caused said Newport Beach Charter Amendment to be duly and regularly published and advertised in each and every edition of said 21st day of January, 1971, in The Newport Harbor Ensign, the official newspaper of said city, printed, published and circulated in said city;

That said special municipal election was duly and regularly held in said city on the date fixed by said Council, to wit, March 9, 1971, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed charter amendment, and the returns of said special municipal election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify said Newport Beach Charter Amendment, hereinafter specifically set forth;

That said amendment to the Charter of said city as approved by the voters of said city is as follows, to wit:

NEWPORT BEACH CHARTER AMENDMENT

Section 402 was added to the Charter of the City of Newport Beach to read as follows:

"Section 402. Freeway and expressway agreements; connection with freeways; vote of electors required for approval. Unless and until approved by a majority of the city's electors voting at a general or special election, the city shall not enter into an agreement or contract with the State of California or any other government or department, subdivi-

sion, agency or commission thereof (1) allowing construction of a freeway or expressway which would be in whole or in part within the boundaries of the city, or (2) to close any city street at or near the point of its interception with any freeway or expressway or to make provision for carrying such city street over or under or to a connection with the freeway or expressway or to do any work on such city street as is necessary therefor."

That we have compared the amendment as stated herein with the original proposal submitted to the electors of said city, and find and certify that said amendment is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Newport Beach to be affixed hereto this 24th day of March, 1971.

E. F. HIRTH
(SEAL) E. F. Hirth, Mayor of the City of Newport Beach, California
LAURA LAGIOS
Laura Lagios, City Clerk of the City of Newport Beach, California

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Newport Beach, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Newport Beach.

---

## RESOLUTION CHAPTER 47

*Senate Concurrent Resolution No. 52—Relative to the Samoa Bridge.*

[Filed with Secretary of State April 28, 1971.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the three bridges on Route 255 spanning Humboldt Bay are hereby officially designated and named the Samoa Bridge; and be it further

*Resolved*, That the Department of Public Works be directed to erect appropriate signs and markers showing this official designation; and be it further

*Resolved*, That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

## RESOLUTION CHAPTER 48

*Senate Joint Resolution No. 5—Relative to Railpax.*

[Filed with Secretary of State April 28, 1971.]

WHEREAS, The federal government has announced its proposal for the operation of a network of intercity passenger trains by Railpax, relieving those carriers who elect to join Railpax of their individual responsibility for the passenger lines they presently operate; and

WHEREAS, The basic Railpax network, as currently planned, does not provide for the maintenance of certain intrastate passenger trains operating along some very heavily traveled and vital routes within this state; and

WHEREAS, A vigorous and attractive rail passenger system is considered to be of the highest importance to the interests of the people of California, particularly in view of the congestion and delays being experienced in air travel; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California memorializes the President and Congress of the United States to expand the proposed Railpax system to prevent elimination of passenger service in California and, if necessary, to increase the funds available for Railpax in order to provide adequate matching funds for state and local cost sharing; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 49

*Assembly Concurrent Resolution No. 63—Relative to the anniversary of the Cinco de Mayo as Mexican-American Week.*

[Filed with Secretary of State April 29, 1971.]

WHEREAS, While the United States was engaged in the tragic Civil War testing the principle upon which this nation was founded, that "all men are created equal . . . that they are

endowed by their Creator with certain inalienable rights," its neighbor, the Republic of Mexico, was invaded by an army of foreign troops from Europe; and

WHEREAS, This invading foreign army was met at Guadalupe Hill near the City of Puebla on the fifth day of May, 1862, by an outnumbered and untrained Mexican force, under the command of Ignacio Zaragoza; and

WHEREAS, The soldiers of Mexico through their great courage and self-sacrifice defeated this invading force in this great battle; and

WHEREAS, This victory stands as an encouragement and a symbol in the long struggle of Mexico against this foreign invader which eventually culminated in the ousting of a monarchy, which was established by these foreign troops, and the reestablishment of Mexico as a sovereign independent nation; and

WHEREAS, Cinco de Mayo has since been celebrated the world over as a day symbolizing the opposition of free peoples to foreign domination and the triumph of freedom over oppression; and

WHEREAS, This day is recorded in the annals of history along with the Fourth of July and Bastille Day as one of the great days in the advancement of human liberty and self-government; and

WHEREAS, Concerned citizens of Mexican ancestry will be observing the 109th anniversary of this event and will commemorate the triumph at Guadalupe Hill, Cinco de Mayo; and

WHEREAS, Numerous Chicano organizations and the Spanish-speaking community will sponsor appropriate observances during the week of Cinco de Mayo; and

WHEREAS, During this week it will be fitting for all Californians to contemplate the historical contributions of Mexican culture and character to the history of this state which enriched and advanced our multiracial culture and to acknowledge the contributions of Mexican-American citizens in areas of education, labor, industry, government, and the professions; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Legislature hereby proclaims May 2 through May 8, 1971, as Mexican-American Week in California and further urges the California public schools to sponsor appropriate programs during this week and urges all the people of this state to take advantage of this opportunity to learn the role that the Mexican culture has played in the development of the United States and the State of California; and be it further

*Resolved*, That the Members of the Legislature of the State of California extend, on behalf of the people of this state, their congratulations and felicitous greetings to our Mexican-American citizens and our neighbors to the south in the Republic of Mexico on the anniversary of the Battle of Guadalupe, Cinco

de Mayo, and convey to them our warmest expression of friendship; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Assemblymen Chacon and Garcia for appropriate distribution.

---

## RESOLUTION CHAPTER 50

*Senate Joint Resolution No. 11—Relative to the space shuttle program.*

[Filed with Secretary of State May 3, 1971.]

WHEREAS, The hub of NASA's future space plans is the earth-orbited manned space station, from which interorbital ferries and planetary expeditions will depart, and hopefully, it will prove to be the precursor for the module that will eventually carry men to Mars and back; and

WHEREAS, In order to support the station and its subsequent additions, an earth-to-orbit shuttle is required; and

WHEREAS, Together, the space station and shuttle are the keystones to the next major accomplishments of the nation's space program; and

WHEREAS, California's year-round climatic conditions are ideal for the earthside operations of the so-called "shuttle ship" to the future United States space station; and

WHEREAS, California has a tremendous reserve of highly trained engineers and technicians experienced in aerospace; and

WHEREAS, California's aerospace industry presently has unused capacity and the capability to supply all project components at the lowest cost; and

WHEREAS, California offers a variety of launch and recovery sites in clear weather areas; and

WHEREAS, California offers the necessary open space to allow for a launch area 7,000 miles long free of any population and not crossing over any foreign country, or miles of dry lakebed areas for recovery; and

WHEREAS, California has available, in place, most of the operating facilities required; and

WHEREAS, California's vast unemployment problem would be greatly alleviated with the employment that would be generated by locating the space shuttle project here; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States, and requests the National Aeronautics and Space Administration, to permanently locate the

launch and reentry facilities for the space station shuttle ship project in the State of California; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the National Aeronautics and Space Administration.

---

## RESOLUTION CHAPTER 51

*Senate Concurrent Resolution No. 39—Relative to the Robert L. Bishop Memorial Bridge.*

[Filed with Secretary of State May 6, 1971.]

WHEREAS, Robert L. Bishop, after 25 years of executive responsibility with the national Ford Motor organization, came to California in 1944 to take over the Ford Motor dealership in Santa Rosa; and

WHEREAS, He came to Santa Rosa seeking a hometown and immediately became dedicated to that city and its development, sought to strengthen democracy at the grassroots level by unselfishly serving as a member of the Santa Rosa City Council for six years until 1952, serving a term as mayor, serving as president of the Greater Santa Rosa Chamber of Commerce in 1951–1952, and serving as a member of the California Highway Commission from 1956 to 1960; and

WHEREAS, He also demonstrated his sense of civic duty by serving as a north coast regional vice president of the California State Chamber of Commerce, president of the Santa Rosa Rotary Club, director of Californians for Modern Highways Inc., member of the Santa Rosa Board of Public Utilities, chairman of the Sonoma County Industrial Committee, chairman of Citizens Advisory Committee for Santa Rosa Schools, chairman of a Sonoma-Mendocino County Boy Scout Drive, general chairman of the Santa Rosa United Crusade and member of the board; and

WHEREAS, His keen interest in the development of the state highway system was demonstrated to all through his capable tenure on the California Highway Commission and his service as director of Californians for Modern Highways, Inc.; and

WHEREAS, It is only fitting that his long and dedicated service to this state and to his beloved town of Santa Rosa be given permanent recognition by the people of this state by naming a bridge on the state highway system in his memory; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the twin viaduct structures on the Redwood Highway, Route 101, spanning Third, Fourth,

and Fifth Streets in Santa Rosa, are hereby officially designated the Robert L. Bishop Memorial Bridge; and be it further

*Resolved,* That the Department of Public Works be directed to erect appropriate signs and markers showing this official designation; and be it further

*Resolved,* That the Secretary of the Senate transmit a suitably prepared copy of this resolution to his widow, Leni L. Bishop, and a copy of this resolution to the Director of Public Works.

## RESOLUTION CHAPTER 52

*Senate Joint Resolution No. 4—Relative to the Clean Air Act.*

[Filed with Secretary of State May 6, 1971.]

WHEREAS, Under Section 233 of the Clean Air Act, as amended by the Clean Air Amendments of 1970, the federal government has preempted the regulation of emissions of air pollutants from any aircraft or engines thereof; and

WHEREAS, The preeminence of California in the control of air pollution is recognized by the federal government, as exemplified by Section 209 of the Clean Air Act, which authorized California, upon approval of the Administrator of the Environmental Protection Agency, to adopt standards stricter than federal standards for motor vehicle emissions; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to exempt California from the present federal preemption of the regulation of emissions of air pollutants from aircraft by amending Section 233 of the Clean Air Act to allow California to continue the enforcement and adoption of its own aircraft emission standards that are feasible and stricter than federal standards for aircraft operated in the state; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Administrator of the Environmental Protection Agency, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 53

*Assembly Concurrent Resolution No. 12—Relative to recruitment of psychiatric technicians for state hospitals.*

[Filed with Secretary of State May 17, 1971.]

WHEREAS, Testimony at recent legislative hearings indicates that difficulty in recruiting and retaining men as psychiatric technicians for the state hospitals may be reducing the effectiveness of some of the programs of the Department of Mental Hygiene and adding to the possible hazards of patients and employees; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members hereby request the State Personnel Board and the Department of Mental Hygiene to jointly evaluate and report their findings and recommendations to the Assembly by June 1, 1971, on the following points:

(1) Are the state hospitals having difficulty in recruiting and retaining an adequate number of men for the psychiatric technician staff of the state hospitals?

(2) Is a shortage of men on the psychiatric technician staff resulting in an added hazard to the patients or employees in state hospitals or reducing the effectiveness of any of the care or treatment programs?

(3) If there are problems in this regard, what are the principal causes and what administrative or legislative action is proposed to solve the problems?; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the State Personnel Board and to the Department of Mental Hygiene.

---

## RESOLUTION CHAPTER 54

*Assembly Concurrent Resolution No. 19—Relative to legislative employees' retirement.*

[Filed with Secretary of State May 17, 1971.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Executive Officer of the Public Employees' Retirement System is hereby directed to study the subject of retirement of legislative employees, to propose a retirement plan for legislative employees, and to make a report thereon to the Legislature at the commencement of the 1972 Regular Session of the Legislature; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Executive Officer of the Public Employees' Retirement System.

---

## RESOLUTION CHAPTER 55

*Senate Concurrent Resolution No. 4—Relative to courts.*

[Filed with Secretary of State May 20, 1971.]

WHEREAS, A serious backlog exists in our courts with regard to all civil cases; and

WHEREAS, Los Angeles County has developed a unique method to attempt to reduce this backlog with the use of a "short cause personal injury action" procedure; and

WHEREAS, There is not yet enough data available concerning the impact the use of this procedure has had on the backlog situation in Los Angeles County Superior Court, but the Governor's Automobile Accident Study Commission concluded that this innovation had a great deal of merit; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Legislature affirms such conclusion of the Governor's Automobile Accident Study Commission and urges the adoption of the short cause personal injury action procedure in personal injury cases in any superior court in California faced with a serious civil case backlog; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Superior Court of each county in the state.

---

## RESOLUTION CHAPTER 56

*Senate Concurrent Resolution No. 65—Relative to memorializing Senator James E. Busch.*

[Filed with Secretary of State May 20, 1971.]

WHEREAS, It was with the most sincere and profound sorrow that the Members of the Legislature of the State of California learned of the death on December 13, 1970, of their distinguished fellow colleague and good friend, former Senator James E. Busch, who admirably served in the Legislature for Lake and Mendocino Counties from 1955 to 1959; and

WHEREAS, Senator Busch came from a pioneer California family, his grandfather John T. Busch coming to Potter Valley in 1872, and James E. Busch was born in Potter Valley, Mendocino County, on August 28, 1905, to the late Elmer G. and Rose A. Busch; and

WHEREAS, A graduate of Ukiah grammar and high schools, he earned the A.B. degree in 1928 from Stanford University, where he obtained the J.D. degree in 1930; and

WHEREAS, He was a member of Stanford Block S Society and was active in Stanford University alumni affairs until his death; and

WHEREAS, Senator Busch began the practice of law in Ukiah in 1931, served as Trustee of Ukiah High School District for four years and as Justice of the Peace of Ukiah Judicial District until his resignation in 1936 to become Dis-

trict Attorney of Mendocino County, an office he capably filled for 17 years; and

WHEREAS, During his service in the Senate he was a hard-working member of many Senate committees, including Committees on Fish and Game, Governmental Efficiency, Institutions, Judiciary, Public Utilities and Transportation; and served as Vice Chairman of the Committee on Public Utilities and as Vice Chairman of the Committee on Judiciary; and

WHEREAS, Senator Busch was active in professional and community affairs, including service as president of the California District Attorneys' Association in 1950, and memberships in the Ukiah Lions Club and Masonic, Shrine, Druids and Elks Lodges; and

WHEREAS, Senator James E. Busch is survived by his widow, Naomi, of Ukiah, his son, James M. Busch, of Ukiah, three daughters, Janice Zimmerman of Carlsbad, California, Judy Boghosian of Corvallis, Oregon, Jill Williams of San Francisco, California, and his brother, former State Senator Burt W. Busch of Lakeport, California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members express their deepest sympathy to the bereaved widow and family of Senator James E. Busch; and be it further

*Resolved,* That the Secretary of the Senate transmit suitably prepared copies of this resolution to the widow, son, each of the daughters, and the brother of Senator James E. Busch.

---

## RESOLUTION CHAPTER 57

*Senate Joint Resolution No. 1—Relative to the use of surplus unsubsidized agricultural food products.*

[Filed with Secretary of State May 20, 1971.]

WHEREAS, The California Legislature recognizes the need for nutritionally adequate diets among low-income persons in the state, national and international areas of federal assistance programs; and

WHEREAS, There is a surplus of certain unsubsidized crops in California and other states of the United States which has depressed farm income and caused economic hardship for those persons employed on all levels in the growing, harvesting and processing of these agricultural products, such as the heavy surplus in prunes available in California; and

WHEREAS, These unsubsidized crops could serve the twofold purpose of helping our farm families and farm workers economically and in combating nutritional deficiencies if used by the federal government for foreign disaster relief, to combat

hunger among low-income persons, for use in the school lunch program and for use in the supplemental food program; and

WHEREAS, The California Legislature recognizes that the effective effort needed to serve this twofold purpose requires immediate action by the federal government, together with cooperation by individual state and foreign agencies to facilitate and expedite the action taken by the Government of the United States; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully requests the President and Congress of the United States to take whatever immediate action is necessary to allow the purchase and distribution of unsubsidized surplus farm products for the dual purpose of helping our farm economy and alleviating nutritional deficiencies at home and abroad; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President of the United States, to the Governor of California, to the Secretary of Agriculture, to the Secretary of Health, Education and Welfare, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 58

*Senate Joint Resolution No. 37—Relative to endowment for the arts.*

[Filed with Secretary of State May 20, 1971.]

WHEREAS, Congress is considering the appropriation for the National Endowment for the Arts; and

WHEREAS, It is incumbent upon this nation to support the arts for the benefit of our society by providing the means for artists to best use their creative talents; and

WHEREAS, A strong and productive community of artists provides inspiration and fulfillment to the society as a whole; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support full funding for the appropriation for the National Endowment for the Arts; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 59

*Senate Joint Resolution No. 10—Relative to the control of marine traffic.*

[Filed with Secretary of State May 20, 1971.]

WHEREAS, The number of oil spills in our ocean and inland waterways has increased at an alarming rate; and

WHEREAS, Substantial damage to marine life, waterfowl and the scenic beauty of beaches and seashores has resulted therefrom; and

WHEREAS, The recent collision of two oil tankers at the entrance to San Francisco Bay reaffirms the long-overdue need for a total system of marine traffic control in the ports and harbors of our state; and

WHEREAS, There is a need for the enactment of federal laws which would permit the establishment of a uniform system of marine traffic control and other safety procedures under the jurisdiction and direction of the United States Coast Guard and authorize the Coast Guard to promulgate and enforce any regulations deemed necessary to insure the safe movement of ships and safe storage and handling of dangerous cargo, which regulations may include mandatory radar control and unqualified authority to limit or halt the movement of any and all vessels where weather or other conditions so demand; and

WHEREAS, Such a uniform set of regulations controlling marine traffic is one of the best and quickest ways to achieve the safe movement of vessels in close waters; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation such as described in this resolution to protect our ports and harbors from the threat of future ship collisions and other accidents which might lead to further disastrous oil spills; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 60

*Senate Concurrent Resolution No. 40—Relative to the United States-Mexico Sister Cities Association.*

[Filed with Secretary of State May 21, 1971 ]

WHEREAS, The late President Dwight D. Eisenhower initiated a major program for world peace through "people-to-

people'' relationships under the International Sister Cities program, which he established in 1959; and

WHEREAS, The aim of this program is to establish a climate for peace by furthering understanding and friendships between the people of the United States and the peoples of other nations throughout the world; and

WHEREAS, Great progress has been made in the years since 1959 in restoring and developing new friendship, understanding, and respect among hundreds of thousands of people engaged in more than 400 sister city relationships currently established between cities in the United States and those in 57 other nations around the world; and

WHEREAS, The United States-Mexico Sister Cities Association represents a major force in this worldwide effort, helping to encourage and cement friendly relationships between the United States and its immediately adjacent neighbor to the south; and

WHEREAS, These people-to-people relationships, although entirely independent of any governmental direction or control, need and warrant the fullest possible encouragement by government leaders; and

WHEREAS, The United States-Mexico Sister Cities Association will hold its Eighth Annual International Conference in the City of Oxnard, California, U.S.A., on August 12th, 13th, and 14th of 1971, bringing together hundreds of representatives from cities throughout the United States and Mexico, with a special theme of "Emphasis on Youth" and the involvement of many youth representatives of both countries; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the officers and members of the United States-Mexico Sister Cities Association are commended for their important role in this valuable program, and best wishes are extended for a successful Eighth Annual International Conference; and be it further

*Resolved,* That the Secretary of the Senate transmit suitably prepared copies of this resolution to the Cámara de Senadores and the Cámara de Diputados of the Republic of Mexico and the United States-Mexico Sister Cities Association.

---

## RESOLUTION CHAPTER 61

*Assembly Concurrent Resolution No. 105—Approving amendments to the Charter of the City of San Bernardino, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the 13th day of April, 1971.*

[Filed with Secretary of State May 24, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California
County of San Bernardino } ss
City of San Bernardino

We, the undersigned, Al C. Ballard, Mayor of the City of San Bernardino, State of California, and Lucille Goforth, City Clerk of said City, do hereby certify and declare as follows:

The City of San Bernardino, in the County of San Bernardino, State of California, was at all times mentioned herein and now is a City of the State of California existing and acting under a Charter duly adopted and approved under and by virtue of the Constitution of the State of California, containing a population of over fifty thousand inhabitants.

The legislative body of said City on its own motion submitted to the electors of said City, at a General Municipal Election held within said City on the 13th day of April, 1971, proposed amendments to the City Charter of said City.

Said proposed amendments were published in the San Bernardino Evening Telegram, being a newspaper of general circulation therein, and being an official newspaper of said City, on the 25th day of February, 1971, in each edition thereof on said day and said publication was made at the time and in the manner prescribed in Part I Chapter 3 Sections 34450 through 34466 of the Government Code of State of California Title 4, Division 2.

Said legislative body caused copies of said amendments to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said City.

Said election was duly and regularly held on the said 13th day of April, 1971, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendments, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendments to said City Charter.

Said proposed amendments were duly and regularly submitted to, and duly ratified by, the said qualified voters of said City, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said City have been complied with.

Said amendments are as follows:

Article IV Section 55 Subsection (d) of the Charter of the City of San Bernardino is amended to read as follows:

(d) The City Attorney shall be the chief legal officer of the city; he shall represent and advise the Mayor and Common Council and all City officers in all matters of law pertaining to their offices; he shall represent and appear for the City in all legal actions brought by or against the City, and prosecute violations of City ordinances; he shall also act and appear as attorney for any City officer or employee who is a party to any legal action in his official capacity; he shall attend meetings of the City Council, draft proposed ordinances and resolutions, give his advice or opinion in writing when requested to do so in writing by the Mayor or Common Council or other City official upon any matter pertaining to municipal affairs; and otherwise to do and perform all services incident to his position and required by statute, this charter or general law.

Article IX, Section 160 of the Charter of the City of San Bernardino is amended to read as follows:

Section 160. There is hereby created a board consisting of five members which shall be known as the Board of Water Commissioners. Members of such board shall be appointed by the Mayor, subject to the confirmation of the Common Council. The term of office of each commissioner shall be six years; provided, however, that on or after twelve o'clock noon on the second Monday in May, 1935, one member of the Board shall then be appointed for a term of six years; that on or after twelve o'clock noon on the second Monday of May, 1937, one member of such board shall be appointed for a term of two years, and one member shall be appointed for a term of six years; and thereafter, on or after twelve o'clock noon on the second Monday of May of each odd numbered year, one member of the Board shall be appointed for a term of six years; provided further that on or after twelve o'clock noon on the second Monday of May, 1971, two members of the Board shall be appointed, one for a one year term and one for a three year term, commencing on the second Monday of May, 1971; and thereafter such members shall be appointed for six year terms commencing on the second Monday of May, 1972, and of May, 1974, and for every six years thereafter. Any member of the Board may be removed at any time by the affirmative vote of five councilmen, and upon any such removal, the vacancy shall be filled by the Mayor, with the consent of the Common Council, for the unexpired term. No person shall be eligible to appointment as a member of said Board unless he shall have been a qualified elector of said City for the period of five years next preceding the date of his appointment.

The Board of Water Commissioners shall perform the duties and responsibilities prescribed in this Charter and shall perform such other duties and responsibilities as are or may be prescribed or delegated by the Mayor and Common Council with the concurrence of the Board.

We have compared the said ratified amendments with the original proposed amendments submitted to the qualified elec-

tors of the said City, and find that the foregoing is a full, true and correct copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and each of them, are true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of San Bernardino to be attached on this 27th day of April, 1971.

(SEAL)

AL C. BALLARD
Mayor of the City of
San Bernardino, California
LUCILLE GOFORTH
City Clerk of the City of
San Bernardino, California

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of San Bernardino, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of San Bernardino.

---

## RESOLUTION CHAPTER 62

*Senate Concurrent Resolution No. 46—Relative to Padre Junípero Serra.*

[Filed with Secretary of State June 1, 1971.]

WHEREAS, Padre Junípero Serra founded the first of the California missions, San Diego de Alcalá, on July 16, 1769 in San Diego, and the second, San Carlos de Borromeo, on June 3, 1770, in Monterey, at which time Don Gaspar de Portolá, military commandante of the expedition and governor, performed the legal rites formally occupying the area of the present State of California; and

WHEREAS, Padre Junípero Serra was the first padre presidente of the California Missions and held that office for the final 15 years of his life during which decade and a half he founded the first 9 of the famed 21 missions along El Camino Real and projected plans for further foundations, and envi-

sioned the Royal Highway for both his earthly sovereign and his heavenly King reaching into the areas of the States of Oregon and Washington and stretching northward into Alaska; and

WHEREAS, Padre Junípero Serra is recognized by competent historians and acknowledged by qualified authorities as the founder of civilization in California and is hailed by such titles as "the First Californian," "California's First Citizen and Greatest Pioneer," and the like; and

WHEREAS, Padre Junípero Serra has been recognized officially by the State of California in such singular fashion that she has placed his statue in the Hall of Fame of the nation's Capitol in Washington, D.C., and she has erected a grandiose monument of him on the grounds of her State Capitol in Sacramento; and

WHEREAS, Padre Junípero Serra was acknowledged even in his own lifetime universally as a holy friar, a saintly Franciscan and a priest exceptionally religious, which tradition has perdured without interruption throughout the 187 years since he fell asleep in the Lord at his beloved San Carlos de Borromeo beside el Rio del Carmelo on August 28, 1784; and

WHEREAS, Padre Junípero Serra has been proposed to the competent ecclesiastical authorities as a candidate for canonization as a saint and the diocesan processes have been completed in California with all canonical formalities duly observed and the pertinent documentation has been transported to Rome and officially delivered to the Sacred Congregation of Rites for its further consideration; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That, as a fitting culmination of the California Bicentennial Celebration Commemoration, the Members of the California Legislature take notice of Padre Junípero Serra's great and inspired contributions to the history and culture of California, and, should His Holiness Pope Paul VI see fit to canonize Padre Junípero Serra, the Members of the Legislature further declare that they would welcome the naming of Padre Junípero Serra as the official patron saint of the State of California; and be it further

*Resolved,* That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Pope Paul VI.

---

## RESOLUTION CHAPTER 63

*Assembly Joint Resolution No. 38—Relative to acquisition of federal property.*

[Filed with Secretary of State June 7, 1971.]

WHEREAS, The President of the United States announced on March 31, 1971, that he had requested the Secretary of Defense to initiate proceedings for transfer to the State of California

of approximately six miles of the world's finest surfing beaches located within the U.S. Marine Corps reservation at Camp Pendleton; and

WHEREAS, Favorable action by Congress upon the recommendations of the Department of Defense that the land in question be declared excess to federal needs and that it be transferred to the state for park and recreational use will result in the state's acquisition of an unparalleled recreational beach area accessible to over 13 million residents of southern California by an hour's drive; and

WHEREAS, Another 3,400 acres of undeveloped land contiguous to the beach frontage, lying in back of Highway 101 on the San Clemente side of the pass, will, according to the President's statement of March 31, "also be made available either to public bodies or for public sale in which case the proceeds would, under the law, be added to the Land and Water Conservation Fund and be used for federal and local park development"; and

WHEREAS, Therefore the possibility apparently exists, in the event this acreage is offered to public bodies other than the State of California and such bodies decline or are unable to purchase it, that such property will be offered for public sale and would almost certainly be purchased by private land developers; and

WHEREAS, The State of California through its Director of Parks and Recreation has already expressed the desire to acquire this land and develop it with two to three thousand campsites which, in conjunction with operation of the beach frontage as a state park, would offer the residents of southern California with an unparalleled recreational facility which would be difficult if not impossible to duplicate elsewhere even though funds should be made available for this purpose from the proceeds of sale of this property; and

WHEREAS, In addition to its recreational potential for all the people of California, the retention of this 3,400 acres in the public domain in perpetuity provides a needed interval in potential development of adjoining coastal lands; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature expresses the deep gratitude of the people of California to the President of the United States and to the Congress for releasing to them the valuable recreational treasure of the six miles of beach frontage at Camp Pendleton; and be it further

*Resolved,* That the Legislature of the State of California respectfully memorializes the President of the United States, and the Honorable Robert Kunzie, Administrator of the U.S. General Services Administration, to conclude, as the State of California concludes, that the highest and best use for the 3,400 acres of property upland from the six miles of beach frontage to be transferred is that it be developed as contiguous

park land to remain forever in the public domain; and be it further

*Resolved*, It is the intention of the State of California to develop such property as a state park and recreational area and to assure its retention in the public domain for such purposes by the enactment of state law; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States and to the Administrator of the United States General Services Administration.

---

## RESOLUTION CHAPTER 64

*Assembly Concurrent Resolution No. 117—Approving an amendment to the Charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the sixth day of April, 1971.*

[Filed with Secretary of State June 8, 1971.]

WHEREAS, proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the Charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

State of California }
County of Alameda } ss.

We, the undersigned, Wallace J. S. Johnson, Mayor of the City of Berkeley, State of California, and Edythe Campbell, City Clerk of said City, do hereby certify as follows:

That the City of Berkeley, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned, was a City containing a population of more than 3,500 inhabitants, and has been ever since the 1st day of July, 1909, and now is organized and existing under a freeholder's charter adopted under and by virtue of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 30th day of January, 1909, and approved by the Legislature of the State of California by Assembly Concurrent Resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes 1909, p. 1208).

That in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California on its own motion, the Council of the City of Berkeley, being the

governing body of said City, duly and regularly submitted to the qualified electors of said City a certain proposal designated as "Charter Amendment No. 2" to amend the Charter of said City and to be voted upon by said qualified electors at the regular municipal election held in said City on the 6th day of April, 1971.

That said proposed amendment was published and advertised in accordance with the provisions of Sections 34455 and 34458 of the Government Code of the State of California on the 20th day of February, 1971, in the Berkeley Daily Gazette, a daily newspaper of general circulation published in said City of Berkeley and the official newspaper of said City, and in each edition thereof during the day of publication.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City in accordance with Section 34456 of the Government Code of the State of California and the Charter of the City of Berkeley; and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the City of Berkeley was published in said Berkeley Daily Gazette, a newspaper of general circulation published in said City, on the 21st day of February, 1971, and on each day thereafter to and including the 6th day of April, 1971, all as required by Section 34456 of the Government Code of the State of California.

That copies of said pamphlet containing said proposed Charter Amendment could be had upon application therefor at the office of the City Clerk of said City to and including the 6th day of April, 1971, the date fixed for said election.

That said regular municipal election was duly and regularly held in said City of Berkeley, after due notice given and published, on the 6th day of April, 1971, which day was not less than forty (40) days, nor more than sixty (60) days after completion of the publication and advertisement of the aforementioned proposed Charter Amendment in the Berkeley Daily Gazette, the official newspaper of said City.

That the returns of said election were, in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized that said amendment to the Charter of the City of Berkeley, hereinafter set forth, was ratified by a majority of the electors of said City voting thereon; that the Council of the City of Berkeley did by its Resolution No. 44,406-N.S. duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter Amendment, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Amendment to the Charter of the City of Berkeley so ratified by the electors of said City is in the words and figures as follows, to wit:

Charter Amendment No. 2

That Section 19 of Article V of the Charter of the City of Berkeley fixing the salaries of the Councilmen, Mayor, Auditor and School Directors be amended to read as follows:

Article V

Section 19. Salaries.

The Councilmen shall receive remuneration for the performance of their official duties at the rate of $300.00 per month, and the Mayor shall receive $600.00 per month. If the Mayor or any member of the Council is absent from one or more regular meetings of the Council during any calendar month, unless excused by the Council in order to attend to official business of the City, he shall be paid only one-fourth of the monthly remuneration for each regular meeting of the Council which he attended during such month.

The Auditor shall receive such salary as may be fixed by the Council, provided, however, that said salary shall not be less than $3,600.00 per annum.

Each School Director shall receive a fee of five dollars for each regular meeting of the Board of Education which he shall attend; provided, that no School Director shall receive more than fifteen dollars in any one month.

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Berkeley with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Berkeley to be affixed hereto, this 20th day of April, 1971.

WALLACE J. S. JOHNSON
Mayor of the City of Berkeley
EDYTHE CAMPBELL
City Clerk of the City of Berkeley

and

WHEREAS, The said proposed amendment, as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That said amendment to the Charter of the City of Berkeley as presented

to, and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as a part of the Charter of said City of Berkeley.

## RESOLUTION CHAPTER 65

*Assembly Joint Resolution No. 18—Relative to protection of the beaches and shoreline of Ventura County.*

[Filed with Secretary of State June 8, 1971.]

WHEREAS, The beaches and shoreline of Ventura County represent a natural resource of inestimable value to the people of California; and

WHEREAS, The coastline of this portion of the state should be preserved for the enjoyment of generations to come; and

WHEREAS, The storms and high tides of December 1969 caused damage to these beaches and shores amounting to hundreds of thousands of dollars; and

WHEREAS, The Army Corps of Engineers has had authorization for a study for the protection of these beaches for over four years, but has been unable to obtain the necessary funds to proceed; and

WHEREAS, Until such a study has been conducted, no action may be taken by the federal, state, county, or local governmental agencies or by private individuals toward protecting these shores; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorialize the Congress of the United States to appropriate sufficient funds for a study and report on the facilities needed to protect the beaches and shoreline of Ventura County, in the State of California, from damage by storms and high tides; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 66

*Assembly Concurrent Resolution No. 90—Approving an amendment to the Charter of the City of Alameda, County of Alameda, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the ninth day of March, 1971.*

[Filed with Secretary of State June 8, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALAMEDA OF A CERTAIN CHARTER AMENDMENT

State of California }
County of Alameda } ss.
City of Alameda }

We, the undersigned, Terry LaCroix, Jr., Mayor of the City of Alameda, and Irma L. Nelson, City Clerk of the City of Alameda, do hereby certify and declare as follows:

That the City of Alameda, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500), and ever since the 5th day of May, 1937 has been and is now organized, existing and acting under a freeholders' charter adopted under and by virtue of applicable sections of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election held for that purpose on the 29th day of April, 1937, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 5th day of May, 1937 (Statutes of 1937, page 2880).

That in accordance with the provisions of said Article XI of the Constitution of the State of California, the Council of the City of Alameda, being the legislative body thereof, on its own motion by Resolution No. 7721, adopted on January 19, 1971, duly and regularly submitted to the qualified electors of said City one proposal to amend the Charter of the City of Alameda and to be voted on by said qualified electors at a special municipal charter amendment election by said Resolution called for said purpose in said City on the 9th day of March, 1971, and consolidated with the General Municipal Election of the City of Alameda held on said date.

The said proposal was published and advertised, in accordance with the provisions of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Alameda, on the 22nd day of January, 1971, in the Alameda Times-Star, a newspaper of general circulation published daily except Sunday in the said City of Alameda and the official newspaper of said City, and in each edition thereof during said day of publication.

The said Council caused a copy of said proposal to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each

of the qualified electors of said City, and, beginning on February 24, 1971, advertised in said Alameda Times-Star daily, except Sunday, until the day fixed for said election, a notice that copies of said proposal could be had on application therefor at the office of the City Clerk of said City and that printed copies of said proposal were on hand and could be had on application therefor at said office of said City Clerk from February 24, 1971, up to and including the day fixed for said election.

The said special municipal charter amendment election of the City of Alameda, consolidated as aforesaid, was duly called, held and conducted in the time, form and manner required by the Charter of the said City and by law on said 9th day of March, 1971, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposal in said Alameda Times-Star.

That the Council of said City of Alameda did, in the manner provided by law, duly and regularly canvass all ballots cast at said special municipal charter amendment election of the City of Alameda, consolidated as aforesaid, and did, by Resolution No. 7748 duly adopted on March 16, 1971, duly find and declare that a majority of the qualified voters voting on said proposal voted in favor thereof and that said proposal to amend the Charter of said City was ratified, said vote being 7,661 "Yes", and 3,502 "No".

That a majority of the qualified voters voting on said proposal voted in favor of the ratification of and did ratify said proposal to amend said Charter of said City.

That said Charter amendment so ratified by the majority of the qualified voters of said City voting at said special municipal charter amendment election is in the words and figures following, to-wit:

CHARTER MEASURE

By amending Section 2.5 of Article II of said Charter, which reads as follows:

"Sec. 2-5. No person shall be qualified to be elected or appointed to any of the elective offices hereinabove set forth unless he shall have been an elector of the City of Alameda for a period of three years continuously next preceding his election. Every officer of the City referred to in Section 2-12 of this Charter shall be a resident of the City during his tenure of office. Employees of the City, other than such officers, shall reside within the City, or within such distance of the City limits thereof as the Council may by ordinance prescribe."

And we, and each of us, further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Alameda with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendment.

The foregoing proposed and ratified amendment to the Charter of the City of Alameda is hereby submitted to the Legislature of the State of California for approval without change in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California. As to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

And we, and each of us, submit as attachments hereto, pursuant to Section 62 of the Elections Code of California, true, correct and certified copies of the following:

(a) All publications and notices required by Chapter 3 (commencing with Section 34450), Part 1, Division 2, Title 4 of the Government Code of California, or by Sections 2(a), 3(a) and 13 of Article XI of the Constitution of the State of California, or by other laws of the State of California in connection with an election to amend a city charter, all as referred to hereinabove in this certification.

(b) Any arguments for or against (there being one argument for and none against) the proposed amendment to a charter which was mailed, as aforesaid, to voters pursuant to Section 5012 of said Elections Code.

(c) An abstract of the vote, being a certified copy of Resolution No. 7748 adopted by the City Council of the City of Alameda on March 16, 1971, at the election at which the proposed amendment to said Charter was approved by the voters.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Alameda to be affixed hereto this 31st day of March, 1971.

TERRY LACROIX, JR.
(SEAL) Mayor of the City of Alameda
IRMA L. NELSON
City Clerk of the City of Alameda

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Alameda, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Alameda.

## RESOLUTION CHAPTER 67

*Senate Concurrent Resolution No. 62—Relative to the regulation of distinctive or specialized clothing for all state governmental units.*

[Filed with Secretary of State June 9, 1971.]

WHEREAS, Many employees of state governmental units are required to wear distinctive or specialized clothing for identification, protection, or other purposes; and

WHEREAS, The mandatory nature of such required distinctive or specialized clothing has led to repeated requests that the state pay all or a portion of the cost; and

WHEREAS, From time to time agencies by administrative orders change the style, specification or elements of such distinctive or specialized clothing; and

WHEREAS, When such a change is made it imposes an additional financial burden on affected employees; and

WHEREAS, The need for such changes is frequently unclear, and in some instances it may be questionable as to the necessity or even the desirability of requiring employees to wear distinctive or specialized clothing; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Legislative Analyst shall conduct a study with regard to (1) identification of all state governmental units which require employees to wear distinctive or specialized clothing; (2) the justification for requiring such clothing to be worn; (3) the frequency over the last four years with which the respective agencies have made basic changes in required clothing or regulations pertaining to required clothing; (4) the added cost imposed on an employee when a change in required clothing occurs; and shall submit such report to the Senate and the Assembly by June 30, 1971; and be it further

*Resolved,* That further changes to required clothing and changes in policy or regulations relative to its required use be postponed by all state governmental units until the Legislature has had 30 days to review the required report.

---

## RESOLUTION CHAPTER 68

*Senate Concurrent Resolution No. 79—Approving amendments to the Charter of the City of Porterville, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 6th day of April 1971.*

[Filed with Secretary of State June 9, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Porterville, a municipal corporation in the

County of Tulare, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF PORTERVILLE

State of California } ss
County of Tulare }

We, the undersigned, Richard W. Spencer, President of the City Council and Mayor of the City of Porterville, and Edward J. Valliere, City Clerk of the City of Porterville, do hereby certify and declare as follows:

That the City of Porterville is a municipal corporation in the County of Tulare, State of California, and is now and at all times hereinafter referred to, was a City containing a population of more thirty five hundred (3500) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said City of Porterville is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8, Article 11 of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of the City of Porterville at an election duly held for that purpose on October 5, 1926, and approved by the legislature of the State of California by concurrent resolution filed with the Secretary of State on the 27th day of January, 1927 (Statutes 1927, Chapter 27, Page 2172);

That in pursuance of Section 3 of Article XI of the Constitution of the State of California and Section 34459 of the California Government Code, and on its own motion, the Council of the City of Porterville, being the legislative body of said City, by and in pursuance of a resolution passed and adopted by the City Council on the 2nd day of February, 1971, and by more than a two-thirds vote of said Council, duly submitted to the qualified electors of the City of Porterville, proposals for the amendment of Section 5, 6, third paragraph of section 9, first paragraph of section 10, section 13, 15, third paragraph of section 17, fourth paragraph of section 17, fifth and sixth paragraphs of section 17, section 17-A, first paragraph 18, fifth paragraph of section 18, first paragraph of section 23, first paragraph of section 24, second paragraph of section 24, fourth paragraph of section 24, section 41, 42, first paragraph of section 44-A, section 48, first paragraph of section 51, second paragraph of section 58, section 59, first paragraph of section 61, second paragraph of section 65, first paragraph of section 66, second paragraph of section 68, section 71, 72; and in pursuance of a resolution passed and adopted by the City Council on the 2nd day of February, 1971, and by more than a two-thirds vote of said Council, duly submitted to the qualified electors of the City of Porterville, a proposal for the repeal of the third paragraph of section 7, second paragraph of sec-

tion 17, second paragraph of section 18, sub-paragraphs (c), (j), (k), and (n) of section 21, fourth paragraph of section 23, section 25, 27, 28, 29, 30, 31, 32, 33, 34, 37, section 51-A, section 52, 57, third paragraph of section 65, section 70, to be voted on by said qualified electors, at a general municipal election, to be held in said City on the 6th day of April, 1971, which said proposals are hereinafter set forth at length;

That said proposed amendments and repeals were published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, in the Porterville Evening Recorder, which was then and there a daily newspaper, printed, published and circulated at and within the City of Porterville, County of Tulare, State of California, and was and is the official newspaper for said City;

That said City Council caused copies of said proposed amendments to be printed in convenient pamphlet form and mailed to qualified registered voters of said City, and copies of the amendment pamphlet form were kept in the office of the City Clerk of said City, and did, until the date fixed for the election upon said amendments;

That said proposed amendments were published and advertised within fifteen (15) days after they were filed with the City Clerk and that the election at which they were voted on was by resolution of the City Council passed and adopted on the 2nd day of February, 1971, set for April 6, 1971, which was not less than forty (40) nor more than sixty (60) days after the completion of the advertising in the official newspaper as aforesaid;

That thereafter, the Council of the City of Porterville did, in the manner provided by law, duly and regularly canvass the returns of said election, and that said City Council by resolution adopted on the 12th day of April, 1971, declared the result of said municipal election as determined from the canvassing of the returns thereof;

That at said municipal election held on the 6th day of April, 1971 said proposed amendments and repeals were ratified and adopted by more than a majority of the electors of said City voting thereon; there being cast in favor of the amendments and repeals of the Charter of the City of Porterville eight hundred thirty-one (831) votes and against said amendments and repeals two hundred thirty-two (232) votes;

That said amendments and repeals so ratified by the electors of the City of Porterville is in words and figures as follows, to-wit:

Amended

Sec. 5. General Municipal elections shall be held in said City on the first Tuesday in April of each odd-numbered year under and pursuant to the provisions of the general laws of the State of California governing elections in charter cities, so far as the same may be applicable, and except as herein

otherwise provided. The first general election in said city under this Charter shall be held on the first Tuesday of April, 1927. All other municipal elections that may be held by authority of this Charter or of general law shall be known as special municipal elections, and shall be held, substantially as in this Charter provided for general municipal elections, providing, however, that special elections to authorize any municipal or local public improvement, or the levy of assessment therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the state relative thereto under which any such proceeding is instituted by the council, in case such general law provides for the procedure and manner of holding elections thereunder.

Sec. 6. Ordinances may be initiated, or the referendum exercised on ordinances passed by the council, under and in accordance with the Constitution and general laws of the state, and any elective officer may be recalled from office under and in pursuance to the provisions of the Constitution and general laws; provided, however, that in no case shall candidates be elected to fill the place or places of any officer sought to be recalled, but in case of such recall such office shall be deemed vacant and shall be filled by appointment as provided in Section 16, provided, further, that should a majority be recalled, the city clerk shall call a special election at once as provided in Section 16.

Third Paragraph of Section 9.

The members of the council shall each receive the sum of $20 for each council meeting actually attended; the mayor shall receive the sum of $25 for each meeting of the council actually attended, provided, however, that the members of the council shall not receive compensation for more than seven meetings in any one calendar month. In addition, the council shall be reimbursed for necessary expenses incurred for authorized city business.

First Paragraph of Section 10.

The council shall provide by ordinance for the time and place of holding its meetings. Special meetings shall be called in accordance with the provisions of general law. There shall be at least one regular meeeting in each month. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes.

Sec. 13. The legislative officers of the City of Porterville shall consist of five (5) members of the Council, one of whom shall act as mayor. In addition, there shall be the following administrative officers who shall be appointed by the council: a city manager, a city attorney and a city clerk.

The council may by ordinance provide for such other officers as deemed necessary and the council may further establish by

ordinance commissions deemed by it to be necessary or proper to aid in the orderly administration of the City of Porterville.

All members of commissions shall be appointed by the council.

All administrative officers (excepting the city manager, city attorney and city clerk) assistants, deputies, clerks and employees shall be appointed by the city manager.

The council may, at any time, when in its judgment, the interest of the city so demands, by a four-fifths vote thereof, consolidate by ordinance two or more city administrative offices and place the same in charge of one such officer.

Sec. 15. Every officer and employee of the city, before entering upon the duties of his office shall take and subscribe the oath of offices as provided for in the Constitution of the state, and shall file the same forthwith with the city clerk.

Third Paragraph of Section 17.

Except as otherwise provided in this charter all other city officers and employees shall be appointed and may be removed by the city manager, as in this section provided.

Fourth Paragraph of Section 17.

The council may remove any of its appointive officials at its pleasure, without cause stated or at hearing had, by the affirmative vote of four members cast in favor of such removal, and the determination of the council in such matters shall be final and conclusive.

Fifth and Sixth Paragraphs of Section 17.

Removal of any such officer or employee for cause shall be based on one or more of the following grounds, namely:

Incompetency or physical incapacity to properly discharge the duties of his office; insubordination to a superior officer in the course of his municipal employment; wilfull neglect of official duty; wilfull failure or refusal to properly perform the same; gross carelessness in the discharge thereof; notorious misconduct of a disgraceful or scandalous nature; habitual intemperance; malfeasance in office; insanity or conviction of felony.

Sec. 17-A. That the mandatory retirement age for the employees of the City of Porterville shall be as follows, to-wit:

Safety employees—The mandatory retirement age for all safety employees as hereinafter described shall be age 65.

Miscellaneous employees—The mandatory retirement age for all miscellaneous employees as hereinafter described shall be age 65.

For purposes of this section safety employees shall be defined as all city employees who are assigned to permanent duty with the police department and all city employees who are assigned to permanent duty with the fire department excepting clerical,

secretarial and custodial employees assigned thereto. All other employees of the City of Porterville shall be defined as miscellaneous employees. In the event any employee of the city fails to distinctly fall within either of the employee classifications herein set forth then, by resolution, the council shall classify said employee as a safety or miscellaneous employee.

This section as amended shall be in full force and effect April 2, 1975.

First Paragraph of Section 18.

Sec. 18. The council shall fix the compensation of all appointees and employees except officials and members of boards, commissions and committees serving gratuitously. Said compensation shall be fixed, increased or changed by resolution, adopted by a three-fifths vote of the Council.

Fifth Paragraph of Section 18.

No officer or employee shall be allowed any fee, perquisite, emolument, or stipend, in addition to, or save as embraced in the salary or compensation fixed for such office by the council, if a council appointee, or the manager if a manager appointee, and all fees received by such officers or employees in connection with his official duties shall be paid by him into the city treasury, and a written report made of same, provided, however, that rewards which have been publicly offered for the apprehension of criminals may be received by the officer or officers making the apprehension, after deducting therefrom any expense that the city may have sustained in the matter.

First Paragraph of Section 23.

Sec. 23. The city clerk shall be assessor of the city, and clerk of the council and of the board of equalization when so appointed by the council.

First Paragraph of Section 24.

The City Manager shall appoint the Director of Finance of the city, who shall serve as the general accountant of the City. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts of the city, its debts, revenues and other financial affairs. He shall keep an account of all moneys paid into and out of the treasury; and keep informed as to the exact condition of the treasury at all times.

Second Paragraph of Section 24.

Every demand upon the treasury, before its approval by the council, must be presented to the Director of Finance, who shall satisfy himself whether the money is legally due, and its payment authorized by law. If satisfactory, he shall draw

a warrant upon the treasury for the payment thereof. Every demand approved by the Director of Finance shall specify on its face the several items composing it, with the amounts and dates thereof. The approval of the council shall not be necessary to draw warrants for the payment of regular salaries of officials and employees of the city, or for payment of any obligation previously authorized by law, or by resolution or order of the council.

Fourth Paragraph of Section 24.

After the annual tax roll has been completed by the assessor, and before it is deposited with the collector, the Director of Finance shall make a check of the roll correcting any errors that may be found and endorse same with his approval.

Sec. 41. The council shall meet at its usual meeting place on the first Monday in August of each year, at 10:00 A.M., and sit as a board of equalization, and shall continue in session by adjournment from day to day until all returns of the assessor have been rectified and assessments equalized. The board of equalization shall have the power to hear complaints, to take testimony under oath, and to correct, modify, strike out, or raise any assessment, provided that notice shall first be given to anyone whose assessment is proposed to be raised.

Sec. 42. The council not later than its second regular meeting in August, shall fix a rate of taxation sufficient to raise the amounts estimated to be required in the annual budget and as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue. The council shall then deliver the assessment roll to the assessor who shall thereupon compute and carry out the amount of tax so levied on each parcel of property contained in the assessment roll.

First Paragraph of Section 44-A.

Sec. 44. The council shall have the power to levy and collect taxes, in addition to the taxes herein or by general law authorized to be levied and collected, sufficient to pay and maintain the sinking fund of the bonded indebtedness of the city; and for the following purposes: (a) For the support and maintenance of the fire department, for fire protection purposes, at the rate of not more than three mills on each dollar of the assessed valuation of the real and personal property within the city.

Sec. 48. No money shall be expended and no indebtedness shall be incurred on behalf of the city, for any purpose, unless and until the same shall have been authorized by ordinance, resolution or order of the council. Any expenditure, purchase, or indebtedness to be made or incurred of $500.00 or more, shall first require specific council authorization except as otherwise provided for in this Charter.

All demands against the city shall, before being paid, be presented to and approved by the proper board, commission

or officer, as herein provided. Demands for which no appropriation has been made shall be presented to the city manager, provided, that any person dissatisfied with the refusal of the city manager to approve any demand, in whole or in part, may present the same to the council, and the approval of such demand by the council shall have the same effect as its approval by the city manager; and provided further, that if the council shall provide for other boards or commissions, it may make provision for the presentation to and approval by any such board or commission of demands for liabilities incurred by them.

The council may provide for a revolving petty cash fund of not more than three hundred dollars to be paid to the city manager, and used by him for the payment in cash, of expenditures provided for in the budgets that cannot conveniently be paid otherwise. He shall account to the council for all payments by him out of said fund when making demand for the replenishment of the same, and at such other times as the council may require, and they shall thereupon be charged against the proper appropriations.

All demands approved by the proper board, commission or officer shall be presented to the Director of Finance, who shall examine the same, and if the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he shall approve such demand and draw and sign his warrant on the treasurer therefor, payable out of the proper fund. Objections of the Director of Finance to any demand may be overruled by the council, and the Director of Finance shall thereupon draw his warrant as directed by the council. Such warrants, when presented to the treasurer, shall be paid by him out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefor; all such registered warrants shall bear interest at the rate of six per cent per annum. The Director of Finance shall draw his warrants for payment of municipal or other bonds payable out of the funds in the treasury upon presentation and surrender of the proper bonds or coupons without approval of anybody or officer. The council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the city.

First Paragraph of Section 51.

Sec. 51. Not later than thirty days before the time for fixing the annual tax levy, the city manager shall submit to the council an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the manager.

Second Paragraph of Section 58.

Sec. 58. A system for retirement, disability death benefit and pension rights for employees and their dependents authorized by this section when established by the council, shall not be terminated without securing the approval of a majority of the electors of the City of Porterville at an election held therefor.

Sec. 59. The city council shall employ a certified public accountant annually to investigate the accounts and transactions of all city officers and employees having the collection, custody or distribution of public money or property, or the power to approve, allow or audit demands on the city treasury.

First Paragraph of Section 61.

Sec. 61. When a required expenditure exceeds five thousand dollars, it shall be contracted for and let to the lowest responsible bidder after notice.

Second Paragraph of Section 65.

Sec. 65. Contracts for legal advertising shall be awarded to the lowest responsible bidder, provided no contract for legal advertising shall be awarded to any newspaper except a daily newspaper of general circulation, as defined by the Government Code.

First Paragraph of Section 66.

Sec. 66. All public records of every office and department shall be open to the inspection of any citizen during business hours, subject to proper rules and regulations for the efficient conduct of the business of such department; provided, that the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

Second Paragraph of Section 68.

Sec. 68. All indentures of lease shall provide that the council may terminate the same at its pleasure and repossess the premises therein described upon three months' notice thereof and upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee. The market value of such improvements shall be determined by a board of appraisers consisting of one appraiser appointed by the council, and a lessee appraiser appointed by the lessee. In the event of their failure to agree upon the market value of the improvements within thirty days from and after their appointment, said two appraisers may appoint a third appraiser as a member of said board, and the determination of the majority of said board of appraisers, as to the market

value of the improvements, shall be final and conclusive and binding on all concerned. Should the two appraisers appointed by the council and the lessee respectively, fail for forty days from and after their appointment to agree upon the market value of the improvements or to appoint a third appraiser, then upon the petition in writing of either party to any such lease, a judge of the superior court of Tulare County is hereby empowered to appoint the third appraiser upon such board; provided, however, that the council shall not terminate any such lease or repossess any such premises except for a public use and purpose; provided, further, that no lease of city property shall be made for a maximum term of more than fifty years.

Sec. 71. The council of the City of Porterville shall have the power to establish such zoning systems within the city as may in its judgment be most beneficial, and in such zoning systems may prohibit the erection or maintenance of any class or classes of buildings within certain areas, and may classify, and reclassify the zones established. The council may also prescribe the character of materials and methods of construction of buildings erected within any zone area, and may establish setback lines as it may consider necessary and proper.

Sec. 72. For cause stated, and after a hearing as provided herein for cases of proposed removals, the appointing power, in lieu of removal shall have authority to suspend without pay for a period not exceeding thirty days, or declare a forfeiture of pay in any amount not exceeding one month's pay, any appointive officer or employee of the city, for any violation of the rules or regulations of the department in which he is serving, or upon being found guilty of any act or omission prescribed in this Charter as a ground or removal for cause.

Repealed

Third Paragraph of Sec. 7.

In employment, married men shall be given preference over unmarried men.

Second Paragraph of Section 17.

The board of five library trustees and board of five park commissioners shall be appointed by the recommendation of the major subject to the confirming vote of a majority of the council as hereinafter prescribed.

Second Paragraph of Section 18.

The city manager shall fix the compensation of all officers, deputies, assistants and employees of the city appointed by him, except as in this Charter otherwise provided, subject to the approval of the council.

Sub-Paragraphs (c), (j), (k), and (n) of Section 21.

(c) To exercise general supervision over all privately owned public utilities operating within the city so far as the same are subject to municipal control.

(j) To have under direction of the park commission general supervision over all public parks and playgrounds of the city.

(k) To appoint such advisory boards as he may deem desirable to advise and assist him in his work, provided such boards shall not receive any compensation.

(n) Before entering upon his duties the city manager shall file with the city clerk an official bond for the faithful performance thereof, payable to the City of Porterville in such sum as may be fixed by resolution, and the premium of which shall be paid by the city. Such bond shall be to the satisfaction of the council and their approval shall be endorsed thereon.

Fourth Paragraph of Section 23.

It shall be the duty of the city clerk, as assessor, between the first Monday in March and the first Monday in August of each year, to assess all taxable property within the City of Porterville at the time and in the manner prescribed by the general laws of the state, except as may be otherwise provided by ordinance. Prior to the first Monday in August of each year he shall make out a list of all taxable property within the city, which list shall describe the property assessed and the value thereof, and shall contain all other matter required to be stated in such list by ordinance. The assessor shall verify such list by his oath and deposit the same with the council on or before the first Monday of August of each year. The assessor shall possess such other powers and perform such additional duties, not inconsistent with this Charter, as may be prescribed by ordinance.

Sec. 25. The city treasurer shall be appointed by the council and hold office at their pleasure.

It shall be the duty of the treasurer to receive and safely keep all moneys of the city, or deposited with him in connection with any business thereof, for all of which he shall give duplicate receipts, one of which shall be filed forthwith with the auditor. Before any money is accepted or received by him on account of any indebtedness due to the city, he shall receive a certificate from the auditor specifying the amount thereof to be paid and the fund to which said sum shall be credited. He shall pay out all moneys, except the principal and interest due on bonds of the city, including improvement bonds thereof, on warrants signed by the proper officers, and not otherwise.

He shall make monthly statements showing receipts and disbursements. Such statements shall show in detail the conditions of each and every fund required to be set apart by him. All statements shall be made in duplicate, one copy of which shall be filed with the city clerk, and one delivered to the city manager, within ten days after the end of each month. He shall

make monthly settlements with the auditor and shall possess such other powers and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance.

Before entering upon his duties, the treasurer shall file with the city clerk an official bond for the faithful performance thereof, payable to the City of Porterville in such sum as may be fixed by ordinance. Said bond shall be to the satisfaction of the mayor and his approval shall be endorsed thereon. The premium of such bond shall be paid by the city.

Sec. 27. The chief of police shall be the head of the police department of the city, which is hereby created and shall have all the powers that are now, or may be hereafter conferred upon sheriffs and other peace officers by the laws of the state. It shall be his duty to preserve the public peace, and to suppress riots, tumults, and disturbances. His orders shall be promptly executed by the police officers, or watchmen, of the city, and every citizen shall lend him aid, when requested, for the arrest of offenders, the maintenance of public order, or the protection of life or property.

He shall execute and return all process issued to him by legal authority. He shall have the power, and it is hereby made his duty, to arrest persons violating any law of the state, or ordinance of the city. Those arrested for violating city ordinances may, before or after trial, be confined in the county jail of Tulare County, or in the city prison of said city. The chief of police shall possess such other powers and perform such additional duties not in conflict with this Charter as may be prescribed by ordinance.

He shall appoint and remove all subordinates in the department, make rules and regulations for the management of the department and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this Charter, and subject to the approval of the city manager.

Sec. 28. There shall be a fire chief appointed by the city manager. He shall be the head of the fire department of the city, which is hereby created, and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. During the time of a fire he shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time, including policemen, shall be subject to his orders. He shall appoint and remove all subordinates in the department and make rules and regulations for the government thereof, subject to the approval of the city manager.

Sec. 29. It shall be the duty of the collector to collect all taxes levied by the council and other moneys due the city. He shall at the close of each business day pay to the treasurer all taxes and other funds of the city collected by him during such day, or in his possession. Upon receipt of any tax list he shall give his receipt therefor to the auditor, and shall upon delivery to the auditor of the delinquent tax list, take his receipt for the

same. He shall be charged with all taxes levied upon real and personal property within the city, upon his receipt of the tax list from the auditor. He shall be charged with, and indebted to the city for, the full amount of all taxes due upon delinquent lists delivered to him for collection, unless the council determines by resolution that he is unable to collect the same by levy and sale of the property assessed therefor. He shall possess such other powers and perform such additional duties, not in conflict with this Charter, as may be prescribed by ordinance.

Sec. 30. The city engineer, at the time of his appointment shall have been a practicing civil engineer for a period of at least five years. All other things being equal, an engineer who has had special training and experience in municipal engineering shall be appointed to his office if practicable.

As city engineer he shall be the custodian of and responsible for all maps, plans, profiles, field notes, and other records and memoranda belonging to the city and pertaining to his office and work thereof, all of which he shall keep in proper order and condition. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the city clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control, for or on behalf of the city during his term of office, shall be the property of the city. He shall perform all engineering work and surveying in prosecuting public improvements in or for the city, and shall possess such other powers and perform such additional duties not in conflict with this Charter, as may be prescribed by ordinance, or the general laws of the state.

Sec. 31. The council may create the office of purchasing agent and may provide that such office be consolidated with some other office, excepting however, that of auditor or treasurer. In case such office is created it shall be the duty of the head of each office or department at the beginning of each fiscal year, to furnish the purchasing agent with an estimate of the supplies and materials needed for the ensuing year. It shall be the duty of the purchasing agent to buy from time to time supplies and materials to the credit of the store fund, except as otherwise herein provided. It shall be his duty to acquaint himself with the needs and requirements of the city and to procure and retain samples of all materials, fabrics and supplies of every kind necessary for its use. It shall be his duty to take advantage, for the benefit of the city, of all trade and cash discounts and favorable trade conditions that may arise. He shall inspect all purchases upon delivery and must reject any articles which fail to comply with the provisions of the contract as to weight, quantity or quality and he shall not approve any invoice or claim against the city unless the weight, quantity, quality and price of articles therein enumerated are correctly stated according to the terms of the contract of pur-

chase. He shall keep accurate records of all supplies purchased and the disposition thereof. He shall have the custody of all supplies in the city store, and shall deliver the same from time to time on the written requisition of the officer or department requiring them. The council may in the first annual appropriation ordinance after the adoption of this Charter, appropriate a sum sufficient to create a revolving store fund. Supplies drawn from the store shall be paid for by warrants payable to the store fund, and countersigned by the auditor.

The purchasing agent shall also conduct all sales of personal property which the council may authorize to be sold as having become obsolete or unfit for the city's use. All purchases and sales shall conform to such other regulations as the council may from time to time prescribe, providing that if an amount in excess of five hundred dollars is involved, opportunity shall be given for competitive bidding.

Where purchases or sales are made on joint account of separate departments the purchasing agent shall apportion the charge or credit to each department. He shall see to the delivery of supplies to each department and take and retain the receipt of each department. Until otherwise provided by the council, the city manager shall act as purchasing agent. When making purchases for all departments of the city, local merchants shall be given preference, quality and prices being equal.

Sec. 32. The street superintendent shall possess such powers and perform such duties as may be prescribed by ordinance or the general laws of the state.

Sec. 33. The health officer shall be a person licensed to practice medicine in this state, or who has received special training, or has had practical experience in public health work. He shall exercise general supervision over the health and cleanliness of the city, and take all necessary measures for the preservation and promotion thereof. He shall enforce all laws, ordinances, and regulations relative to the preservation and improvement of the public health, including those provided for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage, and sale of foodstuffs. He shall possess such other powers and perform such additional duties, not in conflict with this Charter, as may be prescribed by ordinance.

Sec. 34. All officers and regular employees of the city after serving at least one year as such, shall be entitled to two weeks' vacation annually. Such vacation shall be at a time to be fixed by the executive head of the department wherein the officer or employee is serving, and shall be without loss of pay. The city manager shall fix such vacation periods for the chief officials and department heads of the city.

Sec. 37. No candidate for any city office or employment shall be required to tender his resignation in writing, or otherwise, to any person at, or prior to, his appointment and quali-

fication, and no resignation in writing, or otherwise, shall be valid or binding unless filed, within three days from and after the execution thereof, in the office of the city clerk.

Sec. 51-A. The council shall maintain a permanent revolving fund to be known as the general reserve fund, for the purpose of keeping the payment of the running expenses of the city on a cash basis. Said fund shall be maintained in an amount sufficient to meet all legal demands against the treasury for the first four months, or other necessary period of each fiscal year prior to the collection of taxes. The council shall have power to transfer from the general reserve fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible on a cash basis. It shall be the duty of the council to provide that all money so transferred from the general reserve fund be returned thereto on or before the end of the fiscal year in which said transfers are made: provided, that in any fiscal year in which the total balance in said general reserve fund exceeds thirty per cent of the total amount of the general budget for the year, the council may appropriate such excess for any city purpose without returning the same.

Sec. 52. The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse city moneys. Whenever an act shall be passed by the legislature of the state providing for uniform municipal accounts or reports, the city authorities shall be governed thereby.

Sec. 57. The council shall appoint a park commission consisting of five members who shall serve for a term of three years, provided that of the first appointments under this charter amendment, two members shall serve for two years and three members shall serve for three years.

The park commission shall have full care, supervision, direction and management of all parks and playgrounds which now are, or in the future may become, the property of the city wherever located, and, on behalf of the city, the trees and shrubbery upon all public streets and highways. They shall make rules and regulations for the care and supervision of the properties under their care and see that the same are enforced and shall make or suggest such improvements as shall in their judgment be for the betterment of and for beautifying the properties under their supervision for the purposes for which such properties were intended.

The park commission may accept donations, legacies or bequests for the improvement of the parks and playgrounds under their control, provided that all money that shall be derived from such donations, legacies or bequests, shall, unless otherwise provided for under the terms of such donations, legacies or bequests, be deposited in the treasury of the City of Porterville to the credit of the park fund.

Provided further, however, that the park commission, may invest such donations, legacies or bequests, if not in their judg-

ments needed for immediate use, in acceptable interest bearing securities.

Third Paragraph of Section 65.

Required printed office supplies may be purchased either through bids and contract, or by purchase in the open market.

Sec. 70. The City of Porterville is hereby empowered to supply all officers and employees thereof with the tools, equipment, books, records, and other personal property, necessary to properly discharge the duties of their respective offices and employments, and it shall be discretionary with the council or city manager to acquire or purchase the same for any office or employment to which they have, respectively, the appointing power.

That the returns of said election were in accordance with law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunder duly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of said proposals for the amendments and repeal to Sections 5, 6, 7, 9, 10, 13, 15, 17, 17-A, 18, 21, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 37, 41, 42, 44-A, 48, 51, 51-A, 52, 57, 58, 59, 61, 65, 66, 68, 70, 71, 72, of said Charter, and

That we, and each of us, further certify, that we have compared the foregoing and enclosed ratified and repealed amendments to the Charter of the City of Porterville with the original resolution and proposal submitting the same to the qualified electors of the City at the general municipal election held on April 6, 1971, and that the foregoing is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the Seal of the City of Porterville to be affixed, this 12th day of April, 1971.

(SEAL)

RICHARD W. SPENCER
Richard W. Spencer
President of the City Council
and Ex-Officio Mayor
EDWARD J. VALLIERE
Edward J. Valliere,
City Clerk of the City of
Porterville

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Porterville, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Porterville.

## RESOLUTION CHAPTER 69

*Assembly Joint Resolution No. 19—Relative to mortgage assistance.*

[Filed with Secretary of State June 9, 1971.]

WHEREAS, Senator Alan Cranston has introduced legislation regarding home ownership conservation loan insurance; and

WHEREAS, The purpose of this legislation is to prevent widespread mortgage defaults and the distress sale of homes by persons whose employment has been terminated or whose income has been drastically reduced as a result of adverse economic conditions prevailing in an industry or area and who require a reasonable period of time to make the necessary adjustment; and

WHEREAS, Such legislation would be of great assistance to unemployed or underemployed homeowners in various economically distressed areas of this state; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation providing for home ownership conservation loan insurance at the earliest possible time; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 70

*Assembly Concurrent Resolution No. 13—Relative to North Street off ramp from Interstate 5 into the City of Anderson.*

[Filed with Secretary of State June 11, 1971.]

WHEREAS, Interstate 5 bisects the City of Anderson and, as a result, the economic growth of the city has been stifled as indicated by various economic indicators; and

WHEREAS, Since completion of Interstate 5, the city has experienced a net loss of purchasing power of nearly $7 million and has suffered a continuous decline in valuation of property, with a concomitant decrease in sales and property tax revenues; and

WHEREAS, The proposed North Street off ramp from Interstate 5 would provide the necessary access from the freeway to North Street, where the major development of the city is to take place; and

WHEREAS, The off ramp would also provide direct access from the city to the Redding Municipal Airport, which serves not only Shasta County, but also Tehama County; and

WHEREAS, The off ramp would improve materially the access to the park of some 500 acres, which will include some of the finest steelhead and salmon fishing in the state, being jointly developed by the city and the Department of Parks and Recreation; and

WHEREAS, The importance attached to this off ramp by the city is indicated by its intent to contribute approximately 20 percent of the funds necessary for its construction; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the California Highway Commission and the District Engineer of Highway District 2 be requested to proceed with the construction of the North Street off ramp from Interstate 5 into the City of Anderson; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the California Highway Commission and to the District Engineer of Highway District 2.

---

## RESOLUTION CHAPTER 71

*Assembly Concurrent Resolution No. 34—Relative to the Joint Legislative Committee on Public Domain.*

[Filed with Secretary of State June 11, 1971.]

WHEREAS, It has been found by the Joint Legislative Committee on Public Domain that there is insufficient information about state lands administered as proprietary or sovereign lands; and

WHEREAS, It is in the interest of all citizens of the state and the California State Legislature to be fully apprised of the extent, use and projected use of all state lands; and

WHEREAS, The Legislature can foresee that hundreds of millions of dollars in revenues can be saved or earned through the proper administration or utilization of state lands and the mineral rights therein; and

WHEREAS, The Joint Legislative Committee on Public Domain and its predecessor, the Joint Legislative Committee on

Tidelands, have prepared a comprehensive inventory study of all tidelands under trust in California, a major study of geothermal energy in California and other public domain studies; and

WHEREAS, The committee has an extensive file of information on all state-owned or administered lands; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* As follows:

1. The Joint Legislative Committee on Public Domain is hereby created to continue the activities of its predecessor, the Joint Legislative Committee on Tidelands.

2. The committee is hereby authorized and directed to ascertain, study, and analyze all facts relating to the best use of the revenues which now or in the future accrue from the development of the tide and submerged lands held in trust, to meet the financial needs of the State of California and the trust provisions as outlined in the tideland grants, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating thereto, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

The committee's study shall take into account, among other things, the requirement set forth in grants of tide and submerged lands that such lands shall be used only for a specific purpose such as the establishment, improvement and conduct of a harbor, airport or other facilities for the promotion and accommodation of commerce and navigation; that the granted lands shall be improved by the grantee without expense to the State of California and that facilities developed thereon remain open to the public for all purposes of commerce and navigation; the financial requirements of the grantee to meet its obligation to improve said lands; that the State of California has the right to use the granted lands without charge for certain purposes; protection of the natural beauty of the area and the public health and safety; the use of proceeds for the wise and adequate development, maintenance and operation of the trust lands, and the provision of adequate financial reserves and safeguards to cover any unforeseen problems that might arise in connection with the trust development in the future.

3. The committee is further authorized and directed to review public land management policies of other states and propose to the Legislature model methods of public land management.

4. The committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof, and five Members of the Assembly appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

6. The committee and its members are authorized to study and inventory lands and rights therein owned or administered by the state, determine the uses to which these lands and rights are currently being put, prepare an analysis of the projected uses of such lands, and devise a system of automatic inventory and reporting of the uses of state lands.

7. In addition to the foregoing, the committee and its members shall study the potential state benefit from mineral resources on state-owned lands and the extent to which such lands may be disposed of and returned to the tax rolls.

8. In addition to the foregoing, the committee and its members shall study the problems involved with the providing of access to wilderness and park areas in the public domain, including, but not limited to, the Mineral King area.

9. The committee has the following additional powers and duties:

(a) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(b) To contract with such other agencies or individuals, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(d) To report its findings and recommendations to the Legislature not later than January 15, 1973.

10. The committee shall continue to function until January 15, 1973, and thereafter cease to exist.

11. The sum of one hundred twenty-four thousand dollars ($124,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members; provided that, in accordance with Joint Rule 36.8, any such expenditure of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

# RESOLUTION CHAPTER 72

*Assembly Concurrent Resolution No. 81—Approving amendments to the Charter of the City of Napa, State of California, ratified by the qualified electors of the city at a consolidated general election held therein on the third day of November, 1970.*

[Filed with Secretary of State June 15, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California
County of Napa } ss.
City of Napa

CERTIFICATE OF RATIFICATION OF TWO AMENDMENTS TO THE CHARTER OF THE CITY OF NAPA

We, the undersigned, Ralph Trower, Mayor of the City of Napa, and Allen R. Thorpe, City Clerk of said City, do hereby certify as follows:

That the City of Napa, a municipal corporation in the County of Napa, State of California, now is and at all times herein mentioned, was a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been ever since January 26, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the qualified electors of said City of Napa at an election held for that purpose on the 16th day of December 1914 and approved by the Legislature of the State of California on the 26th day of January, 1915.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of the City of Napa on its own motion duly made and entered on the minutes of said City Council on August 3, 1970, duly and regularly prepared and proposed to submit to the qualified voters of said City two proposed amendments to the Charter of said City of Napa, said charter amendments being designated as Proposed Charter Amendment No. 1 and Proposed Charter Amendment No. 2, filed in the office of the Clerk of said City of Napa on said August 3, 1970 and further ordered that said charter amendments should be submitted to and voted upon by the qualified voters of said City at a Consolidated General Election called and held for that purpose in said City on the 3rd day of November, 1970.

That while said proposed charter amendments were not published and advertised in strict compliance with the provisions of Section 8 of Article XI of the Constitution of the State of California that said requirement of the Constitution of the State of California and the laws of the State of California applicable thereto have been substantially complied with for the following reasons:

1. Notification to the general public was made in the Napa Register, a newspaper of general circulation printed in the City of Napa, and in all editions thereof issued during the days listed as follows:

(a) May 30, 1970, page 5a, listed as City Council Agenda Item for regular meeting of City Council to be held June 1, 1970

(b) June 13, 1970, page 2a, listed as City Council Agenda Item for regular meeting of City Council to be held June 15, 1970

(c) August 1, 1970, page 4a, listed as City Council Agenda Item for regular meeting of City Council to be held August 3, 1970

(d) August 4, 1970, pages 1 and 2a, reported results of Council Meeting held August 3, 1970, listing resolution adopting proposed charter amendments and requesting County Board of Supervisors to place on ballot for November 3, 1970 General Municipal Election

2. Notification to the general public was also made in the Napa County Record, Vol. XXIII—No. 25, dated June 10, 1970, a newspaper of general circulation printed in the City of Napa, and in all editions thereof issued during said day.

3. Notification to the general public was posted on the City Hall Bulletin Board and Public Notice Board at the County Courthouse, Napa, California, on September 1, 1970 advising that Monday, September 14, 1970 was the last day on which to submit arguments for or against the two proposed charter amendments.

4. No arguments were submittd in opposition to the proposed charter amendments and the City Council unanimously authorized arguments in favor of the proposed charter amendments at its regular meeting held September 8, 1970, which arguments were mailed as "official matter" with the sample ballots for said election.

That said Consolidated General Election was held in said City of Napa on November 3, 1970 and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendments designated as Proposed Charter Amendment No. 1 and Proposed Charter Amendment No. 2, and that the Napa County Clerk, as provided by law, duly and regularly canvassed the returns of said election and did duly find, determine and declare the result of said election to be that a majority of the qualified voters of said city voting on said proposed charter amendments had voted for and rati-

fied said amendments, and that the City Clerk did enter on the record and in the minutes of said City Council a statement of the result of said election as follows:

PROPOSED CHARTER AMENDMENTS

| Precincts | Measure "B" Charter Amendment No. 1 | | Measure "C" Charter Amendment No. 2 | |
|---|---|---|---|---|
| | For | Against | For | Against |
| No. 121001–121017 221001–221010 421001 521001–521019 | 8623 | 2798 | 8243 | 3107 |
| Absentee Vote | 284 | 67 | 274 | 72 |
| | 8907 | 2865 | 8517 | 3179 |

That said amendments to the Charter of the City of Napa, so ratified by the electors of said City of Napa, are in words and figures as fully set forth as follows:

Charter Amendment No. 1. Shall Section 8 of the Charter of the City of Napa be amended to read as follows:

Terms of Office—The terms of all elective officers shall be for four years, commencing on the first day of May of the year immediately following the adoption of this Charter Amendment and subsequently on the first day of May, succeeding their election and until their successors have qualified. The elective officers of the City of Napa who were elected in 1968 shall continue to hold and exercise their respective offices until the first day of May, 1972 and the elective officers of the City of Napa who were elected in 1970 shall serve until the first day of May, 1974.

Charter Amendment No. 2. Shall the first paragraph of Section 59A of the Charter of the City of Napa be amended to read as follows:

Vice-Mayor—At the first regular meeting of the City Council in January or within not more than thirty days thereafter or within not more than thirty days after the first regular meeting in January following the adoption of this Charter Amendment, the City Council shall annually select a Vice-Mayor to serve a one-year term on a calendar basis from the duly qualified Councilmen by a majority vote of said Council.

That we have compared the foregoing amendment with the original proposal submitted to the electors of said City of Napa and find that the foregoing is full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preambles of this Certificate preceding said amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 12th day of February, 1971.

RALPH TROWER
Ralph Trower
(SEAL) Mayor of the City of Napa
State of California
ALLEN R. THORPE
Allen R. Thorpe
City Clerk of the City of Napa
State of California

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Napa, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Napa.

---

## RESOLUTION CHAPTER 73

*Assembly Joint Resolution No. 17—Relative to the expenditure of federal funds to reduce unemployment.*

[Filed with Secretary of State June 16, 1971.]

WHEREAS, National unemployment reached a nine-year high of 6 percent in December, 1970, and in California and the Fresno area the unemployment rates are 7 percent and 7.2 percent, respectively; and

WHEREAS, The President of the United States has indicated that the federal budget for the coming fiscal year would be an expansionary one in order to reduce unemployment; and

WHEREAS, The United States is constructing a distribution system for Westlands Water District in order for that district to utilize water from the San Luis Unit of the Central Valley Project; and

WHEREAS, The 91st Congress, 2nd Session, passed and the President of the United States signed an appropriation bill which provided construction funds in an amount adequate to meet a reasonable construction schedule; and

WHEREAS, The President has impounded the major portion of said funds which has resulted in the shutting down of one construction contract with the termination of over 90 jobs in the Fresno County area; and

WHEREAS, The President's proposed budget for the 1972 fiscal year provides for the release of said funds on July 1, 1971, but does not provide for any additional construction funds for said distribution system; and

WHEREAS, The immediate release of said impounded funds would not only permit the resumption of the 90 jobs terminated, but would provide the equivalent of 1,000 jobs in this extremely labor-depressed area; and

WHEREAS, The release of said funds would be consistent with the President's desire to reduce unemployment; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the President of the United States is respectfully urged to release at this time from impoundment those funds appropriated by the Congress of the United States for use in furthering construction of the Westlands Water District distribution system and other public works projects in the San Joaquin Valley so that more jobs can be created in Fresno County, a serious area of unemployment; and be it further

*Resolved,* That the President of the United States is respectfully urged to request the appropriation of, and the Congress of the United States is respectfully urged to appropriate, a substantial amount of additional funds other than those heretofore impounded for use in the 1972 fiscal year in the construction of Westlands Water District distribution system; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 74

*Senate Concurrent Resolution No. 22—Relative to the California Law Revision Commission.*

[Filed with Secretary of State June 16, 1971.]

WHEREAS, Section 10335 of the Government Code provides that the California Law Revision Commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics selected by it for study, including a list of the studies in progress; and

WHEREAS, The commission in its annual report covering its activities for 1970 lists the following topics, all of which

the Legislature has previously authorized or directed the commission to study, as studies in progress:

Topics Under Active Consideration:

(1) Whether the law and procedure relating to condemnation should be revised with a view to recommending a comprehensive statute that will safeguard the rights of all parties to such proceedings;

(2) Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised (including but not limited to the liability for inverse condemnation resulting from flood control projects) and whether the law relating to the liability of private persons under similar circumstances should be revised;

(3) Whether the law relating to counterclaims and cross-complaints should be revised;

(4) Whether the law relating to joinder of causes of action should be revised;

(5) Whether the law relating to attachment, garnishment, and property exempt from execution should be revised;

(6) Whether the law relating to the rights and duties attendant upon termination or abandonment of a lease should be revised;

(7) Whether the law relating to the right of nonresident aliens to inherit should be revised;

(8) Whether the doctrine of sovereign or governmental immunity in California should be abolished or revised;

(9) Whether the law respecting jurisdiction of courts in proceedings affecting the custody of children should be revised;

(10) Whether the law relating to arbitration should be revised;

(11) Whether the law relating to liquidated damages in contracts and, particularly, in leases, should be revised;

Other Topics Authorized for Study:

(1) Whether the law relating to nonprofit corporations should be revised;

(2) Whether Section 1698 of the Civil Code (oral modification of a written contract) should be repealed or revised;

(3) Whether the various sections of the Code of Civil Procedure relating to partition should be revised and whether the provisions of the Code of Civil Procedure relating to the confirmation of partition sales and the provisions of the Probate Code relating to the confirmation of sales of real property of estates of deceased persons should be made uniform and, if not, whether there is need for clarification as to which of them governs confirmation of private judicial partition sales;

Topics Continued on Calendar for Further Study:

(1) Whether the law relating to the escheat of property and the disposition of unclaimed or abandoned property should be revised;

(2) Whether the law relating to quasi-community property and property described in Section 201.5 of the Probate Code should be revised;

(3) Whether the law relating to a power of appointment should be revised;

(4) Whether the Evidence Code should be revised;

(5) Whether the law relating to suit by and against partnerships and other unincorporated associations should be revised and whether the law relating to the liability of such associations and their members should be revised;

(6) Whether the law relating to the use of fictitious names should be revised;

and

WHEREAS, The commission in its annual report covering its activities for 1970 has recommended that the following topics, previously approved for study, be removed from its agenda:

(1) Whether the jury should be authorized to take a written copy of the court's instructions into the jury room in civil as well as criminal cases;

(2) Whether the law giving preference to certain types of actions or proceedings in setting for hearing or trial should be revised;

(3) Whether an award of damages made to a married person in a personal injury action should be the separate property of such married person;

(4) Whether the law relating to the doctrine of mutuality of remedy in suits for specific performance should be revised;

(5) Whether Vehicle Code Section 17150 and related statutes (liability of vehicle owners and operators) should be revised;

(6) Whether the law relating to the rights of a good faith improver of property belonging to another should be revised;

(7) Whether Section 1974 of the Code of Civil Procedure (representations as to credit of third person) should be repealed or revised;

(8) Whether the law relating to additur and remittitur should be revised;

(9) Whether Civil Code Section 715.8 (rule against perpetuities) should be revived or repealed;

now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Legislature approves the topics listed above as studies in progress for continued study by the California Law Revision Commission and approves the removal from the commission's agenda of the topics listed above that the commission has recommended be removed from its agenda.

## RESOLUTION CHAPTER 75

*Senate Concurrent Resolution No. 23—Relative to the California Law Revision Commission.*

[Filed with Secretary of State June 16, 1971.]

WHEREAS, Section 10335 of the Government Code provides that the approval of the Legislature, by concurrent resolution, is required in order for the California Law Revision Commission to undertake and carry forward studies; and

WHEREAS, The commission in its annual report covering its activities for 1970 describes a new topic which the Legislature has not previously authorized the commission to study; and

WHEREAS, It has been determined that the commission should study an additional topic; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Legislature authorizes the California Law Revision Commission to make a study of the following topics:

(1) Whether the parol evidence rule should be revised.

(2) Whether the law relating to the award of prejudgment interest in civil actions and related matters should be revised.

---

## RESOLUTION CHAPTER 76

*Senate Joint Resolution No. 3—Relative to the Tehama-Colusa Canal.*

[Filed with Secretary of State June 17, 1971.]

WHEREAS, The Tehama-Colusa Canal, a 120-mile irrigation canal, serving the Counties of Tehama, Glenn, Colusa, and Yolo, was originally authorized by Congress in 1950; and

WHEREAS, The original scheduled date of completion for the canal was 1965; and

WHEREAS, Construction of the canal was only begun in 1965; and

WHEREAS, The canal is presently one-third completed at a cost of over 35 million dollars, yet does not irrigate one single acre of land; and

WHEREAS, The United States Bureau of Reclamation has a funding capability of $5,465,000 for the Sacramento River Division of the Central Valley Project for the fiscal year 1971–72; and

WHEREAS, An increased level of funding is essential to the timely construction of the Tehama-Colusa Canal; and

WHEREAS, The proposed budget includes only $1,322,000 for the Sacramento River Division and does not make provision for additional construction of the Tehama-Colusa Canal; and

WHEREAS, Completion of the Tehama-Colusa Canal is already five years behind schedule; and

WHEREAS, The need for rapid completion is demonstrated by the fact that the water table in the proposed service area is dropping to the point of imperiling the financial survival of farmers who planted irrigated crops depending upon the timely completion of the canal; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to fund construction of the Tehama-Colusa Canal to the full capability of the United States Bureau of Reclamation; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to all members of the Senate and House Appropriations Committees.

---

## RESOLUTION CHAPTER 77

*Assembly Concurrent Resolution No. 130—Approving amendments to the Charter of the City of Fresno, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 20th day of April, 1971.*

[Filed with Secretary of State June 18, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Fresno, a municipal corporation in the County of Fresno, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF AMENDMENTS TO THE CHARTER OF THE CITY OF FRESNO

State of California }
County of Fresno } ss.
City of Fresno }

We, Ted C. Wills, Mayor of the City of Fresno, and Jacqueline L. Ryle, City Clerk of the City of Fresno, do hereby certify and declare as follows:

That the City of Fresno, in the County of Fresno, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That the City of Fresno is now, and was at all of the times herein mentioned, organized and existing under a charter adopted under the provisions of former Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of the City at a general municipal election held for that purpose on the 8th day of April, 1957, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 10th day of June, 1957 (Assembly Concurrent Resolution No. 163, Chapter 277, Statutes 1957, Page 4680).

That in accordance with the provisions of Section 3, Article XI of the Constitution of the State of California, and Chapter 3, Part 1, Division 2 of Title 4 of the California Government Code, the Council of the City of Fresno, being the legislative body of the City, on its own motion, by Resolution No. 71-16 adopted on January 14, 1971; Resolution No. 71-20 adopted on January 21, 1971; Resolution Nos. 71-24, 71-25, and 71-26 adopted on January 28, 1971; Resolution No. 34 adopted on February 4, 1971; Resolution No. 71-70 adopted on February 25, 1971; and Resolution No. 71-82 adopted on March 11, 1971, duly and regularly submitted to the electors of the City proposals for certain amendments to the charter of the City, and the Council ordered that the proposed charter amendments as particularly set forth in said resolutions be submitted to the electors of the City at the general municipal election to be held in the City on the 20th day of April, 1971.

That on March 11, 1971, the proposed charter amendment included in Resolution No. 71-82 was published and advertised in accordance with said Government Code in Fresno Daily Legal Report, a newspaper of general circulation within the City, in each edition thereof during the day of publication. That on March 7, 1971, the other proposed charter amendments were published and advertised in accordance with said Government Code in The Fresno Bee—The Republican, a newspaper of general circulation within the City, and in each edition thereof during the day of publication.

That copies of the proposed charter amendments were printed in convenient pamphlet form in type not less than 10-point, and were mailed to each of the qualified electors of the City; that copies thereof could be had upon application therefor at the office of the City Clerk on and from March 8, 1971, to and including April 20, 1971; and that a notice was advertised and published on and from March 8, 1971, to and including April 20, 1971, in The Fresno Bee—The Republican, a newspaper of general circulation within the City, that copies thereof might be had at the office of the City Clerk of the City upon application therefor.

That pursuant to the provisions of Section 1400 of the charter of the City of Fresno, a general municipal election was required to be held in the City of Fresno on the 20th

day of April, 1971, which date was not less than forty (40) days, and not more than sixty (60) days, after the completion of the publication of the proposed charter amendment as aforesaid.

That the said general municipal election was held in the City of Fresno on the 20th day of April, 1971, and said proposed charter amendments were designated upon the ballot therefor, and voted upon by the electors voting at said election, as Measures E, F, G, H, I, J, K, L, M, N, O, P, Q, R, and S, respectively.

That thereafter the Council of the City of Fresno did, in the manner provided by law, duly and regularly cause to be canvassed the returns of the said general municipal election and did, by resolution adopted on April 27, 1971, duly declare the results of the said general municipal election as determined from the canvass of the returns thereof, and did find, determine, and declare that each of said proposed amendments, except Measure E, did receive a majority vote of the qualified voters voting in said election in favor thereof, and are therefore deemed ratified.

That the said proposed charter amendments so submitted by the Council of the City of Fresno and so ratified by the qualified voters of the City are in words and figures as follows:

1. [Measure F]. Section 400 of the Charter of the City of Fresno is amended to read:

Section 400. Powers and Duties. The Mayor shall preside at all meetings of the Council and shall perform such other duties consistent with his office as may be imposed by the Council and which are not in conflict with the provisions of this Charter. He shall be entitled to, and, in the event of a tie, must vote but shall possess no veto power. He shall appoint members of all boards or commissions which said appointments shall be subject to confirmation by the Council. He shall have the primary but not exclusive responsibility for interpreting the policies, programs, and needs of the City government to the people, and of informing the people of any major change in policy or program. He shall advise the Council on all matters of policy and public relations and perform such other duties as may be prescribed by this Charter. He shall be recognized as the official head of the City for all ceremonial purposes, by the Courts for the purpose of serving civil processes, and by the Governor for military purposes. In time of public danger or emergency, he may, with the consent of the Council, take command of the police, maintain order, and enforce laws, and at all times shall have the powers of a peace officer.

2. [Measure G]. Section 600 of the Charter of the City of Fresno is amended to read:

Section 600. Enactment of Ordinances. Legislative action, including the establishment of a fine or other penalty or the grant of a franchise, shall be taken by the Council only by means of an ordinance, as follows:

(a) Each ordinance shall be introduced in writing, and its enacting clause shall be substantially as follows:. "The Council of the City of Fresno does ordain as follows:"

(b) No ordinance shall be adopted by the Council on the day of its introduction, or on the day it is altered after introduction, nor within five days thereafter, except as follows:

(1) An ordinance which takes effect upon adoption;

(2) An ordinance changing the land use zoning district of property which has been the subject of a noticed public hearing by the Council;

(3) An alteration necessary only to correct a typographical or clerical error.

(c) No ordinance, except an emergency ordinance, shall be adopted at any time other than a regular or adjourned regular meeting.

(d) Upon the demand of a member of the Council at the time of the adoption of an ordinance, it shall be read in full, unless the reading thereof is waived by the Council.

(e) No ordinance changing the land use zoning district of property shall be adopted in conflict with any specific plan adopted by ordinance.

3. [Measure H]. Section 602 of the Charter of the City of Fresno is amended to read:

Section 602. Roll Call Vote. Approved Substitute. At the demand of any member, or at the request of the City Clerk, upon any question, the members shall individually cast their votes, by audible voice vote at the call of the roll by the City Clerk, or by other means, approved by a majority of the members, which registers and publicly discloses the individual vote of each member. The City Clerk shall cause the ayes and noes cast to be entered in the minutes of the meeting.

4. [Measure I]. Section 810 of the Charter of the City of Fresno is amended to read:

Section 810. Hours of Work. There shall not be established for any position in the city service a regularly scheduled work day of more than eight hours or a regularly scheduled work week of more than five days, except that members of the city fire fighting force shall be required to work, on a twenty-four hour day basis, not more than fifty-six hours per week on an average, said average to be determined in multiples not to exceed ninety days.

5. [Measure J]. Section 811 of the Charter of the City of Fresno is amended to read:

Section 811. Holidays. All employees, except temporary employees, shall be entitled to or shall receive credit for all holidays during each fiscal year without loss of compensation. The word "holiday," as used in this section, shall mean every state holiday, including that day in November known as Thanksgiving Day, but not including any other day appointed by the President of the United States or the Governor of the State as a public fast, thanksgiving, or holiday, unless such ap-

pointed day is also declared to be a holiday pursuant to ordinance or resolution of the Council.

6. [Measure K]. Section 813 of the Charter of the City of Fresno is amended to read:

Section 813. Political Activities. Upon becoming a candidate for public office, any person holding any position in the Administrative Service shall request and be granted a leave of absence, without pay, to remain in effect during the period of time such person is a candidate.

Except as otherwise provided by the general laws of this state heretofore or hereafter enacted, no person in the Administrative Service, or seeking admission thereto, shall be employed, promoted, demoted, or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race, sex, or religious belief.

No officer or employee of the city and no candidate for any city office shall, directly or indirectly, solicit any assessment, subscription, or contribution, whether voluntary or involuntary, for any political purpose whatever, from anyone on the eligible lists or holding any position in the Administrative Service.

7. [Measure L]. Section 907 of the Charter of the City of Fresno is amended to read:

Section 907. Planning Commission. The Planning Commission shall have the power and duty to:

(a) After a public hearing thereon, recommend to the Council the adoption, amendment, or repeal of the General Plan, or any part thereof, for the development of the city;

(b) Exercise such control over land subdivisions as is granted to it by the Council;

(c) Make recommendations concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the city;

(d) Exercise such functions with respect to zoning and land use as may be prescribed by ordinance, not inconsistent with the provisions of this Charter.

8. [Measure M]. Section 908 of the Charter of the City of Fresno is amended to read:

Section 908. Civil Service Board. The Civil Service Board shall consist of five members, none of whom while a member of the Board, or for a period of one year after he has ceased for any reason to be a member, shall be eligible for appointment to any salaried office or employment in the service of the City. "Salaried office" shall not be deemed to include an elective office or membership on a board or commission of the City.

9. [Measure N]. Sections 1002 and 909 of the Charter of the City of Fresno are amended to read:

Section 1002. Suspension, Demotion, and Dismissal. Except as otherwise provided in this Charter, an officer or employee holding a position in the classified service may be suspended without pay, demoted, or removed from his position for malfeasance, misconduct, incompetence, inefficiency or for

failure to perform the duties of his position or to observe the established rules and regulations in relation thereto, or to cooperate reasonably with his superiors or fellow employees, but subject to the right to a hearing before the Civil Service Board in the manner set forth herein.

An officer or employee suspended, demoted, or removed shall be given in writing the reasons for his suspension, demotion, or removal. He shall be allowed a reasonable time for answering the same and may demand a public hearing upon the charges before the Civil Service Board, such hearing to be held in accordance with procedures established therefor. Hearings may be conducted informally and the technical rules of evidence need not apply but the officer or employee whose suspension, demotion, or removal is sought may be heard in person, be permitted to be represented by counsel and to produce testimony in his own behalf.

The decision of the Civil Service Board upon any such hearing shall be final. Any action or proceeding brought to determine the validity of the decision shall be commenced in a court of competent jurisdiction within thirty days after the date of mailing of notice of the decision to the parties.

Section 909. Civil Service Board. Powers and Duties. The Civil Service Board shall have the power and duty to:

(a) Recommend to the Council, after a public hearing thereon, the adoption, amendment, or repeal of Civil Service rules and regulations;

(b) Act in an advisory capacity to the Council on problems concerning personnel administration;

(c) Conduct hearings as provided in Section 1002 relative to the suspension, demotion, and removal of any person in the City employment;

(d) Make any investigation which it may consider desirable concerning the conditions of employment and the administration of personnel in the municipal service and report its findings to the Council;

(e) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

10. [Measure O]. Section 1000 of the Charter of the City of Fresno is amended to read:

Section 1000. Unclassified and Classified Service. The Administrative Service of the City shall be divided into Unclassified and Classified Service:

(a) The Unclassified Service shall comprise the following officers, employees, and positions:

(1) The Chief Administrative Officer, his deputies, if any, the City Clerk, the City Attorney and his deputies, if any, the Controller, and the heads of all departments created by the Council, except the Fire Department and the Police Department;

(2) Positions in any class or grade created for special or temporary purposes for a period of not longer than one year within any two consecutive fiscal years;

(3) Persons employed to render professional, scientific, technical, or expert services of any occasional or exceptional character;

(4) Part-time employees paid on an hourly or per diem basis.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

11. [Measure P.] Sections 1203 and 1205 of the Charter of the City of Fresno are amended to read:

Section 1203. Budget, Submission to Council. At least thirty days prior to the beginning of each fiscal year, the Chief Administrative Officer shall submit to the Council the proposed budget as prepared by him. The Council may review the proposed budget and make such revisions as it may deem advisable. At the time he submits the proposed budget to the Council the Chief Administrative Officer shall determine, and shall advise the Council of, the time for the holding of a public hearing thereon, and shall cause notice to be given of the time and place of such hearing, not less than 10 days prior to the time fixed therefor, by publication of such notice at least once in a newspaper of general circulation in the City.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to the hearing.

Section 1205. Budget, Further Consideration and Adoption. After the conclusion of the public hearing the Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30, it shall adopt the budget. A copy thereof, certified by the City Clerk, shall be filed with the person retained by the Council to perform auditing functions for the Council and a further copy shall be placed and shall remain on file, in the office of the City Clerk, where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City.

12. [Measure Q]. Section 1208 of the Charter of the City of Fresno is amended to read:

Section 1208. Competitive Bidding. Every contract involving an expenditure of City moneys of more than fifteen hundred dollars above the limitation on expenditures for public projects without noticed bidding applying to general law cities under the California Government Code, for materials, supplies, equipment, or for public works construction, shall be let to the lowest responsible bidder after notice by publication in a newspaper of general circulation within the City by one or more insertions, the first of which shall be at least seven days before time for opening bids. The Council may reject any and all bids presented and may readvertise in its discretion. Such contracts may be let without advertising for bids, if such purchase shall be deemed by the Council to be of urgent necessity for the preservation of life, health, or property and shall

be authorized by resolution passed by at least five affirmative votes of the Council and containing a declaration of the facts constituting the urgency.

All bids shall be accompanied by either a certified, or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified, then in an amount not less than ten percent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract within the time specified in the notice inviting bids or specifications referred to therein, the amount of the bidder's security may be declared forfeited to the City and may be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The provisions of this section shall not apply to work done by the City with its own personnel and/or equipment, or to materials, supplies, or equipment obtained or purchased from any governmental agency.

All bids shall be submitted in a sealed envelope and shall be filed with the officer in charge of the purchasing function no later than the opening time specified in the notice inviting bids, who shall receive and be custodian of such bids and keep the same confidential until they are opened and declared.

All bids received shall be publicly opened and declared at the time and at the place fixed in the notice inviting bids.

Thereafter, the bids shall be tabulated and analyzed by the officer in charge of the purchasing function, who shall submit them, together with recommendations thereon, to the Chief Administrative Officer. The Chief Administrative Officer shall review the bids and submit them to the Council, along with his recommendations, at the next regular meeting of the Council.

The Council shall have the right to waive any informality or minor irregularity in a bid.

13. [Measure R]. Section 1213 of the Charter of the City of Fresno is amended to read:

Section 1213. Bonded Debt Limit. The City shall not incur indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of twenty per cent of the total assessed valuation for purposes of City taxation of all the real and personal property within the City, exclusive of any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending, or maintaining municipal utilities for which purpose a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the State Constitution and of this Charter.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the

affirmative votes of a majority of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in substantial compliance with the provisions of the State Constitution and of this Charter.

14. [Measure S]. Section 1222 of the Charter of the City of Fresno is amended to read:

Section 1222. Revenue Bonds.

(a) Revenue bonds may be authorized by the Council of the City of Fresno by resolution of five affirmative votes of the Council at a duly assembled meeting. All such revenue bonds so issued shall contain a recital on their face that neither the payment of the principal of or interest thereon constitutes a debt, liability, or obligation of the City of Fresno, except as provided in this section. All such revenue bonds shall be payable either

(1) exclusively from the revenues derived from the operation of off-street vehicular parking facilities and revenues from parking meters, or such specific portions thereof as may be allocated and pledged to the payment of such revenue bonds; or

(2) exclusively from the revenues derived from the operation of airport facilities or properties, or such specific portions thereof as may be allocated and pledged to the payment of such revenue bonds; or

(3) exclusively from the revenues derived from the operation of any revenue-producing utility referred to in Section 1221 of this Charter, or such specific portions thereof as may be allocated and pledged to the payment of such revenue bonds, in accordance with the terms of the resolution under which said revenue bonds are authorized to be issued.

Reference on the face of such revenue bonds to such resolution by its date of adoption shall be sufficient to incorporate all of the provisions thereof into the body of said revenue bonds and their appurtenant coupons. Each taker and subsequent holder of said revenue bonds or coupons, whether such coupons are attached to or detached from said revenue bonds, shall have recourse to all of the provisions of such resolution and shall be bound thereby.

(b) The Council of the City of Fresno shall have power and is hereby authorized:

(1) To fix the aggregate principal amount of all revenue bonds which may from time to time be issued for any purpose authorized by this section; to prescribe the purpose or purposes for which the same may be issued and to provide for the issuance of additional bonds and the security therefor;

(2) To prescribe the form and denomination of the revenue bonds and the terms and conditions upon which the same shall be issued, paid, and retired Revenue bonds may be issued in one or more series; may bear such date or dates; may mature at such time or times not exceeding forty years from their respective dates (provided that if any authorized issue of revenue bonds is divided into two or more series or divisions, the

maximum maturity date of each such series or division shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue); may be in the form of serial bonds or sinking fund bonds with serial or term maturities; may bear interest at a rate or rates not exceeding nine percent per annum, payable annually or semi-annually; may be in such denomination or denominations and in such form, either coupon or registered; may carry such registration or conversion privileges; may be executed in such manner; may be payable in such medium of payment and at such place or places within or without the State of California; may be subject to such terms of redemption with or without premium; may be subject to call or redemption prior to their fixed maturity date, provided the right to exercise such call is expressly stated on the face of the bonds; all as provided in such resolution or resolutions of said Council; provided further, that all revenue bonds maturing subsequent to five years from their date may be issued as callable bonds, subject to redemption at the option of the City upon such terms as the Council shall determine;

(3) To provide, in and by the resolution or resolutions authorizing the issuance, the terms and conditions upon which all such revenue bonds issued thereunder may be declared or become due and payable in the event of said defaults, if any, as may be specified in said resolution; may also provide for the replacement of mutilated, destroyed, stolen, or lost bonds;

(4) To provide in and by such resolution for the authentication and execution of revenue bonds by manual, lithographed, or mechanically reproduced facsimile signatures of any officers of the Council and also to provide for additional authentication of such revenue bonds by any trustee or fiscal agent appointed by said Council. If any of the officers whose signatures on bonds or coupons cease to be officers before the delivery of said revenue bonds or coupons to the purchasers thereof, their signatures or countersignatures shall nevertheless be valid and of the same force and effect as if such officers had remained in office until the delivery of the revenue bonds and coupons;

(5) To provide by resolution, pending the preparation of the definitive bonds, for the issuance of interim receipts or temporary bonds exchangeable for definitive bonds when such definitive bonds are ready for delivery in such form and with such provisions as may be provided in said resolution, and further to provide that notwithstanding the form or tenor of such interim receipts or temporary bonds that such interim receipts, temporary bonds, and also all revenue bonds shall at all times be, and be treated as, negotiable instruments for all purposes;

(6) To provide that the proceeds of the sale of said revenue bonds shall be applied to the payment of all costs and expenses to be incurred in connection with the issuance of said bonds,

including fiscal agents, and legal expenses, working capital and interest, which it is estimated will accrue during the construction period and for not exceeding six months thereafter on money borrowed or which it is estimated will be borrowed through the issuance of such revenue bonds.

(c) Revenue bonds authorized hereby may be sold by the Council from time to time in such manner as the Council may determine and at a price below the par value thereof; provided that the maximum net interest cost on revenue bonds sold below par or face value shall not exceed an average of nine percent per annum, payable annually or semiannually, to the respective maturity dates of said revenue bonds as determined by standard tables of bond values.

(d) The Council shall have authority to provide for the issuance, sale, or exchange of refunding revenue bonds for the purpose of redeeming, retiring, or refunding any revenue bonds issued under this Charter subject to any limitations contained in the resolution providing for the issuance of such revenue bonds. All provisions of this section applicable to the issuance of revenue bonds are hereby made applicable to the issuance of refunding bonds and to the sale or exchange thereof. Refunding revenue bonds may be issued in the principal amount sufficient to provide funds for the payment of all revenue bonds to be refunded thereby and in addition for the payment of all expenses incident to the calling, retiring, or paying of such outstanding revenue bonds in the issuance of such refunding bonds. Such expenses may include any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof to the date of payment of the revenue bonds to be refunded and also the premium, if any, necessary to be paid in order to call and retire the outstanding revenue bonds and the interest accruing thereon to the call date.

(e) All revenue bonds issued by the Council shall be secured by a lien upon the gross revenue of the project for the acquisition, construction, and completion of which said revenue bonds are to be issued, and

(1) in the case of revenue bonds for off-street vehicular parking facilities, revenues from parking meters, as shall be more fully described in the resolution of the Council authorizing the issuance of said bonds, and said Council shall have power in and by such resolution to pledge and assign as security for such revenue bonds all or any part of the gross revenues of any project for the acquisition or construction of which said revenue bonds are to be issued, including revenues from improvements and extensions thereof thereafter constructed or acquired, as well as the revenues of any existing off-street vehicular parking project operated or controlled by said City of Fresno and also any sums allocated by the Council from the operation of parking meters to the revenue bond fund for payment of expenses, principal, and interest of the revenue bonds; or

(2) in the case of revenue bonds for airport facilities, revenues of any existing airport facilities or properties operated or controlled by the City of Fresno and of any improvements and extensions thereof thereafter constructed or acquired as shall be more fully described in the resolution of the Council authorizing the issuance of said bonds, and said Council shall have power in and by such resolution to pledge and assign as security for such revenue bonds all or any part of the gross revenues of any project for the acquisition or construction of which said revenue bonds are to be issued, including revenues from improvements and extensions thereof thereafter constructed or acquired, and also any sums allocated by the Council from the gross revenues collected from any existing airport facilities or properties, including revenues from improvements and extensions thereof thereafter constructed or acquired, to the revenue bond fund for payment of expenses, or for the payment or security of the principal of and interest on the revenue bonds; or

(3) in the case of revenue bonds for any other revenue-producing utility, revenues of any existing portion or portions of such utility operated or controlled by the City of Fresno and of any improvements or extensions thereof thereafter constructed or acquired as shall be more fully described in the resolution of the Council authorizing the issuance of said bonds, and said Council shall have power in and by such resolution to pledge and assign as security for such revenue bonds all or any part of the gross revenues of any project for the acquisition or construction of which said revenue bonds are to be issued, including revenues from improvements and extensions thereof thereafter constructed or acquired, and also any sums allocated by the Council from the gross revenues collected from any existing portion or portions of such utility, including revenues from improvements and extensions thereof thereafter constructed or acquired, to the revenue bond fund for payment of expenses, or for the payment or security of the principal of and interest on the revenue bonds.

Sums required to meet the payment of interest on and principal of revenue bonds bonds issued under this Charter shall be secured by a first, direct, and exclusive charge and lien upon all revenues described in the resolution authorizing the issuance of such revenue bonds and upon all sinking funds, reserve funds, or redemption funds created for the further security of said revenue bonds and the income therefrom and all such revenues and funds and the income therefrom shall constitute a trust fund for the security and payment of such revenue bonds and shall not be used for any other purpose as long as such bonds, or any of them, and the interest thereon are outstanding and unpaid, except that in the resolution providing for the issuance of said revenue bonds, there may be apportioned, so long as the interest on and principal of such revenue bonds is

paid as the same becomes due and payable, together with all other charges required by such resolution for the protection of or better securing of such revenue bonds, such sums as may be specified in such resolution for the payment of maintenance and operating costs of such projects and of any existing facilities or utility the revenues of which are pledged and assigned as security for such revenue bonds, or for any other lawful purpose of the City of Fresno, but only to the extent specified and described in said resolution.

(f) Any resolution of the Council providing for the issuance of revenue bonds may also, in addition to all other appropriate agreements deemed necessary or advisable by the Council, contain such covenants and agreements as it deems necessary or advisable for the better security of the revenue bonds issued thereunder. The Council is hereby authorized and empowered in and by the terms of any such resolution to covenant and agree with the holders of any of said revenue bonds, so long as the same shall be outstanding, as follows:

(1) That the proceeds of the sale of said revenue bonds shall be deposited in a fund separate and apart from all other funds of the City of Fresno and shall be applied solely and exclusively to the object and purpose for which said revenue bonds are herein authorized to be issued and that any proceeds remaining unexpended after the object and purpose for which said revenue bonds are authorized to be issued shall have been completed shall be applied to the payment of principal and interest of such revenue bonds and that none of said moneys shall be transferred to any other fund of the City of Fresno or used for any purpose other than as specified in said resolution;

(2) That the City of Fresno shall operate or cause to be operated, all projects and properties acquired from the proceeds of the sale of said revenue bonds continuously so long as said revenue bonds are outstanding in an efficient manner and in good working order and condition, and will make all needful and necessary repairs, improvements, and replacements;

(3) That the Council will establish and maintain reasonable rentals, rates, tolls, and/or charges for all properties maintained, owned, operated, leased, or controlled by it (including parking meters in the case of off-street parking projects), or acquired from the proceeds of the sale of revenue bonds and that such rentals, rates, tolls, and/or charges shall at all times be adequate to yield annual revenue equal to all redemption payments and interest charges on said revenue bonds as the same fall due, together with such additional sums as may be required for any sinking fund, reserve fund, or any other special fund provided for the security of revenue bonds or for any maintenance and operation, depreciation, reserve fund, or other charges in connection with the operation of any properties of the City of Fresno, and further that such rentals, rates, tolls, and/or charges shall not be reduced below an amount sufficient to provide funds to meet all obligations set forth in the resolution authorizing the issuance of such revenue bonds.

No person shall be permitted to use or operate any of the facilities or properties of the City of Fresno or, to make use thereof except upon payment of the regularly established charge therefor, except only, as may be provided in the resolution authorizing the issuance of such revenue bonds, in the case of firemen, policemen, and other essential public employees, to be specifically set forth in such resolution. All such rentals, rates, tolls, and/or charges shall be paid only in such coin or currency as on the date of payment is legal payment for public or private debts, or in scrip or tokens issued only upon payment of the face value of such coin or currency. Any agreement contained in said resolution with respect to such rentals, rates, tolls, and/or charges shall be binding upon the City of Fresno and upon its officers, departments, and boards thereof;

(4) That accurate books and records of account showing all revenues received from the operation of all properties by the City of Fresno, and all expenditures thereof, will be kept and provided, and that all books and records of the City of Fresno pertaining to the operation of such off-street vehicular parking places or airport facilities or other revenue-producing utility shall be open at all times during business hours to the inspection of the holders of one or more of the revenue bonds, or of any percentage of such holders or their duly authorized representatives as may be provided in such resolution. That annual or other periodic statements of the condition of all such off-street vehicular parking properties or airport facilities or other revenue-producing utility operated by the City of Fresno will be furnished to the holders of such revenue bonds and that summaries thereof will be published at least annually in the official newspaper of the city of Fresno. The resolution providing for the issuance of revenue bonds may also provide that the books and records of the City of Fresno pertaining to the operation of such off-street vehicular parking places or airport facilities or other revenue-producing utility shall be audited by independent public accountants in such manner and under such circumstances as may be set forth in the resolution;

(5) That no part of the said properties in the City of Fresno shall be sold, leased, mortgaged, or otherwise encumbered or disposed of except upon such terms and conditions as may be defined in said resolution and that if any part of the properties of the City of Fresno shall be taken by eminent domain or other proceedings authorized by law, the proceeds therefrom shall be applied to the replacement of properties of like kind and character or to the payment and retirement of revenue bonds, or as may be set forth in said resolution;

(6) That said resolution may contain such other terms and conditions with respect to the payment of the bonds, the operation of said off-street vehicular parking facilities or airport facilities or other revenue-producing utility and properties by the City of Fresno, payment of claims, or the obtaining of insurance of any kind or character on any of said properties of

the City of Fresno and the payment of the premium therefor, events of default and the rights of the holders of revenue bonds in the event thereof, the procedure under which the terms and conditions of the revenue bonds and of the resolution authorizing the issuance thereof may be amended at a meeting of the bondholders or by written assent of bondholders without a meeting and the manner in which such consent of the bondholders may be given, either with or without a meeting, and the effect of such an amendment or modification upon the rights of all holders of the bonds and coupons and also all other agreements deemed necessary or desirable in order to secure said revenue bonds or to make the same more marketable.

(g) The validity of any revenue bonds issued by the Council of the City of Fresno shall not be dependent on or affected in any way by any proceedings taken by the City of Fresno for acquisition, construction, or completion of any properties or projects for which said bonds are to be issued or any contracts made in connection with the acquisition, construction, or operation of any such properties. Said revenue bonds shall be incontestable and shall by their issuance and delivery conclusively establish the due performance of all conditions precedent to their issue.

(h) The City of Fresno may, at any time after the adoption of a resolution providing for the issuance of any revenue bonds under this Charter and prior to the actual delivery of such bonds to any purchaser thereof, bring an action in the Superior Court of Fresno County to determine the validity of any such bonds. Such action shall be in the nature of a proceeding in rem. The jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation published in Fresno County, such newspaper to be designated by the Judge of the Court having jurisdiction of the proceedings. The jurisdiction shall be completed within ten days after publication of the summons in the manner herein provided. Anyone interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such revenue bonds. Such action shall be speedily tried and judgment rendered declaring the bonds either valid or invalid. Either party shall have the right to appeal to the Supreme Court of the State of California at any time within thirty days after the entry of such judgment and such appeal shall be heard and determined by said court within three months from the time of submission thereof to said Court.

(i) The provisions of this section constitute full and complete authority for the issuance of revenue bonds as herein provided by the Council of the City of Fresno and no other procedure or proceedings, consents, approvals, orders, or permission from any municipal officer or a board of the City of Fresno shall be required for the acquisition, construction, or completion of any properties or the issuance of any revenue bonds except as specifically provided in Section 1219, 1220, or

1221 of this Charter. The powers and authorities conferred by said sections of this Charter are in addition to and supplemental to all other powers and authorities conferred upon the City of Fresno. The method provided in said sections for the acquisition of properties and the issuance of revenue bonds shall be deemed an additional method for acquiring such properties and providing funds therefor, provided that the City of Fresno may, in its discretion, acquire any properties of a like or similar nature and issue general obligation bonds of the City of Fresno therefor, but subject to the conditions that the City of Fresno shall not, while any revenue bonds are issued or outstanding, acquire, construct, or complete any competing projects or properties similar to those maintained or operated through the issuance of revenue bonds by the Council. Revenue bonds issued under this Charter shall not be taken into consideration in determining the bonded indebtedness which the City of Fresno is authorized to incur pursuant to Section 1213 of this Charter.

We, and each of us, further certify that we have compared the text of each of the foregoing charter amendments with the original proposal submitting the same to the electors of the City, and find that the foregoing is a full, true, correct, and exact copy thereof; and that as to said charter amendments this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Fresno to be affixed hereto this 27th day of April, 1971.

(SEAL)

TED C. WILLS
Mayor of the City of Fresno
JACQUELINE L. RYLE
City Clerk of the City of Fresno

Approved as to form:
SPENCER THOMAS, JR.
City Attorney
BY ALAN DAVIDSON
Date: April 28, 1971.

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,*

That the amendments to the Charter of the City of Fresno, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Fresno.

## RESOLUTION CHAPTER 78

*Assembly Concurrent Resolution No. 58—Relative to designating the City of San Leandro as the honorary State Capital during 1972.*

[Filed with Secretary of State June 23, 1971.]

WHEREAS, The City of San Leandro will celebrate the 100th anniversary of its incorporation during 1972; and

WHEREAS, The city was incorporated on March 21, 1872, which was 100 years to the month after the area was first visited by Spanish soldiers who camped on the San Leandro plain on March 26, 1772; and

WHEREAS, Today, San Leandro is a balanced community with 68,000 residents who will honor their city's history and settlers during the San Leandro Centennial-Bicentennial during 1972 with a year of events; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the members hereby designate the City of San Leandro as the honorary state capital during 1972 in honor of the San Leandro Centennial-Bicentennial Celebration; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the City of San Leandro.

## RESOLUTION CHAPTER 79

*Assembly Joint Resolution No. 3—Relative to the creation of a Golden Gate National Recreation Area.*

[Filed with Secretary of State June 28, 1971.]

WHEREAS, Much of the natural beauty and charm of the San Francisco Bay area is a result of the relatively undeveloped state of federal lands located on both sides of the Golden Gate and in Fort Baker, Fort Barry, Fort Cronkhite, Fort Mason, Fort Miley, Fort Scott, Fort Funston, and the San Francisco Presidio; and

WHEREAS, These federal lands provide significant open-space areas within the otherwise congested urban San Francisco Bay area; and

WHEREAS, There are numerous projects proposed or planned for these federal lands which would be disastrous to the public interest in retaining open-space lands in urban areas; and

WHEREAS, Due to expected increases in urban population within the San Francisco Bay area the public need for urban open-space lands will significantly increase with the passage of time; and

WHEREAS, It has been proposed that Fort Baker, Fort Barry, Fort Cronkhite, Fort Mason, Fort Miley, Fort Scott, Fort Funston, and much of the San Francisco Presidio be included in a Golden Gate National Recreation Area which would retain the natural open-space character of such federal lands; and

WHEREAS, There are many parcels of land owned by various federal agencies, the State of California, the City of San Francisco, and private parties, whose inclusion in this project would create a Golden Gate National Recreation Area of approximately 10,000 acres as the best possible use of such land; now, therefore, be it

*Resolved, by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to establish a Golden Gate National Recreation Area, to include those portions of Fort Baker, Fort Barry, Fort Cronkhite, Fort Mason, Fort Miley, Fort Scott, Fort Funston, and the Presidio not essential for the national defense; and be it further

*Resolved,* That those additional parcels of federal, state, city and private land which would create an outstanding national recreation area of more than 10,000 acres be included in the Golden Gate National Recreation Area; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 80

*Assembly Joint Resolution No. 33—Relative to federal disaster relief funds.*

[Filed with Secretary of State June 28, 1971.]

WHEREAS, On the ninth day of February, 1971, the President declared a "major disaster" in the State of California under the provisions of Public Law 606, 91st Congress, as amended (the Federal Disaster Relief Act of 1970); and

WHEREAS, Hospitals were among the structures most severely damaged by the earthquake disaster, including the Veterans Administration Hospital in Sylmar, the Los Angeles County Olive View Hospital, the Holy Cross Hospital in Mission Hills, and the Pacoima Memorial Lutheran Hospital in Lakeview Terrace; and

WHEREAS, Holy Cross Hospital and Pacoima Memorial Hospital are private, self-supporting hospitals which were constructed in part with funds made available under federal grants; and

WHEREAS, Federal grants are not available to repair the damage caused such hospitals by the earthquake disaster, under the provisions of P.L. 91-606; and

WHEREAS, Holy Cross and Pacoima Memorial Lutheran Hospitals are severely handicapped, by the inoperable condition of their facilities, in their efforts to raise the necessary funds to support the cost of reconstruction; and

WHEREAS, These medical facilities have served the health needs of the public in the Northeast San Fernando Valley area; and

WHEREAS, Holy Cross had provided a 24-hour medical doctor attendant emergency service, four major operating rooms, which normally functioned seven days a week, 209 medical surgical beds, and 50 convalescent patient beds; and

WHEREAS, Pacoima Memorial Lutheran had provided a 24-hour medical doctor attendant emergency, three major operating rooms, 109 medical surgical beds, and a six-bed mental health center; and

WHEREAS, Holy Cross and Pacoima Memorial Lutheran contributed to the economic life of the area through the creation of 875 jobs; and

WHEREAS, The costly task of restoring the availability, accessibility, and caliber of health services equal to or better than that which existed prior to February 9, 1971, may prove prohibitive if dependent solely on private funds; and

WHEREAS, This would result in a great loss to the communities of the Northeast San Fernando Valley; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend Public Law 91-606 so that grants can be made available to private hospitals such as Holy Cross and Pacoima Memorial Lutheran Hospitals to repair the damage caused such hospitals by the earthquake disaster; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

# RESOLUTION CHAPTER 81

*Assembly Concurrent Resolution No. 138—Approving amendments to the Charter of the City of Grass Valley, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the third day of May 1971.*

[Filed with Secretary of State June 28, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Grass Valley, a municipal corporation in the County of Nevada, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF GRASS VALLEY

State of California,
County of Nevada, } ss.
City of Grass Valley

We, the undersigned, J. F. Brust, Mayor of the City of Grass Valley, State of California, and J. A. Simmons, Clerk of said city, do hereby certify and declare as follows:

That said City of Grass Valley at all times mentioned herein was, and now is, organized and existing under the freeholders charter adopted under the provisions of Section 8, of Article XI of the Constitution of the State of California, which said charter was duly adopted and ratified by a majority of the qualified electors on the 18th day of September, 1951, and approved by the Legislature of the State of California on the 19th day of March, 1952.

That on the 23rd day of February, 1971, the Council of the City of Grass Valley, adopted on its own motion the following resolution, to-wit:

Resolution No. 721 NS.

A Resolution Proposing Amendments to the City Charter

Be it resolved by the Council of the City of Grass Valley, as follows:

That the following proposals be submitted to the qualified electors of the City of Grass Valley at the General Municipal Election to be held in said City on Monday, May 3, 1971, for the purpose of amending the Charter of the City of Grass Valley duly adopted and ratified by the electors of said City on the 18th day of September, 1951, and approved by the Legislature of the State of California March 19, 1952, to-wit:

Proposition No. 1

That Section 5 of Article V of the Charter of the City of Grass Valley be amended to read as follows:

"Section 5: Election of City Council. Council members shall be elected at large at the General Municipal Election, to be held the first Tuesday in May of each odd-numbered year. The members of the Council shall hold office for four (4) years from the 1st day of July next succeeding their election and until their successors are elected and qualified. If two or more persons are elected by the same number of votes, the terms of each shall be decided by lot."

Proposition No. 2

That Section 8 of Article X of the Charter of the City of Grass Valley be amended to read as follows:

"Section 8. Tax Limit. Exclusive of special levies permitted by this Charter, the annual property tax shall not exceed one and 50/100 ($1.50) dollars on each One Hundred ($100.00) dollars of assessed valuation of property in the City, unless a majority of the City electors voting at an election held for that purpose are in favor of it."

Proposition No. 3

That Section 1 of Article XI of the Charter of the City of Grass Valley, be amended to read as follows:

"Section 1. General municipal elections for the filling of elective offices shall be held the first Tuesday in May of each odd-numbered year.

Adopted as a resolution of the Council of the City of Grass Valley at a regular meeting thereof on the 23rd day of February, 1971, by the following vote:

Ayes: Councilmen Brust, Brooks, Henderson, Tellam, McKee
Noes: Councilmen None
Absent: Councilmen None

J. F. BRUST
Mayor
Attest: J. A. SIMMONS
City Clerk

Resolution No. 721 NS February 24, 1971

I hereby certify that the foregoing is a full, true and correct copy of a Resolution duly passed and adopted by the City Council of the City of Grass Valley, California, at a meeting thereof held on the 23rd day of February, 1971.

Attest: J. A. SIMMONS
(SEAL) City Clerk of the City of Grass Valley

That the said proposed amendments to said City Charter were advertised by publication thereof once on the 17th day

of March, 1971, in each edition during the day of publication of The Union, the official newspaper of said city, and a newspaper of general circulation printed and published in said city.

That at the said general municipal election duly and regularly held on the 3rd day of May, 1971, being not less than forty (40) days, and not more than sixty (60) days, after the completion of the advertising in the official newspaper, a majority of the qualified voters voting thereon voted in favor of the proposed charter amendments hereinafter set forth and the city council of said city at a meeting held on May 4, 1971, in the manner and time required by law, duly canvassed the returns of said election and it duly found, determined and declared that a majority of said qualified electors voting thereon had voted for and ratified said charter amendments; that said amendments to said City Charter, as the same were proposed and ratified as herein set forth are as follows, to-wit:

I.

"Article V, Section 5: Election of City Council. Council members shall be elected at large at the General Municipal Election, to be held the first Tuesday in May of each odd-numbered year. The members of the Council shall hold office for four (4) years from the 1st day of July next succeeding their election and until their successors are elected and qualified. If two or more persons are elected by the same number of votes, the terms of each shall be decided by lot."

II.

"Article XI, Section 1. General municipal elections for the filling of elective offices shall be held the first Tuesday in May of each odd-numbered year."

In witness whereof, we have hereunto set our hands and affixed the corporate seal of the City of Grass Valley, County of Nevada, State of California, this 11th day of May, 1971.

(SEAL)

J. F. BRUST
Mayor of the City of Grass Valley.
J. A. SIMMONS
City Clerk of the City of Grass Valley.

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Grass Valley, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Grass Valley.

## RESOLUTION CHAPTER 82

*Assembly Concurrent Resolution No. 134—Approving amendments to the Charter of the City of Modesto, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the 20th day of April, 1971.*

[Filed with Secretary of State June 29, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Modesto, a municipal corporation in the County of Stanislaus, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF MODESTO OF CERTAIN CHARTER AMENDMENTS

State of California }
County of Stanislaus } ss.
City of Modesto }

We, the undersigned, Lee H. Davies, Mayor of the City of Modesto, State of California, and W. T. Chynoweth, City Clerk of the City of Modesto, State of California, do hereby certify and declare as follows:

That the City of Modesto, a municipal corporation of the County of Stanislaus, State of California, now is, and was at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been, ever since the year 1963, organized, existing, and acting under a freeholder's Charter, adopted under and by virtue of the Constitution of the State of California, which Charter was duly ratified by the majority of the qualified electors of said City at a Special Municipal Election held for that purpose on the 6th day of November, 1962, and approved by the Assembly of the State of California on January 8, 1963 and the Senate of the State of California on January 10, 1963. (Assembly Concurrent Resolution No. 4)

That in accordance with the provisions now contained in Section 3 of Article XI of the Constitution of the State of California, the City Council of the City of Modesto, being the

legislative body thereof, on its own motion duly and regularly submitted to the qualified electors of the City of Modesto five propositions for the amendment of the Charter of the City of Modesto at the special municipal election consolidated with the general municipal election held within the City on April 20, 1971. The said propositions were designated as "Proposition A, Shall the Charter of the City of Modesto be amended to provide that the Mayor and Councilmen receive $25.00 per Council meeting attended, not to exceed $100.00 per month, plus expenses," "Proposition B, Shall the Charter of the City of Modesto be amended to permit the City Manager to make and execute contracts on behalf of the City, of $3,500 or less," "Proposition C, Shall the Charter of the City of Modesto be amended to delete the provision requiring the Personnel Commission to hold public hearings on adoption, amendment or repeal of personnel rules and regulations," "Proposition D, Shall the Charter of the City of Modesto be amended to omit reference to Modesto Junior College District," and "Proposition E, Shall the Charter of the City of Modesto be amended to provide for review of Charter at least every ten (10) years."

In accordance with the provisions of Section 3 of Article XI, of the Constitution of the State of California, the Charter of the City of Modesto and the laws of the State of California, the said proposed amendments were published and advertised in full, on March 4, 1971, in the Modesto Bee, a daily newspaper of general circulation, printed and published in the City of Modesto, the official newspaper of said City of Modesto. The foregoing is shown by the affidavit of publication attached and on file in the office of the City Clerk.

The copies of said proposed amendments were printed in convenient pamphlet form and in type not less than 10-point as required by law, and copies thereof were mailed to each of the qualified electors of said City of Modesto within the time and manner required by law.

And until the date of the Special Municipal Election consolidated with the General Municipal Election, April 20, 1971, as hereinafter set forth, there was published in said Modesto Bee an advertisement stating that copies of said proposed charter amendments could be had, upon application therefor, at the office of the City Clerk of said City of Modesto.

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said City at all times, to and including April 20, 1971, the date of said election, all as required by said Section 3 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Modesto, and in the manner provided by law, the said election was duly and regularly held in said City on April 20, 1971, after due notice was given and published on March 4, 1971, which said last aforementioned day was not less than forty (40) nor more than sixty (60) days after the completion

of the publication and advertisement of the aforementioned proposed amendments in the Modesto Bee, the official newspaper of said City of Modesto. That at said election, a majority of the qualified electors voting upon the proposed charter amendments voted in favor of Propositions A, B, C, D and E.

That thereafter the City Clerk of the City of Modesto, did in the manner provided by law, duly and regularly cause the canvass of the returns of said election and report the results thereof to the City Council. That the City Council did adopt a resolution approving the results of the canvass of the returns of said election, and did also by said resolution, find, determine and declare that certain proposed amendments, designated as Proposition A, B, C, D and E, to the Charter of the City of Modesto, as hereinafter set forth, were ratified by a majority vote of the electors of said City voting thereon.

That as to said amendments to the Charter of Modesto, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the said amendments to the Charter of the City of Modesto so ratified by the qualified electors of said City are as follows:

Article VII. The Council

Section 703. Compensation. The Mayor and councilmen shall each receive Twenty-five and no/100ths ($25.00) Dollars per meeting for each Council meeting attended not to exceed One Hundred and no/100ths ($100.00) Dollars per month. The Mayor and councilmen shall also receive reimbursement for expenses incurred while performing official duties of their office.

Article VIII. The City Manager

Section 801. Powers and Duties. The City Manager shall be head of the Administrative Branch of the City government. He shall be responsible to the Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he shall have power and shall be required to:

(a) Appoint and, when necessary for the good of the service, discipline and remove all officers and employees of the City except as otherwise provided by this Charter, and except as he may authorize the head of any department or office to appoint or remove subordinates in such department or office.

(b) Prepare the budget annually and submit it to the Council and be responsible for its administration after its adoption.

(c) Prepare and submit to the Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the City of the preceding year.

(d) Review procedures relating to the assessment, levy and collection of ad valorem property taxes and make recommendations regarding the same to the Council if deemed appropriate.

(e) Establish a centralized purchasing system for all City offices, departments and agencies.

(f) Establish and enforce specifications for supplies, materials and equipment required by the City.

(g) Cause all supplies purchased by the City to be inspected and a derermination made that the same comply with specifications.

(h) Prepare rules and regulations governing the contracting for, purchasing, storing inventory, distribution or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the Council for its adoption by ordinance. Preference shall be given to the purchase of supplies, materials and equipment from local merchants, quality and price being equal.

(i) Enforce the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City.

(j) Keep the Council advised of the financial conditions and future needs of the City and make such recommendations on any matter as may to him seem desirable.

(k) Make and execute contracts on behalf of the City, involving budgeted or appropriated expenditures of $3,500.00, or less.

(*l*) Appoint advisory boards, without compensation, to assist him in the performance of his duty, if he deems it necessary.

(m) Interchange employees between or among departments if he deems it proper so to do.

(n) Immediately upon taking office, and annually thereafter, inventory and place a value on all real estate, buildings, furniture and fixtures, supplies and movable property of every kind and nature belonging to the City; and to require each officer or department head to inventory the same or any portion thereof. One copy of such inventory shall be filed with the Council and one with the Auditor.

(o) Be responsible for the custody and control of all City property, the custody and control of which has not otherwise been provided for by this Charter.

(p) Perform such other duties as may be prescribed by this Charter or required of him by the Council not inconsistent with this Charter.

The City Manager shall have the authority to transfer equipment and supplies between departments, and with the approval of the Council, sell obsolete, unused or surplus personal property of the City.

The City Manager shall be accorded a seat at the Council table and shall be entitled to participate in the deliberations of the Council, but shall not have a vote. The Council shall appoint one of the other officers of the City to serve as Manager Pro Tempore during any absence or disability of the City Manager.

The Council shall have the right to instruct the City Manager in the matters of policy and any action, determination or omission of the City Manager shall be subject to review by the Council, but no such action, determination or omission shall be overruled or modified by a vote of less than four-sevenths (4/7) of the members of such Council.

## Article XI. Appointive Boards and Commissions

Section 1109. Personnel Commission, Powers and Duties. The Personnel Commission shall have power and be required to:

(a) Act in an advisory capacity to the Council and the City Manager on personnel administration;

(b) Hear appeals of any person in the classified service relative to any suspension, demotion or dismissal;

(c) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the Council and the City Manager;

(d) Perform such other duties with reference to personnel administration not inconsistent with this Charter as the Council may require by ordinance or resolution.

## Article XV. School System

Section 1500. Board of Education. The control, management and administration of the public schools of the City of Modesto, and the territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, are hereby vested in a Board of Education. In all matters not specifically provided for in this Article, the Board shall be governed by the provisions of the general law relating to such matters and shall be vested with all the powers and charged with all the duties provided by the laws of the State for city board of education. The Board of Education shall be the governing body of the Modesto City School District of Stanislaus County and the Modesto High School District of Stanislaus County. The Board of Education shall consist of five (5) members who shall serve without compensation. The members of the Board of Education shall be elected at large from the territory within the boundaries of the school district or districts which are under the jurisdiction of the Board. The members of the Board of Education shall hold office for a period of four (4) years from and after the first Tuesday following their election and continuing until their successors are elected and have qualified. No person shall be eligible to be nominated for or to hold office as a member of the Board of Education unless he is and shall have been for at least three (3) years preceding his election or appointment a resident and registered elector of the school district or districts which are under the jurisdiction of the Board of Education.

If a vacancy shall occur on the Board of Education, the Board shall forthwith appoint a person to fill such vacancy. Said appointee shall hold office until his successor is duly elected at the next general municipal election and has qualified. The members of the Board of Education shall be subject to recall as provided in this Charter.

All territory included within the limits of any school district or districts which are under the jurisdiction of the Board of Education, but not within the City limits, shall be deemed a part of the City for the purpose of holding municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for members of the Board of Education and on questions submitted to a vote of the people at special or general elections pertaining to school matters.

The members of the Board of Education in office at the time this Charter takes effect shall continue in office until the expiration of their terms. Their successors shall be elected for a term of four (4) years at the general municipal election to be held during the year each of said respective terms expires, it being the intention of this section that the terms of the five (5) members shall be staggered, three (3) members being elected at the General Municipal Election to be held in 1963, and two (2) members being elected at the General Municipal Election to be held in 1965, and staggered accordingly successively thereafter at each General Municipal Election.

Article XVI. Miscellaneous

Section 1604. Review of Charter. The Council shall cause this Charter to be reviewed at least every ten (10) years commencing with the year 1980.

We further certify that we have compared the foregoing ratified amendments to the Charter of the City of Modesto with the original proposals submitted to the electors of said City, and find that the foregoing is a full, true, and correct and exact copy of each such amendment.

In witness whereof, we have hereunto set our hands and caused the Seal of said City of Modesto to be affixed hereto, on May 25, 1971.

LEE H. DAVIES
(SEAL) Lee H. Davies, Mayor City of Modesto
W. T. CHYNOWETH
W. T. Chynoweth, City Clerk

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Modesto, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Modesto.

## RESOLUTION CHAPTER 83

*Senate Concurrent Resolution No. 85—Relative to the Joint Committee on Automobile Accident Study.*

[Filed with Secretary of State June 29, 1971.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That notwithstanding the provisions of Resolution Chapter 284 of the Statutes of 1970, the Joint Committee on Automobile Accident Study shall continue in existence until the adjournment of the 1971 Regular Session and shall file its final report on or before such adjournment.

## RESOLUTION CHAPTER 84

*Senate Concurrent Resolution No. 81—Relative to renaming the Seal Bluff and Hilltop Mentally Handicapped Centers in honor of the late Senator George Miller, Jr.*

[Filed with Secretary of State June 29, 1971.]

WHEREAS, The late Senator George Miller, Jr., distinguished legislator and statesman, was a sincere and dedicated friend to our handicapped children; and

WHEREAS, The Contra Costa County Board of Supervisors appointed a committee to select a memorial to the late Senator George Miller, Jr.; and

WHEREAS, On July 28, 1970, the board of supervisors formally approved the recommendation of this memorial committee, the recommendation being that the Seal Bluff and Hilltop Centers of the Contra Costa Community Health Services Association be renamed in honor of the late Senator; and

WHEREAS, Senator Miller's keen interest in the development and financing of mentally handicapped centers will be recorded for perpetuity through this action; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Contra Costa County Board of Supervisors and their selection committee be commended for their most appropriate and fitting selection in renaming the

Seal Bluff and Hilltop Centers in honor of the late Senator; and be it further

*Resolved,* That the Secretary of the Senate transmit a suitably prepared copy of this resolution to the Contra Costa County Board of Supervisors.

---

## RESOLUTION CHAPTER 85

*Senate Concurrent Resolution No. 97—Relative to commending the Golden Gate Bridge, Highway and Transportation District.*

[Filed with Secretary of State June 30, 1971.]

WHEREAS, On July 1, 1971, the last of the bonds, which totaled $35,000,000 in value, sold to finance construction of the Golden Gate Bridge will be retired; and

WHEREAS, This event testifies to the foresight and confidence of the people of San Francisco, Marin, Napa, Sonoma, Mendocino, and Del Norte Counties who, in the year 1930, at the height of the Great Depression, voted to approve issuance of these bonds at the risk of increasing taxes on their homes and property; and

WHEREAS, Through prudent management, the Board of Directors of the Golden Gate Bridge, Highway and Transportation District has retired these bonds through the use of bridge revenues and interest on investments and, in addition, has paid nearly $39,000,000 in interest to bondholders, never missing a payment and never resorting to a property tax assessment to pay principal or interest; and

WHEREAS, Income from the Golden Gate Bridge will henceforth be used not only to maintain and operate this world-famous bridge, but also to help support the transportation systems in the Golden Gate Corridor for the continuing benefit of the people of the district; now therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the people of the Golden Gate Bridge, Highway and Transportation District be commended for the achievement of a debt-free Golden Gate Bridge; and be it further

*Resolved,* That the directors and management of the district, past and present, also be commended for their successful stewardship which has made possible this unparalled achievement through the wise use of the resources at their own command; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Board of Directors of the Golden Gate Bridge, Highway and Transportation District.

## RESOLUTION CHAPTER 86

*Assembly Concurrent Resolution No. 147—Approving amendments to the Charter of the City of Los Angeles, State of California, ratified by the qualified electors of the city at a special election held therein on the 25th day of May, 1971.*

[Filed with Secretary of State July 1, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Los Angeles, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

We, John S. Gibson, Jr., President of the Council of the City of Los Angeles, and Rex E. Layton, City Clerk of the City of Los Angeles, do hereby certify and declare as follows:

That said, City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two million one hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of former Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said city at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, P. 1024).

That in accordance with the provisions of Article XI, Section 3 of the Constitution of the State of California and of Section 34459 of the California Government Code, the Council of the City of Los Angeles, being the legislative body of said city, on its own motion, duly and regularly submitted to the qualified electors of the City of Los Angeles two proposals for the amendment of the Charter of said city to be voted upon by said qualified electors at a special election held on the 25th day of May, 1971, all as required by law, which said proposals were designated as proposed charter amendments No. 2 and No. 6.

That on the 12th day of April, 1971, the said proposed amendments were published and advertised in accordance with Section 34461 of the California Government Code, in each and every edition of said day of April 12, 1971, in "The Los Angeles Daily Journal," a daily newspaper of general circulation printed and circulated in said city, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said city.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said city; and copies thereof could be had upon application therefor at the office of the City Clerk on and from April 12, 1971, to and including May 25, 1971; and a notice was advertised and published on and from April 12, 1971, to and including May 25, 1971, in "The Los Angeles Daily Journal," a newspaper of general circulation in said city, that copies thereof might be had at the office of the City Clerk of said city upon application therefor.

Such proposed charter amendments were submitted to the electors of said city for adoption and ratification at a special election held on May 25, 1971, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of the City of Los Angeles dated June 7, 1971, and by the declaration of the Council of said City of Los Angeles, which pursuant to law met on June 7, 1971, at its usual time and place of meeting, and duly declared the result of said election in accordance with the canvass of the returns as certified by the said City Clerk.

That the said amendments to the Charter of the City of Los Angeles, so adopted and ratified by the qualified electors of said city, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

Proposed Charter Amendment No. 2

Article VI of the Charter of the City of Los Angeles hereby is amended by adding Section 70.1 thereto, Article XVII of said Charter hereby is amended by adding Sections 180.2, 183.55, 183.56, 183.57, 183.58 and 184.95 thereto, and Article XVIII of said Charter hereby is amended by adding Subsections (r-2) and (v-2) of Section 190.02, Section 190.072, Subsection (c) of Section 190.13 and Section 190.142 thereto, to read:

Sec. 70.1. Notwithstanding the provision contained in Section 70 that the Department of Pensions shall "be under the control and management of a board of five commissioners", the

Board of Pension Commissioners, from and after the effective date of this section or as soon thereafter as shall be practicable, shall consist of seven members. Five members thereof, as provided by Article VI, shall be appointed by the Mayor subject to the approval of the Council. Two members thereof, one of whom shall be a member of the Fire Department as defined in Section 185 or Subsection (c) of Section 190.02 and one of whom shall be a member of the Police Department as defined in Section 185 or Subsection (f) of Section 190.02, each shall be elected by the members of his department, as so defined, for such terms of office and in such manner as the Council, by ordinance, shall determine.

It shall be mandatory upon the Council to adopt an ordinance, as soon as shall be practicable after the effective date of this section, which shall fix the terms of office of the two employee-members of said board and set forth a comprehensive procedure for the election of the first two of such members and of their successors in office.

No retired member of either of the aforementioned departments shall serve as an appointed or elected member of said board.

The provisions of Article VI hereafter shall be construed and applied in accordance with the provisions of this section.

Sec. 180.2. Prior to the time that the board shall consist of 7 members, as provided by Section 70.1, each of its actions shall be adopted as provided by Section 76 or Section 180.

Subsequent to the time that the board shall consist of 7 members, each of its actions shall be adopted, except as hereinafter provided, by a vote of at least 4 of its members but never by a vote of 3 of its members out of a mere quorum of 4 of its members and, from and after such time, the board shall not make any investment in real property unless it shall be authorized by an order, motion or resolution adopted by all 7 members, and never less than all 7 members, of the board.

The provisions of Sections 76 and 180 hereafter shall be construed and applied in accordance with the provisions of this section.

Sec. 183.55. For the purposes of this Article, a "dependent child" means a person, but not including a person who is an illegitimate child of a deceased member of the Fire Department or the Police Department who had not been legitimated by such member, who is a legitimate child, a legitimated child or an adopted child of such member, and who had not been adopted by a person of the same gender as such member prior to the date of his death, who is not married and who, while under the age of 21 years, had become disabled, either prior or subsequent to the date of death of such member, from earning a livelihood for any cause or reason whatsoever, other than by reason of his own moral turpitude or as a result thereof, provided, however, that such person shall be a dependent child only until he: (1) shall be adopted by a person of the same gender as such member or shall marry, whichever shall be the

earlier, regardless of his age at the time of the occurrence of either such event and whether or not he then is disabled from earning a livelihood; (2) shall attain the age of 18 years if neither of the events mentioned in (1) had occurred prior thereto and if, at that time, he is not disabled from earning a livelihood; or (3) shall cease to be disabled from earning a livelihood if none of the events mentioned in (1) or (2) had occurred prior thereto.

The board shall have the power to determine whether or not a child of a deceased member is a dependent child and to determine, from time to time, the fact of whether or not a child who had been determined by it to be a dependent child continues to be a dependent child.

The provisions of Sections 183 and 183½ hereafter shall be construed and applied in accordance with the provisions of this section.

Sec. 183.56. For the purposes of this Article, an "eligible widow" means the widow of a deceased member of the Fire Department or the Police Department who, as such, is entitled to a pension.

Any eligible widow, who hertofore did or hereafter shall marry and thereby did or shall cease to be an eligible widow, shall be reinstated as an eligible widow as of the latest of: (1) the date upon which a judgment or decree did or shall become final dissolving such marriage upon any ground or declaring a void or voidable marriage to have been null and void or, voided, provided, however, that such date was or shall be within 5 years from the date of the marriage ceremony; (2) the date upon which such marriage was or shall be dissolved by the death of the other party thereto, provided, however, that such date was or shall be within 5 years from the date of the marriage ceremony; or (3) the date upon which this section shall become effective, provided, however, that if either of the events mentioned in (1) or (2) had occurred prior thereto it had occurred within 5 years from the date of the marriage ceremony. Such reinstated eligible widow shall be entitled to the reinstatement of her pension effective as of the latest of such dates, whichever shall be applicable, but shall not be entitled to the payment of any pension for the period prior to such applicable date and subsequent to the date of the marriage ceremony. The pension paid to any other person during or for the period of the marriage or purported marriage of such reinstated eligible widow or during or for any period after the dissolution thereof shall cease when her pension shall be reinstated. However, should such reinstated eligible widow thereafter be a party to another marriage ceremony her pension as such shall cease and never again shall be reinstated regardless of whether such marriage ceremony shall result in a valid marriage or in a voidable or void marriage and whether or not the same legally shall be terminated. The pension which shall become payable to any reinstated eligible widow shall commence in the same monthly amount which then

would have been payable if she never had ceased to be an eligible widow and thereafter it shall be adjusted as otherwise provided in Section 184.7, Section 184.8 or Section 184.9.

The provisions of Sections 183 and 183½ hereafter shall be construed and applied in accordance with the provisions of this section.

Sec. 183.57. For the purposes of this Article, "Assignment Pay" means any additional gross monthly pay or $\frac{1}{12}$ of any additional gross annual pay which, by reason of assignment to perform special duties or hazardous duties, in a higher class, position, grade, code or other title than the lowest thereof within the member's rank, shall be provided therefor by ordinance, upon the conditions therein set forth, as of the date of the termination of such member's status as a member of the Fire Department or the Police Department.

Any such assignment pay shall not be considered as "the highest salary (exclusive of any amount payable by reason of assignment to special duty) attached to the rank of policeman or fireman" for the purposes of either Section 182¼ or Section 183½. Any such assignment pay hereafter shall be included in "the average monthly rate of salary assigned to the ranks or positions held by such member" in the case of a member who shall retire upon a service pension or in the case of a member who shall die while eligible for a service pension if he had received the same immediately preceding the date of his retirement or death or upon the last day he had performed duties as a member of the Fire Department or the Police Department or, if he had not received the same at either such time but had received such pay at some time prior thereto, 10% of the assignment pay which he had received at the time of the termination of his last assignment to such duties for each year in the aggregate of his assignment to such duties not exceeding, however, 10 years in the aggregate.

The provisions of Section 181, Subparagraph (m) of Paragraph (4) of Subsection (A) of Section 181 1 and Section 183 hereafter shall be construed and applied in accordance with the provisions of this section.

Sec. 183.58. For the purposes of this Article, "Partial Year of Service" means any period of less than 12 months for which the member, if it had been a complete year, would have been entitled to credit toward retirement.

In the case of any member who had become such on or subsequent to January 17, 1927, any such partial year of service shall be calculated from the end of the member's last completed year of service to the end of the payroll period immediately prior to the date of his retirement and shall be counted as part of his years of service for his retirement upon a service pension hereafter granted or for a pension hereafter granted to his widow, minor child or children, dependent child or children or dependent parent or parents if he hereafter shall die while eligible for a service pension prior to having served 25 years in the aggregate.

Any such partial year of service, in case of a member who shall have had less than 25 years of service, shall be credited in the same ratio of 2% of the average monthly rate of salary assigned to the ranks or positions held by him immediately preceding the date of his retirement or death as such partial year shall bear to a complete year and, in the case of a member who shall have had 25 years of service or more, shall be credited in the same ratio of $1\frac{2}{3}$% of such average rate of salary as such partial year shall bear to a complete year.

The provisions of Section 181, Subparagraph (m) of Paragraph (4) of Subsection (A) of Section 181.1 and Section 183 hereafter shall be construed and applied in accordance with the provisions of this section.

Sec. 184.95. (A) Each pension granted pursuant to this Article, regardless of the type of the pension, which became or becomes effective prior to July 1, 1971 and which, as of June 30, 1971, is in a monthly amount of less than $350.00 shall be increased, effective July 1, 1971, pursuant to the provisions of Subsection (B) and Subsection (C) of this section, and shall, if such increase results in a monthly pension amount which is less than $350.00, be increased to provide for a monthly minimum pension of $350.00. Each pension granted pursuant to this Article, regardless of the type of the pension, which becomes effective on or subsequent to July 1, 1971 shall be in a monthly amount not less than the minimum monthly pension amount provided, as of the effective date of the pension by this subsection of this section. The monthly amount of each such pension never shall be reduced, by reason of the provisions of Section 184.7, Section 184.8, Section 184.9 or Subsection (C) of this section, to a monthly amount less than the minimum monthly pension amount provided by this subsection.

(B) The monthly amount of pension of each retired member or other person which, prior to the effective date of this section, had been increased by reason of a cost of living adjustment thereof pursuant to Section 184.7, Section 184.8 or Section 184.9 shall be increased, as of July 1, 1971, by that portion of the percentage of the annual increase in the cost of living, as had been determined by the Board of Pension Commissioners pursuant to Section 184.7, which was in excess of 2% but not in excess of 3% for each year the monthly amount of such pension had been increased.

(C) The monthly amount of pension of each retired member or other person who heretofore did qualify or hereafter shall qualify for a cost of living adjustment thereof pursuant to Section 184.7, Section 184.8 or Section 184.9 and the monthly amount of pension of each retired member or other person which shall be the minimum monthly pension amount provided by Subsection (A) of this section, hereafter shall be increased or decreased, as of the dates provided therefor by Section 184.7, by the percentage of the annual increase or decrease in the cost of living as hereafter shall be determined by said board pursuant to Section 184.7.

(D) The provisions of Section 181, 182, 182¼, 183, 183½, 184½, 184.6, 184.65, 184.7, 184.8 and 184.9 hereafter shall be construed and applied in accordance with the provisions of this section.

(E) Should any provisions of this section at any time be held to be invalid, in their application to certain persons or periods of time, such invalidity shall not affect the validity of any provisions as to other persons entitled to benefits hereunder or the applicability as to other periods of time.

(F) The operative date of this section is July 1, 1971.

Sec. 190.02. Definitions.

(r-2) "Assignment Pay" means any additional gross monthly pay or 1/12 of any additional gross annual pay which, by reason of assignment to perform special duties or hazardous duties, in a higher class, position, grade, code or other title than the lowest thereof within the System Member's permanent rank, shall be provided therefor by ordinance, upon the conditions therein set forth, as of the date of the termination of such System Member's status as a Department Member.

Any such assignment pay shall not be included in the sum of any System Member's Nonservice-Connected Pension Base but hereafter shall be included in the sum of his Normal Pension Base to the same extent and upon the same conditions as any hazard pay shall be included therein.

The provisions of Subsection (s) paragraph of this section and each section, subsection, paragraph and subparagraph of this Article wherein the words "Normal Pension Base" are used hereafter shall be construed and applied in accordance with the provisions of this subsection.

(v-2) "Partial Year of Service" means any period mentioned in Subsection (v) of this section which is less than 12 months.

Any such partial year of service shall be calculated from the end of the member's last completed year of service to the end of the payroll period immediately prior to the date of his retirement and shall be counted as part of a System Member's years of service for his retirement upon a service pension hereafter granted or for a pension hereafter granted to his qualified surviving spouse, minor child or children, dependent child or children or dependent parent or parents if he hereafter shall die while upon a service pension hereafter granted or while eligible for a service pension.

Any such partial year of service, in the case of a System Member who shall have had less than 25 years of service, shall be credited in the same ratio of 2% of his Normal Pension Base as such partial year shall bear to a complete year and, in the case of a System Member who shall have had 25 years of service or more, shall be credited in the same ratio of 3% of his Normal Pension Base as such partial year shall bear to a complete year.

The provisions of Subsection (v) of this section Section 190.11, Subparagraph (m) of Paragraph (4) of Subsection

(A) of Section 190.111, Subsection (a) of Section 190.12 and Paragraphs (5) and (6) of Subsection (a) and Subsections (b) and (c) of Section 190.13 hereafter shall be construed and applied in accordance with the provisions of this subsection.

Sec. 190.072. Board Actions.

Prior to the time that the Board shall consist of 7 members, as provided by Section 70.1, each of its actions shall be adopted as provided by Section 190.05 or Section 190.07.

Subsequent to the time that the Board shall consist of 7 members, each of its actions shall be adopted, except as hereinafter provided, by a vote of at least 4 of its members but never by a vote of 3 of its members out of a mere quorum of 4 of its members and, from and after such time the Board shall not make any investment in real property unless it shall be authorized by an order, motion or resolution adopted by all 7 members, and never less than all 7 members, of the Board.

The provisions of Sections 190.05 and 190.07 hereafter shall be construed and applied in accordance with the provisions of this section.

Sec. 190.13 Pensions for Other Beneficiaries

(e) Medical Reports and Hearings. The power of the Board to determine the fact of whether a System Member's death was service-connected or nonservice-connected, as provided in Subsection (d) of this section, hereafter may be exercised by it upon the basis of a written report from 1 regularly licensed and practicing physician selected by it, provided, however, that it, in its discretion, may obtain such a report from each of more than 1 such physician. The determination hereinbefore referred to in this paragraph may at the option of the Board be made without a hearing pursuant to the provisions of Subsection (d) of this section being held.

Sec. 190.142. Minimum Pensions and Modification of Cost of Living Adjustments.

(A) Each pension granted pursuant to this Article, regardless of the type of the pension, which became or becomes effective prior to July 1, 1971 and which, as of June 30, 1971, is in a monthly amount of less than $350.00 shall be increased, effective July 1, 1971, pursuant to the provisions of Subsection (B) and Subsection (C) of this section, and shall, if such increase results in a monthly pension amount which is less than $350.00, be increased to provide for a monthly minimum pension of $350.00. Each pension granted pursuant to this Article, regardless of the type of the pension, which becomes effective on or subsequent to July 1, 1971 shall be in a monthly amount not less than the minimum monthly pension amount provided, as of the effective date of the pension by this subsection of this section. The monthly amount of each such pension never shall be reduced, by reason of the provisions of Section 190.14, Section 190.141 or Subsection (C) of this section, to a monthly amount less than the minimum monthly pension amount provided by this subsection.

(B) The monthly amount of pension of each Beneficiary which, prior to the effective date of this section, had been increased by reason of a cost of living adjustment thereof pursuant to Section 190.14 or Section 190.141 shall be increased, as of July 1, 1971, by that portion of the percentage of the annual increase in the cost of living, as had been determined by the Board of Pension Commissioners pursuant to Section 190.14, which was in excess of 2% but not in excess of 3% for each year the monthly amount of such pension had been increased.

(C) The monthly amount of pension of each Beneficiary who heretofore did qualify or hereafter shall qualify for a cost of living adjustment thereof pursuant to Section 190.14 or Section 190.141 and the monthly amount of pension of each Beneficiary which shall be the minimum monthly pension amount provided by Subsection (A) of this section, hereafter shall be increased or decreased, as of the dates provided therefor by Section 190.14, by the percentage of the annual increase or decrease in the cost of living as hereafter shall be determined by said board pursuant to Section 190.14.

(D) The provisions of Section 190.11, 190.12, 190.13, 190.14 and 190.141 hereafter shall be construed and applied in accordance with the provisions of this section.

(E) Should any provisions of this section at any time be held to be invalid, in their application to certain persons or periods of time such invalidity shall not affect the validity of any provisions as to other persons entitled to benefits hereunder or the applicability as to other periods of time.

(F) The operative date of this section is July 1, 1971.

## Proposed Charter Amendment No. 6

The Charter of the City of Los Angeles is hereby amended by amending Article II, Section 6, Subdivision 2(a) thereof to read as follows:

(a) Between July 1 and September 15 of each tenth year, commencing with the year 1972, the Council shall, by ordinance, which shall be effective upon publication, redistrict the City into fifteen (15) districts, which shall be designated in such ordinance by numbers from 1 to 15 inclusive and such districts shall be used for all elections of councilmen, including their recall, and for filling any vacancy in the office of member of the Council, subsequent to the effective date of such ordinance and until new districts are established. Districts so formed shall each contain, as nearly as practicable, one-fifteenth of the total population of the City of Los Angeles as shown by the Federal Census immediately preceding such formation of districts. As nearly as practicable such districts shall be bounded by natural boundaries or street lines. Nothing in this section shall prohibit the City Council from redistricting with greater frequency provided that districts so formed shall each contain, as nearly as practicable, one-fifteenth of the total popu-

lation of the City of Los Angeles as shown by the Federal Census immediately preceding such formation of districts or based upon such other population reports or estimates as may be determined by the City Council to be substantially reliable. No change in the boundary or location of any district by redistricting as herein provided shall operate to abolish or terminate the term of office of any member of the Council prior to the expiration of the term of office for which such member was elected. Any territory hereafter annexed to or consolidated with the City of Los Angeles shall, prior to or concurrently with completion of the proceedings therefor, be added to an adjacent district or districts by the Council by ordinance, which addition shall be effective upon completion of the annexation or consolidation proceedings notwithstanding any other provision of the Charter to the contrary.

In 1973, the terms of those members of the Council elected from the odd districts shall commence. The terms of those members of the Council elected from the even numbered districts shall commence in 1975.

REX E. LAYTON,
City Clerk of the City of Los Angeles

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said city and find that the foregoing are full, true, correct, complete and exact copies thereof. That as to said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Los Angeles to be affixed hereto this 14th day of June, 1971.

JOHN S. GIBSON, JR.
John S. Gibson, Jr.
(SEAL) President of the Council
of the City of Los Angeles
REX E. LAYTON
Rex E. Layton
City Clerk of the City of
Los Angeles

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members*

*elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Los Angeles, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Los Angeles.

## RESOLUTION CHAPTER 87

*Senate Concurrent Resolution No 38—Relative to mortgaged homes in disaster areas.*

[Filed with Secretary of State July 1, 1971 ]

WHEREAS, The northeast San Fernando Valley, situated in Los Angeles County, suffered a disastrous earthquake on the morning of February 9, 1971; and

WHEREAS, It has been estimated that approximately 1,000 dwellings will be condemned as unsafe for human occupancy; and

WHEREAS, The affected homeowners face staggering monetary expenditures as they attempt to repair and replace their domiciles; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring.* That the California Legislature calls upon the holders of mortgages on the damaged homes to render vital and necessary assistance in every possible way to homeowners seeking to rehabilitate their dwellings, including guidance in securing adequate financing of the costs of repairs or the granting of an appropriate moratorium on payments on such mortgages as dictated by individual circumstances, or by both such guidance and moratorium; and be it further

*Resolved,* That the Legislature requests those governmental agencies having regulatory control over mortgage lenders to revise any such regulations as are necessary in order to permit such regulated mortgage lenders to grant the moratoriums on mortgage payments proposed by this resolution.

## RESOLUTION CHAPTER 88

*Senate Concurrent Resolution No. 69—Relative to the Joint Legislative Budget Committee.*

[Filed with Secretary of State July 1, 1971 ]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That in addition to any money heretofore made available to it, the sum of one million three hundred thousand dollars ($1,300,000), or so much thereof as

may be necessary, is hereby allocated from the Contingent Funds of the Assembly and Senate for the payment of any and all expenses incurred by the Joint Legislative Budget Committee or its members pursuant to and under the authority of law or the provisions of Joint Rule No. 37.

## RESOLUTION CHAPTER 89

*Senate Concurrent Resolution No. 95—Approving amendments to the Charter of the City of Oakland, State of California, ratified by the qualified electors of the city at the municipal nominating election held therein on the 20th day of April, 1971 and at the general municipal election held therein on the 18th day of May, 1971.*

[Filed with Secretary of State July 1, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California }
County of Alameda } ss:
City of Oakland }

We, the undersigned, John H. Reading, Mayor of the City of Oakland, State of California, and Gladys H. Murphy, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been, and is now, organized, existing and acting under a new revised charter adopted under and by virtue of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the fifth day of November, 1968, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the twenty-eighth day of January, 1969 (Statutes of 1969, Res. Ch. 21, p. 3528).

That in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California, and Government Code §§34450, et seq., the Council of the City of Oakland, being the governing body of said City, on its own motion by its Resolutions Nos. 51307 C.M.S., 51313 C.M.S., and 51314 C.M.S., passed February 16, February 18, and February 18, 1971, respectively, duly and regularly pro-

posed and submitted to the qualified electors of said City, certain proposals designated as Measure (1), Measure (2) and Measure (3) for amending the Charter of said City, to be voted upon by said qualified electors at the Municipal Nominating Election called and held in said City on the twentieth day of April, 1971.

That said Municipal Nominating Election was duly and regularly held in said City as required by law and in accordance with Section 3 of Article XI of the Constitution of the State of California, Government Code §§34450, et seq., and the Charter of the City of Oakland, on the twentieth day of April, 1971, which said day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendments in the "Oakland Tribune," a daily newspaper of general circulation published in the City of Oakland and the official newspaper of said City.

That said proposed amendments were published on the eleventh day of March, 1971, in the "Oakland Tribune," in each edition thereof, during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form, and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Oakland was published in said "Oakland Tribune," a newspaper of general circulation published in said City, on the eleventh day of March, 1971, and on each day thereafter to and including the twentieth day of April, 1971, the date of said election.

That in accordance with the provisions of the Charter of the City of Oakland and Oakland City Ordinance No. 8199 C.M.S., the City Attorney of said City prepared an impartial analysis of each of the proposed amendments not exceeding five hundred words in length; that a copy of each said analysis was mailed and distributed by the City Clerk of the City of Oakland to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendments.

That in accordance with Sections 5010–5014 of the Elections Code of the State of California, the Charter of the City of Oakland, and Oakland City Ordinance No. 8199 C.M.S., notice of the date fixed for submission of arguments for and against each of said proposed amendments was published on the twenty-third day of February, 1971, in the "Oakland Tribune," and arguments, if any, in favor of and against each said proposed amendment were mailed and distributed by the City Clerk of the City of Oakland to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendments.

That the Council of said City framed a synopsis of each said proposed amendment and, on March 30 and April 6, 1971,

caused a notice containing each said synopsis to be published in the "Oakland Tribune."

That as to each of the said amendments to the Charter of the City of Oakland hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that all provisions of law applicable thereto have been fully conformed to and complied with.

That in accordance with the provisions of law applicable thereto, the Clerk of the City of Oakland did duly and regularly canvass the votes cast at said Municipal Nominating Election, which canvass was confirmed by Oakland City Council Resolution No. 51445 C.M.S., and did determine a result of said election to be that a majority of the qualified electors of said City voting on each of the proposed amendments to the Charter of the City of Oakland hereinafter set forth and designated as Measure (1), Measure (2) and Measure (3) had voted for and adopted each of the said amendments.

That the proposed amendments to the Charter of the City of Oakland, which were so ratified by a majority of the electors of said City at said Municipal Nominating Election held April 20, 1971, are in words and figures as follows:

## MEASURE (1)

Amend Sections 2001 and 2003 of the Charter of the City of Oakland to read as follows:

Sec. 2001. The following words and phrases as used in this Article, unless a different meaning is plainly required by the context, shall have the following meaning:

"Retirement allowance," or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Labor Code of the State of California, shall mean all remuneration, whether in cash or by other allowances made by the City for service qualifying for credit under the Retirement System; provided that when the compensation of a member is a factor in any computation to be made under this System, there shall be excluded from such computation any compensation based on overtime put in by a member. For the purpose of this system, overtime is the aggregate service performed by an employee as a member in all positions, in excess of the hours of work considered normal for employees on a full-time basis and for which monetary compensation is paid.

"Compensation earnable" shall mean the monthly compensation as determined by the Board of Administration which would have been earned by the member had he worked, throughout the period under consideration, the average time ordinarily worked by persons in the same grade or class of positions as the positions held by him during such period and

at the rate of pay attached to such positions. 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 entering the employ of the City, shall be based on the compensation earnable by him in the position first held by him in such employ.

"Benefit" shall include "allowance," "retirement allowance," and "death benefit."

"Accumulated normal contributions" shall mean the sum of all contributions plus interest.

"Accumulated additional contributions" shall mean the sum of all additional contributions plus interest.

"Accumulated contributions" shall mean accumulated normal contributions plus accumulated additional contributions.

"Final compensation" means the highest average compensation earnable by a member during any period of three consecutive years of service; compensation earnable to be computed as described in the definition of "compensation earnable." For the purpose of this paragraph, periods of service separated by breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in the computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in the 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 the computation of final compensation.

"Member" means any officer or employee who is included in the membership of this Retirement System.

"Retirement System" or "System" shall mean Oakland Municipal Employees' Retirement System as heretofore created under authority granted in this Section, said Retirement System being hereby continued in effect.

"Board" or "Retirement Board" shall mean board of administration as created in this Section.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

"Service" shall mean any service rendered prior to July 1, 1939, as an employee of the City of Oakland, which for the purpose of this System is designated as "prior service"; and any service rendered after June 30, 1939, in a status requisite for membership in the Retirement System, but only prior service and service rendered as a member of the Retirement System shall be credited under the System.

This Section shall become effective on the first day of the month next following approval by the Legislature and filing with the Secretary of State.

Sec. 2003 Any member who completes at least twenty years of service in the aggregate with which he is entitled to be credited under the System, and attains the age of fifty-two years, or completes at least 10 years of such service and attains the age of sixty years, may retire for service at his option. Members shall be retired for service on the first day of the month next following the attainment by them of the age of seventy years, regardless of length of service. Upon retirement for service after the effective date hereof, a member shall receive a service retirement allowance equal to the fraction of one-sixtieth of his final compensation, set forth opposite his age at retirement, taken and applied by interpolation of said fractions to the preceding completed quarter year of age, in the following table in the column applicable to his sex, multiplied by the number of years of service with which he is entitled to be credited:

| Age at Retirement | Fraction Men | Fraction Women |
|---|---|---|
| 52 | .6120636 | .6352571 |
| 53 | .6477249 | .6692856 |
| 54 | .6862515 | .7059143 |
| 55 | .7279876 | .7454909 |
| 56 | .7732616 | .7882855 |
| 57 | .8225384 | .8346370 |
| 58 | .8764127 | .8850589 |
| 59 | .9354005 | .9399551 |
| 60 | 1.0000000 | 1.0000000 |
| 61 | 1.0564648 | 1.0569430 |
| 62 | 1.1156446 | 1.1169496 |
| 63 | 1.1782066 | 1.1807488 |
| 64 | 1.2444586 | 1.2487750 |
| 65 & over | 1.3147929 | 1.3216755 |

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the Retirement System on the effective date hereof and shall be adjusted by the Board in accordance with such interest and mortality tables as the Board may adopt thereafter. The Board shall declare from time to time the rate of interest at which interest shall be credited on contributions of members and the City, and the rate of interest which shall be used in determining actuarial equivalents, which rate shall not exceed a rate one-fourth of a percentage point below the net rate currently earned on the assets of the Retirement Fund.

The Retirement System also shall provide for retirement for disability after ten years of service credited under the System, and before age 60, and for death benefits for members of the

System. The City Council also shall provide that a member retiring may elect, before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance in a lesser allowance to be received by him throughout his life and in other benefits payable after his death to another person, including an allowance throughout the life of such person.

For the purpose of this Section, the qualifying ten-year periods of service shall be accumulated during any continuous periods of not more than twelve years, provided any absence from or return to actual service during such twelve-year periods is approved by the Civil Service Board in the case of persons in the classified civil service or by the City Council in the case of other persons within the Retirement System.

This Section shall become effective on the first day of the month next following approval by the Legislature and filing with the Secretary of State.

## MEASURE (2)

Amend Section 2601 of the Charter of the City of Oakland to read as follows:

Sec. 2601. In order to continue in force and make effectual pensions and retirements already existing or that may be granted in the future in favor of members of the Police or Fire Departments, the systems heretofore existing under the provisions of Articles XIV and XV of this Charter are hereby combined into one system to be known as the Police and Fire Retirement System and the funds heretofore created, existing and known as the Police Relief and Pension Fund and the Firemen's Relief and Pension Fund are hereby combined in a common fund to be known and designated as the Police and Fire Retirement Fund. This System and Fund shall be managed and administered by a Board hereby created to be known and designated as the Police and Fire Retirement Board, which shall be the successor of and shall have the powers and duties heretofore possessed and exercised by the Board of Trustees of the Police Relief and Pension Fund and the Board of Trustees of the Firemen's Relief and Pension Fund. This Retirement Board shall consist of seven (7) members as follows: The Mayor of the City, one active member of the Police Department, one active member of the Fire Department, a life insurance executive of a local office, a senior officer of a local bank, a community representative, and a Police-Fire member who shall be elected from the active members of the Fire Department for a first three (3) year term commencing the first day of the month next following his election, and from the active members of the Police Department for the next successive three (3) year term, and thereafter alternately from each of said departments for successive three (3) year terms. The election of the first such Police-Fire member by the vote of the active members of the Fire Department shall be held within

ninety (90) days following the effective date of this amendment in the manner heretofore established by and under the supervision of the Retirement Board. In the event a Police-Fire member does not serve out his three (3) year term his successor shall be elected from the department which had most recently elected him for the remainder of said unexpired three (3) year term. All members elected from the Police and Fire Departments shall be elected by vote of the active members of the respective departments and the Retirement Board may from time to time revise the manner of conducting such elections. The representative of a life insurance company, the representative of a bank, and the community representative shall be appointed by the City Council upon the recommendation of the Mayor The Mayor, with the approval of the City Council, may designate a City officer or official to serve in his place and stead as a member of the Retirement Board for the term of his office. The terms of the incumbent board members who are serving terms immediately prior to the effective date of this amendment shall not be affected by this amendment, and those members shall be entitled to serve the balances of their respective terms on the Retirement Board; the terms of office of the future elected member of the Fire Department, of the future elected member of the Police Department and of the future insurance and bank representatives shall be five (5) years and shall follow successively the end of the term of the respective incumbent member of the Fire Department, member of the Police Department, and insurance and bank representative members; the first term of office of the community representative shall be two (2) years commencing the first day of the month next following the effective date of this amendment, and thereafter such member shall be appointed for successive five (5) year terms. The Mayor or his designated alternate shall serve the term of the Mayor. In the event of a vacancy, a successor shall be elected or appointed as the case may be for the unexpired portion of the term vacated. Election or appointment of successors as hereinabove provided shall be held or made not more than ninety (90) days prior to the expiration of the term of office of the member to be succeeded, or in the event of a vacancy in an office prior to the termination thereof not more than ninety (90) days immediately following the occurrence of such vacancy. The members of the Board shall serve without compensation.

(a) The City Attorney shall attend all meetings of the Board in person or by authorized representative.

(b) The Board shall hold regular meetings monthly and special meetings at any time upon the call of its President. A majority of the members of the Board shall constitute a quorum for the transaction of business. The powers conferred by this Article upon the Board shall be exercised by order or resolution adopted by the affirmative votes of at least four (4) members of the Board. At the regular meeting in September of each year, the Board shall select one of its members to act

as President for the ensuing year. The Board shall keep a written record of its proceedings which shall be public.

(c) The Board shall appoint a Secretary who shall hold office at its pleasure and who shall have the power to administer oaths and affirmations and issue subpoenas in all matters pertaining to the administration and operation of the System. The Board shall also appoint an actuary who shall hold office at its pleasure, and medical examiners in connection with disability retirement, and such additional clerical and other assistants as the City Council may authorize. All regular and permanent employees of the Board shall, with the exception of the Secretary, Actuary and Medical Examiners, be appointed under the provisions of Article XIII* of this Charter.

(d) The Board shall make an annual estimate of the cost of administering the Retirement System and shall transmit the same to the City Manager at such time as he may direct. The City Manager shall cause to be included in his annual estimate of the probable expenses of the City, and the City Council shall appropriate the amount necessary for the administration of the System, to be paid out of the general fund of the City.

(e) The Board shall possess power to make all necessary rules and regulations for its guidance and shall have exclusive control of the administration and investment of the fund established for the maintenance and operation of the System, provided that all investments shall be of the character legal for savings banks in the State of California. All earnings and interest from such investments shall accrue and be deposited to the credit of the Fund. The City Treasurer shall be the custodian of such Fund.

(f) The Board shall have such additional power and authority as is conferred by Section 20** of this Charter.

(g) If any section, word, clause or provision of this Article shall be held unconstitutional, the remaining sections, clauses, words or provisions thereof shall not be affected thereby. All the provisions of this Article are to be liberally construed.

## MEASURE (3)

Amend Subsection (1) and (6) of Section 2619 of the Charter of the City of Oakland to read as follows:

Sec. 2619. (1) The normal rate of contribution of each member who exercised the option in Section 2600 shall be five and one-half percent (5½%). The normal rate of contribution of each person who becomes a member of the Police or Fire Department after the effective date of this Article (added by Stats. 1951) shall be based on his age taken to the next lower completed quarter year, at the date he becomes a member of the Police or Fire Department, and shall be such as, on the average for each such member, will provide, assuming service without interruption, one-fourth (¼) of that portion of the service retirement allowance to which he would be entitled,

without continuance to dependents, upon first qualifying for retirement under Section 2608, and assuming the contribution to be made from the date of his entrance into the Police or Fire Department. Provided that said members' contribution rates shall never decrease below the table of members' contribution rates in effect as of January 1, 1971.

(6) The City shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this Section, to provide the benefits payable under this Article and Articles XIV and XV. Such contributions of the City with respect to members who exercised the option in Section 2600 shall be equal during each fiscal year to the benefits payable to or on account of such members during such year, less the portion of the benefits provided in paragraph (4) of this Section. Such contributions of the City with respect to persons who remain members under Article XIV and XV, and former members under said Articles, shall be equal during each fiscal year, to benefits payable to or on account of such members during such year, less the normal contributions deducted during such year from such members' compensation, under paragraph (4) preceding. Such contributions of the City with respect to persons who became or hereafter become members of the Police or Fire Departments after the effective date of this Article (added by Stats. 1951), shall be made in annual installments and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to such persons, said percentage to be twenty-four and thirty-one one-hundredths per cent (24-31/100%), until redetermined by the Retirement Board on the basis of the periodical actuarial valuation and investigation into the experience under the System. At such redetermination, said percentage shall be the ratio at the date of the periodical actuarial valuation, of the present value of the benefits thereafter to be paid under this Article from contributions of the City, and to or on account of such members, less the amount of the City's contributions plus accumulated interest thereon, then held by said System to provide such benefits, to the value at said date of compensation thereafter payable to said member. Said values shall be determined by the actuary, who shall assume a four per cent (4%) interest rate on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service, and of death after retirement. On and after the effective date of such redetermination, the City shall contribute at the percentage fixed by the Board. The total amount, as determined by the Board, of the contributions required during any fiscal year of the City under the Retirement System shall be paid into the Retirement Fund by the City during such year. Provided, however, that in no event shall the City's contributions pursuant to the aforesaid periodical actuarial valuations be lower than nine and forty-two one hundredths per cent (9-42/100%). Any excess monies result-

ing from the setting of a minimum on the members' contributions under Section 2619(1), placing a minimum on the City's contributions, and setting a permanent actuarial interest assumption rate of four per cent (4%) shall be accumulated and invested by the Retirement Board for the sole purpose of providing, together with monies in the existing contingency reserve of the Retirement Fund, actuarially sound, improved benefits for all members of the System under this Article. The Retirement Board shall within six (6) months of each said periodical actuarial valuation determine the nature and extent of said improved or additional benefits. In no event shall existing benefits be reduced. Said recommended improved or additional benefits shall go into effect if said recommendations receive the affirmative vote of fifty-five per cent (55%) of the combined ballots cast by the active members of the Police and Fire Departments in a special election to be held for that purpose. If said recommendations are defeated, different recommendations shall be successively submitted by the Board to a similar vote until a fifty-five per cent (55%) affirmative vote is obtained.

We, the undersigned, John H. Reading, Mayor of the City of Oakland, State of California, and Gladys H. Murphy, City Clerk of said City, do hereby further certify and declare as follows:

That in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California, and Government Code §§34450, et seq., the Council of the City of Oakland, being the governing body of said City, on its own motion by its Resolutions Nos. 51369 C.M.S., and 51370 C.M.S., passed March 18, 1971, duly and regularly proposed and submitted to the qualified electors of said City, certain proposals designated as Measure (2) and Measure (3) for amending the Charter of said City, to be voted upon by said qualified electors at the General Municipal Election called and held in said City on the eighteenth day of May, 1971.

That said General Municipal Election was duly and regularly held in said City as required by law and in accordance with Section 3 of Article XI of the Constitution of the State of California, Government Code §§34450, et seq., and the Charter of the City of Oakland, on the eighteenth day of May, 1971, which said day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendments in the "Oakland Tribune," a daily newspaper of general circulation published in the City of Oakland and the official newspaper of said City.

That said proposed amendments were published on the eighth day of April, 1971, in the "Oakland Tribune," in each edition thereof, during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form, and in type of not less than ten point, and copies thereof were mailed to each of the qualified

electors in said City, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Oakland was published in said "Oakland Tribune," a newspaper of general circulation published in said City, on the eighth day of April, 1971, and on each day thereafter to and including the eighteenth day of May, 1971, the date of said election.

That in accordance with the provisions of the Charter of the City of Oakland and Oakland City Ordinance No. 8199 C.M.S., the City Attorney of said City prepared an impartial analysis of each of the proposed amendments not exceeding five hundred words in length; that a copy of each said analysis was mailed and distributed by the City Clerk of the City of Oakland to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendments.

That in accordance with Sections 5010–5014 of the Elections Code of the State of California, the Charter of the City of Oakland, and Oakland City Ordinance No. 8199 C.M.S., notice of the date fixed for submission of arguments for and against each of said proposed amendments was published on the twenty-fifth day of March, 1971, in the "Oakland Tribune," and arguments, if any, in favor of and against each said proposed amendment were mailed and distributed by the City Clerk of the City of Oakland to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendments.

That the Council of said City framed a synopsis of each said proposed amendment and, on April 27 and May 4, 1971, caused a notice containing each said synopsis to be published in the "Oakland Tribune".

That as to each of the said amendments to the Charter of the City of Oakland hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that all provisions of law applicable thereto have been fully conformed to and complied with.

That in accordance with the provisions of law applicable thereto, the Clerk of the City of Oakland did duly and regularly canvass the votes cast at said General Municipal Election, which canvass was confirmed by Oakland City Council Resolution No. 51510 C.M.S., and did determine a result of said election to be that a majority of the qualified electors of said City voting on each of the proposed amendments to the Charter of the City of Oakland hereinafter set forth and designated as Measure (2) and Measure (3) had voted for and adopted each of the said amendments.

That the proposed amendments to the Charter of the City of Oakland, which were so ratified by a majority of the electors of said City at said General Municipal Election held May 18, 1971, are in words and figures as follows:

MEASURE (2)

Amend Section 2005(b) of the Charter of the City of Oakland to read as follows:

(b) There shall be deducted from each payment of compensation made to a member, a sum determined by applying the members' normal rate of contribution to such compensation. The sum so deducted shall be paid forthwith to the Retirement System, and shall be credited to the individual account of the member from whose compensation it was deducted, and the total of said contributions, together with interest credited thereon, shall be applied to provide part of the retirement allowance granted to said member; or said total of said contributions, together with interest credited thereon shall be paid to said member upon termination of his employment by the City prior to retirement, or to his estate or beneficiary upon his death, in the manner provided by the City Council. The City Council, however, shall provide for election by members who are entitled to be credited with at least 5 years of service and whose employment is terminated by cause other than death or retirement, to allow their accumulated contributions to remain in the Retirement Fund, to continue as members of the System and to be subject to the same age and disability requirements as apply to other members for service or disability retirement, but they shall not be subject to a minimum service requirement, and the minimum retirement allowances shall not apply to them, unless they meet such minimum service requirement. Subject to rules prescribed by the Board, any member may elect to make contributions in excess of his contributions herein required, for the purpose of providing additional benefits, and benefits provided hereunder for such member shall be exclusive of such additional benefits. The exercise of this privilege by a member shall not require the City to make any contributions. Additional contributions shall be administered in the same manner as normal contributions.

This section shall become effective on the first day of the month next following approval by the Legislature and filing with the Secretary of State.

MEASURE (3)

Amends Sections 2003 and 2004 of and adds Section 2004.5 to the Charter of the City of Oakland to read as follows:

Sec. 2003. Any member who completes at least twenty years of service in the aggregate with which he is entitled to be credited under the System, and attains the age of fifty-two years, or completes at least 10 years of such service and attains the age of sixty years, may retire for service at his option. Members shall be retired for service on the 1st day of the month next following attainment by them of the age of seventy years, regardless of length of service. Upon retirement for service after the effective date hereof, a member shall receive a service retirement allowance equal to the fraction of one-

sixtieth of his final compensation, set forth opposite his age at retirement, taken and applied by interpolation of said fractions to the preceding completed quarter year of age, in the following table in the column applicable to his sex, multiplied by the number of years of service with which he is entitled to be credited:

| Age at Retirement | Fraction Men | Fraction Women |
|---|---|---|
| 52 | .6120636 | .6352571 |
| 53 | .6477249 | 6692856 |
| 54 | .6862515 | .7059143 |
| 55 | .7279876 | .7454909 |
| 56 | .7732616 | .7882855 |
| 57 | .8225384 | .8346370 |
| 58 | .8764127 | .8850589 |
| 59 | .9354005 | .9399551 |
| 60 | 1.0000000 | 1.0000000 |
| 61 | 1.0564648 | 1 0569430 |
| 62 | 1 1156446 | 1.1169496 |
| 63 | 1 1782066 | 1 1807488 |
| 64 | 1 2444586 | 1 2487750 |
| 65 & over | 1.3147929 | 1 3216755 |

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the Retirement System on the effective date hereof and shall be adjusted by the Board in accordance with such interest and mortality tables as the Board may adopt thereafter.

The Retirement System also shall provide for death benefits for members of the System. The City Council also shall provide that a member retiring may elect, before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance in a lesser allowance to be received by him throughout his life and in other benefits payable after his death to another person, including an allowance throughout the life of such person.

For the purpose of this Section, the qualifying ten-year periods of service shall be accumulated during any continuous periods of not more than twelve years, provided any absence from or return to actual service during such twelve-year periods is approved by the Civil Service Board in the case of persons in the classified civil service or by the City Council in the case of other persons within the Retirement System

This section shall become effective on the first day of the month next following approval by the Legislature and filing with the Secretary of State.

Sec 2004. Notwithstanding the provisions of Section 2003 to the contrary, the provisions of this Section shall apply to the Retirement System The City Council also shall provide that a member retiring may elect before the first payment of his retirement allowance is made, and that a member may elect

at any time before retirement, but only after qualification for service retirement, as provided in Section 2010 to receive the actuarial equivalent of the portion or all of his allowance, as the case may be, which would not be continued automatically regardless of dependents then living, in a lesser allowance to be received by him throughout his life and in other benefits payable after his death to another person, including an allowance throughout the lite of such person. The amounts payable under options two (2) or three (3) as stated in Ordinance No. 713 C.M.S., which were elected prior to the effective date of Section 2007 by a person who is living on that date, shall be adjusted to amounts calculated as if the provisions of that Section had been in effect at the date of his retirement, but no adjustment shall be made because of payments made prior to such effective date.

This section shall become effective on the first day of the month next following approval by the Legislature and filing with the Secretary of State.

Sec. 2004.5. The Retirement System also shall provide for retirement for disability after five years of service credited under the System, and before age 60, subject to the following conditions:

It is the intention of this section that allowances granted to or on account of members of the System for injury, illness or death incurred in the performance of duty shall not be cumulative with benefits under the Labor Code of California awarded as the result of the same injury, illness or death. If any member of the System or dependent receives compensation under the Labor Code for disability or death arising out of and in the course of the performance of duty, any payment on account thereof shall be applied as a credit and set-off against any payment on account of salary granted to such member under Section 8.04 of the Laws and Rules of the Civil Service Board: or retirement allowances or other benefit granted to or on account of such member under the provisions of this article as follows:

(a) If the amount is paid in one sum or in installments equal to or greater than such salary, retirement allowance, or other benefit, such member or dependent shall not receive any salary, retirement allowance or other benefit until the total amount of the salary, retirement allowance, or other benefit, which would otherwise be payable equals the total amount received under the Labor Code.

(b) If the amount is paid in installments less than such salary, retirement allowance or other benefit, the salary, retirement allowance or other benefit shall be reduced so that the total of salary, retirement allowance or other benefit plus the amounts received under the Labor Code will equal the salary, retirement allowance, or other benefit which would otherwise be due.

(c) In either case, any award specifically granted for medical, surgical or hospital expenses shall not reduce the salary, retirement allowance or other benefit.

No disability retirement benefits shall be paid under this section on the basis of an award by the Workmen's Compensation Appeals Board of the State of California.

This section shall become effective on the first day of the month next following approval by the Legislature and filing with the Secretary of State.

And we further certify that we have compared each of the foregoing proposed and ratified amendments to the Charter of the City of Oakland with the respective original proposals submitting the same to the electors of said City, and find that each of the foregoing is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this seventh day of June, 1971.

JOHN H. READING
Mayor of the City of Oakland
GLADYS H. MURPHY
City Clerk of the City of Oakland

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Oakland, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Oakland.

## RESOLUTION CHAPTER 90

*Senate Concurrent Resolution No. 18—Relative to state colleges.*

[Filed with Secretary of State July 6, 1971.]

WHEREAS, The salary schedules of California State Colleges provide for a pay differential for faculty members who hold doctorate degrees; and

WHEREAS, Some foreign degrees are not equivalent to the American "doctorate," and are not considered equivalent by

recognized admissions and accreditation agencies, yet are given the same academic value in the California State Colleges for the purposes of salary and promotion of faculty members who possess them; and

WHEREAS, Some faculty members have had their nonequivalent foreign "doctorates" accepted fully while others, in the same college, holding identical degrees, have been refused acceptance for their degrees; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Trustees of the California State Colleges are hereby directed to conduct an investigation regarding the acceptance by the California State Colleges of nonequivalent foreign degrees of faculty members for the purpose of salary placement and promotion and to report their findings and recommendations to the Senate and Assembly by August 1, 1971; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Trustees of the California State Colleges.

---

## RESOLUTION CHAPTER 91

*Senate Joint Resolution No. 35—Relative to transportation research and development.*

[Filed with Secretary of State July 8, 1971]

WHEREAS, Legislation has been introduced in the Congress of the United States to carry out research and development and demonstration projects concerning modes of transportation which carry people or goods in or between areas of concentrated population; and

WHEREAS, This legislation, S. 1382 and H.R. 7017, would further the development of such modes of transportation as vertical- and short-takeoff-and-land aircraft and high-speed ground transportation, and would in addition give secondary priority to improvement of the technology related to air traffic control, all-weather air navigation systems, and air safety; and

WHEREAS, Priority will be given in awarding contracts under this legislation for these research and development and demonstration projects to applicants which have undergone reductions in their labor forces or which are located in areas of high unemployment; and

WHEREAS, A special area of study under these bills will be the potential for conversion to alternative uses of the productive capacity, resources, and manpower of the airframe industry; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the

United States to support and enact this urgent and important legislation which will help develop critically needed transportation facilities and provide relief for the serious problems of the airframe industry in this state; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 92

*Senate Joint Resolution No. 36—Relative to the Federal Highway Trust Fund.*

[Filed with Secretary of State July 8, 1971.]

WHEREAS, The executive branch of the federal government is now impounding and for several years has been restricting and reducing California's share of the Highway Trust Fund; and

WHEREAS, Congress, in the Federal-Aid Highway Act of 1970, has expressed its opposition to the impoundment and diversion of Federal Highway Trust Fund apportionments; and

WHEREAS, It is against the best interests of the State of California for Federal Highway Trust Fund apportionments to be impounded, diverted, restricted, or reduced; and

WHEREAS, California is losing about $150 million per year which would normally be used to construct necessary freeways; and

WHEREAS, California can ill afford to lose this volume of funds at a time when its economy is seriously sagging and when the completion of the state's highway network is absolutely vital; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully requests the President of the United States and the Secretary of Transportation to use their good offices for the release of California's share of the Federal Highway Trust Fund; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Transportation.

## RESOLUTION CHAPTER 93

*Assembly Concurrent Resolution No. 144—Approving amendments to the Charter of the City of Monterey, County of Monterey, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 11th day of May, 1971.*

[Filed with Secretary of State July 9, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Monterey, a municipal corporation in the County of Monterey, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California }
County of Monterey } ss.

We, Al J. Madden, Mayor of the City of Monterey, and John C. Dunn, Jr., City Clerk of the City of Monterey, do hereby certify as follows:

That the City of Monterey, in the County of Monterey, State of California, is now and was at all times herein mentioned, a City containing more than 3,500 inhabitants and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That the City of Monterey is now and was at all times herein mentioned, organized and existing under a Charter adopted under the provisions of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a Special Municipal Election held therein on the 9th day of March, 1925, and approved by the Legislature of the State of California (Statutes of 1927, Chapter 32, Page 1292) and by Resolution of the Legislature filed with the Secretary of State of the State of California on the 27th day of March, 1925 (Statutes of 1927, Chapter 32, Page 1292); and

Pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California, the legislative body of the City, namely the City Council of said City did, on its own motion and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, propose to the electors of the City of Monterey certain amendments to the Charter of said City, and ordered that the amendments be submitted to said electors of said City at a General Municipal Election to be held in said City on the 11th day of May, 1971; and

That said proposed amendments were duly published in the Monterey Peninsula Herald, a newspaper of general circulation published in the City of Monterey and the official news-

paper designated by the City Council for that purpose, once a week for two successive weeks, on March 25, 1971, and April 8, 1971; and

That the City Council did by Resolution designated as Resolution No. 11,659 C.S., adopted on the 16th day of March, 1971, call for and give notice of a General Municipal Election in the City of Monterey on the 11th day of May, 1971, which date was more than forty days and less than sixty days after the completion of the publication of said proposed amendments to the Charter of the City of Monterey as aforesaid; and

That said General Municipal Election was held in the City of Monterey on the 11th day of May, 1971, which date was more than forty days and less than sixty days after said proposed amendments to said Charter had been published in said Monterey Peninsula Herald as aforesaid; and

That at said General Municipal Election held as aforesaid on the 11th day of May, 1971, a majority of the voters voted in favor of the proposed amendments as hereinafter set forth to the Charter of the City of Monterey and duly ratified the same; and

That said returns were duly canvassed and certified by the Clerk of the City of Monterey in the time and manner as required by law; and

That said amendments to the Charter of the City of Monterey, adopted and ratified by the qualified electors of said City, are in words and figures as follows:

Section 5. Elections: General municipal elections shall be held in said City on the second Tuesday in May of each odd-numbered year under and pursuant to the provisions of the general laws of the State of California governing elections in cities so far as the same may be applicable and except as herein otherwise provided. All other municipal elections that may be held by authority of this Charter or of general law shall be known as special municipal elections, and shall be held substantially as in this Charter provided for general municipal elections, provided, however, that special elections to authorize any municipal or local public improvement, or levy of assessments therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the State relative thereto under which any such proceeding is instituted by the Council in case such general law provides for the procedure and manner of holding elections thereunder.

Section 10. The Mayor: A Mayor shall be elected at each general municipal election and shall hold office for the term of two years from and after the Tuesday next succeeding the day of such election and until his successor is elected and qualified commencing with the first general municipal election held under the provisions of this Charter. The Mayor shall receive no compensation and shall be ineligible to hold any other office or employment with the City except as a member of any board, commission, or committee thereto of which he is constituted such member by general law.

The Mayor shall be the chief legislative officer of the City. He shall represent the City in all ceremonial functions of a patriotic or social character when it appears to him desirable that the City be officially represented thereat and shall, consistent with the provisions hereof, possess such other powers and perform such other duties as may be prescribed by this Charter, by law, by ordinance, or by resolution of the Council.

The Council shall, from one of its members, elect a Mayor pro tempore who shall, during the absence or disability of the Mayor, exercise the powers and perform the duties of said office. In case of a vacancy in the office of the Mayor, the Mayor pro tempore shall act as Mayor until the vacancy in said office is filled as provided in this Charter. The Council shall determine the length of office of the Mayor pro tempore and may, without cause or notice, remove the Mayor pro tempore from office by the affirmative vote of three of its members.

Section 11. The Council: The Council shall be comprised of the Mayor and said four Councilmen and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions coming before it.

Two Councilmen shall be elected at each general municipal election and shall hold office for the term of four years each from and after the Tuesday next succeeding the day of such election and until their successors are elected and qualified.

The Councilmen shall receive no compensation and no Councilman shall be eligible to hold any other office or employment with the City except as a member of any board, commission, or committee thereof of which he is constituted such member by general law.

All powers granted to and vested in the City of Monterey by law or by the provisions of this Charter shall, except as herein otherwise provided, be exercised by the Council, to be designated the "COUNCIL OF THE CITY OF MONTEREY". The Council shall be the governing body of the City, and subject to the express limitations of this Charter, shall be vested with all powers necessary or convenient for a complete and adequate system of municipal government consistent with the constitution of the State including all powers now or hereafter granted by general law.

Section 15. Legislations: The Council shall act in legislative matters by ordinance or resolution only. Other action of the Council, unless herein otherwise provided, may be taken by resolution, motion, or order.

The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the Council. Upon the request of any member of the Council, the ayes and noes shall be taken and recorded upon any vote. All members at any meeting must vote.

No ordinance or resolution shall be passed without receiving the affirmative vote of at least three members of the Council.

Each ordinance or resolution shall be headed by a brief title which shall indicate the purport thereof.

The ordaining clause of all ordinances adopted by the Council shall be, "The Council of the City of Monterey does ordain as follows:" The ordaining clause of all ordinances passed by the vote of the electors of the City through exercise of the initiative shall be, "The People of the City of Monterey do ordain as follows:"

No ordinance shall be passed by the Council on the day of its introduction, or within five days thereafter, or at any time other than a regular or adjourned regular meeting or until its publication at least once in the official newspaper of the City at least three days before its adoption. In the case of an ordinance being amended before its adoption as amended, and where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinance need not be republished.

Ordinances and resolutions need not be read either in whole or in part prior to their adoption except as may be otherwise required by ordinance or general law.

Any ordinance shall take effect thirty days after its final passage except an ordinance shall take effect immediately, if it is an ordinance:

(a) Relating to an election.

(b) For the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the Council.

(c) Relating to street improvement proceedings.

(d) Relating to taxes for the usual and current expenses of the City.

(e) Covered by particular provisions of law prescribing the manner of its passage and adoption.

Except as otherwise provided by general law or by this Charter, no action providing for any specific public improvement, or for the appropriation or expenditure of public money in any amount over five thousand dollars ($5,000 00), or for the acquisition, sale, lease in excess of five years, encumbrancing or disposition of any real property of the City or any interest therein, or for the purpose of levying any tax or assessment, or the granting of any franchise, or for the establishing or changing of fire limits, or for the imposing of any penalties, shall be taken except by ordinance. Any lease, license or other similar interest for a term of five years or less including options in which the City is either grantor or grantee shall be authorized by resolution.

No ordinance, or portion thereof, shall be repealed except by ordinance No ordinance shall be revised, reenacted or amended by reference to its title only, but the ordinance to be amended or the new section or sections to be added thereto shall be set forth and adopted according to the method provided in this section for the enactment of ordinances, and such revision,

reenactment, amendment, or addition, shall be by ordinance only.

All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Section 15. Auditor: Repealed

Section 17. The Chief Appointive Officials: Retitled and renumbered as follows:

Section 16. City Officers:

(a) Chief Appointive Officers: The chief appointive officers of the City shall be a City Manager, Assistant City Manager, City Clerk, City Attorney, Finance Director, Director of Public Works, Chief of Police, Fire Chief, Planning Director, Director of Parks and Recreation, and Librarian. The Council may, at any time when in its judgment the interest of the City so demands, by a four-fifths vote thereof, consolidate by ordinance the powers and duties of two or more City officers except where the same are prescribed in this Charter, and in such case may, by ordinance, prescribe additional powers and duties therefor consistent with the provisions hereof.

(b) Powers and Duties of Appointive Officers: The appointive officers shall have the following powers and duties, provided, however, that the Council or the City Manager may from time to time prescribe additional powers and duties of any appointed officer not in conflict with this section. All appointive officers, except the City Manager, shall be responsible to the City Manager for the conduct and performance of their offices.

(1) City Manager: Shall manage all other officers and employees of the City and shall be responsible for carrying out the policies and directives of the Council.

(2) Assistant City Manager: Shall have such duties and responsibilities as are delegated to him by the City Manager.

(3) City Clerk: Shall maintain all ordinances, resolutions and other records and documents delivered to him as may be required by law, ordinance or established procedure. He shall attend all sessions of the Council and keep a record of the proceedings. He shall maintain the corporate seal of the City and shall affix same with his signature to documents or records requiring authentication.

(4) City Attorney: Shall be legal advisor to the Council and the officers and employees of the City when acting in their official capacities. Shall at all times be a member in good standing of the California State Bar Association.

(5) Finance Director: Shall be the chief accounting officer of the City and shall prepare and maintain all financial records of the City. He shall act as treasurer and shall execute any documents in said capacity where required by ordinance or general law.

(6) Director of Public Works: Shall be the administrator of the Department of Public Works. He shall also serve as City Engineer and Superintendent of Streets, and in said

capacity shall execute all documents as required or empowered to do so by ordinance or general law. He shall at all times be a Civil Engineer registered to practice as such in the State of California.

(7) Chief of Police: Shall administer the Police Department, and be responsible for the protection of life and property, for the enforcement of State and local law, for the provision of emergency public safety services, and for the provision of crime prevention.

(8) Fire Chief: Shall administer the Fire Department, and be responsible for the protection of life and property, for the provision of emergency fire protection services and for the provision of community fire prevention.

(9) Planning Director: Shall be responsible for preparing comprehensive plans for the City and the administration of the zoning ordinance and shall serve as secretary to the Planning Commission.

(10) Director of Parks and Recreation: Shall administer the Department of Parks and Recreation and shall be secretary to the Parks and Recreation Commission.

(11) Librarian: Shall administer the library facilities and programs and shall serve as secretary to the Library Board of Trustees.

Section 18. Subordinate Officers and Employees: Renumbered Section 17.

Section 19. Official Bonds: Renumbered Section 18.

Section 20. Oath of Office: Renumbered Section 19.

Section 21. Vacancies: Renumbered Section 20.

Section 22.A. Appointment of Officers and Employees: Retitled and renumbered as follows:

Section 21. Appointment and Removal of Officers and Employees:

(a) Appointment of Officers and Employees:

(1) The Council shall appoint the City Manager by affirmative vote of three of its members.

(2) The Mayor shall appoint, subject to confirmation by the affirmative vote of three members of the Council, all members of municipal boards, commissions, or committees, except advisory committees to the City Manager.

(3) Officers appointed by the Council may appoint their own deputies when the same are necessary; subject, however, to confirmation by the Council.

(4) The City Manager shall appoint all other officers and employees of the City except as otherwise herein provided.

(b) Removal of Officers:

(1) The Council may remove any of its appointees at pleasure without cause stated or a hearing had by the affirmative vote of four members, and may remove any of its appointees for cause after a hearing as hereinafter provided by the affirmative vote of three members. This provision shall also apply to members of municipal boards, commissions and committees, except advisory committees to the City Manager.

(2) The City Manager may remove any of the chief appointive officers appointed by him at pleasure, provided that:

(i) Said officer is served with at least three days' written notice of the reason for such removal, which reason need not be for cause as hereinafter defined, and the time and place of a public hearing thereon. Such notice shall be served personally or by publication once in the official newspaper of the City at least three days prior to the time fixed for the hearing;

(ii) Said officer is given a public hearing on said proposed removal, which hearing may be informal;

(iii) The City Manager, after such hearing, shall determine his decision on such matter in writing and file such decision thereafter with the City Clerk. Should the City Manager determine to remove such officer after such hearing, his written decision shall state such fact and the reason therefor. Such decision shall be final and conclusive unless within ten days from the filing thereof it shall be disapproved by a resolution adopted by four affirmative votes of the Council, in which case such decision shall be of no effect.

(c) Removal of Deputies:

(1) Deputies shall be removed by their principals in the same manner as the City Manager removes the chief appointive officers appointed by him.

(d) Removal of Subordinate Officers and Employees:

(1) The City Manager shall remove all other officers and employees of the City, and procedure therefor shall be prescribed by ordinance.

(e) Removal for Cause:

(1) Grounds for removal for cause shall be, incompetency or physical incapacity to properly discharge the duties of his office; insubordination to a superior officer in the course of his municipal employment; wilful neglect of official duty; wilful failure or refusal to properly perform the same; gross carelessness in the discharge thereof; notorious misconduct of a disgraceful or scandalous nature; habitual intemperance; malfeasance in office; insanity; or conviction of a felony.

(2) Procedure in cases of removal for cause shall be:

(i) A written, verified complaint subscribed by the person accusing the officer specifying the charge alleged against such officer shall be filed with the City Clerk.

(ii) Upon the filing of such a complaint, the Mayor shall fix a time and place for a public hearing thereon before the Council, which hearing shall be held within sixty days of the filing of the complaint.

(iii) The City Clerk shall thereupon, and at least ten days prior to the hearing, serve or have served personally upon the accused officer, written notice of such hearing, and to such notice shall be annexed a full and correct copy of the complaint, or in lieu of personal service, notice of said hearing shall be published once in the official newspaper of the City at least ten days prior to the time fixed for the hearing, and

in such published notice, reference shall be made to the complaint on file for further particulars.

(iv) At the hearing before the Council, evidence for and against the accused may be introduced and the accused may testify in his own behalf; provided, however, that the testimony of all witnesses shall be under oath; and provided further that hearsay testimony shall be inadmissible. Should the accused be found guilty as charged in the complaint by the affirmative votes of three members of the Council after such hearing, said determination shall be final and conclusive and the accused shall forfeit his office forthwith.

(v) If any officer or employee shall be found guilty in a court of competent jurisdiction upon any of the grounds for removal for cause, or upon any charge directly embracing any of such grounds, he may be removed forthwith by the Council or by the person having the power of removal without a hearing or notice thereof.

(vi) Any officer or employee, upon notification of any pending charge against him, may waive any hearing provided for in this section by tendering his resignation in writing, and in such case, and upon the acceptance thereof, said hearing shall be dispensed with.

(f) Limitations on Removals:

(1) The Council shall not remove any officers within three months next succeeding a general municipal election except for cause.

(2) The City Manager shall not remove any officer within three months next succeeding his qualification as City Manager unless the reason for so doing is based upon one of the grounds for removal for cause.

(g) Suspension in Lieu of Removal:

(1) Any officer or employee, in lieu of removal, may be suspended up to thirty days without pay for the same reasons or on the same grounds and on the same procedure as herein provided for removal.

Section 23. Compensation of Appointive Officers and Employees: Renumbered Section 22.

Section 24. City Manager and Secretary Thereto: Renumbered Section 23 as follows:

Section 23. City Manager and Secretary Thereto: The City Manager shall be chosen by the Council without regard to political consideration and with reference solely in his qualification for such office.

It shall not be necessary for such appointee to be a resident or elector of the City at the time of his appointment but he shall become a resident thereof within sixty days after his appointment and qualification as City Manager and shall thereafter continue to reside therein during his incumbency of said office. The City Manager shall be ex-officio City Purchasing Agent subject to such conditions and restrictions as may be imposed by ordinance. The salary of the City Manager and ex-officio City Purchasing Agent shall be fixed by ordinance.

The office of Secretary to the City Manager is hereby created, which shall be filled by appointment by the City Manager, and such Secretary may be removed from office by the City Manager at any time without a hearing and such removal shall not be subject to disapproval by the Council. The salary of such Secretary shall be fixed by ordinance.

The powers and duties of the City Manager shall be:

(a) To see that all ordinances are enforced.

(b) To appoint, except as otherwise provided in this Charter or by general law, all heads of departments and other City officers and employees and remove the same at pleasure, except as otherwise herein prescribed, and to have general supervision and control over all officers and employees whether appointed by himself or the Council.

(c) To exercise general supervision over all privately owned public utilities operating within the City so far as the same are subject to municipal control.

(d) To see that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are fully observed and to report to the Council any violation thereof.

(e) To attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.

(f) To examine or cause to be examined without notice, the conduct or the official accounts or records of any officer or employee of the City.

(g) To keep the Council advised as to the needs of the City.

(h) To devote his entire time to the business and interests of the City.

(i) To have general supervision over all City property, including public buildings, parks and playgrounds.

(j) To appoint such advisory boards as he may deem desirable to advise and assist him in his work, provided the members of such boards shall receive no compensation.

(k) To possess such other powers and perform such additional duties as are prescribed by this Charter or may be prescribed by ordinance, provided, however, that the powers or duties of any City office or employment created by the provisions of this Charter shall not be consolidated with those of the City Manager other than that of City Purchasing Agent and/or City Clerk.

Section 25. City Manager pro Tem: Renumbered Section 24.

Section 26. City Clerk and Ex-Officio Assessor: Repealed

Section 27. Collector: Repealed

Section 28. Repealed in 1965.

Section 29. Director of Public Works: Repealed

Section 30. City Attorney: Repealed

Section 31. Treasurer: Repealed

Section 32. Street Superintendent: Repealed

Section 33. Repealed in 1965.

Section 34. Chief of Police: Repealed

Section 35. Fire Chief: Repealed

Section 36. Disposition of City Moneys: Renumbered Section 25 as follows:

Section 25. Disposition of City Moneys: Every officer receiving or in possession of any moneys belonging to or for the use of the City shall, within forty-eight hours thereafter, notify the Finance Director thereof and thereupon pay the same forthwith into the treasury on order of the Finance Director for the benefit and to the credit of the funds to which such moneys severally belong, provided, however, that Saturdays, Sundays, legal holidays, and other days on which the City offices are closed for business shall not be considered in computation of the forty-eight hour period.

Section 37. Repealed in 1965.

Section 38. Expert Accountant: Renumbered Section 26 as follows:

Section 26. Expert Accountant: The City shall employ a certified public accountant annually to investigate the accounts and transactions of all City officers and employees having the collection, custody or disbursement of public money or property, or the power to approve, allow or audit demands on the City treasury. As part of the annual audit, the money and securities in the City treasury shall be verified.

Section 39 Residential Qualification: Renumbered Section 27 as follows:

Section 27. Residential Qualification: All members of City boards, commissions, Council appointees and chief appointive officers shall be residents, or become residents, of the City of Monterey within three months after such appointment.

Section 40. Illegal Contracts: Renumbered Section 28.

Section 41. Contract Work: Renumbered Section 29 as follows:

Section 41. Contract Work: In the erection, improvement and repair of all public works and in furnishing supplies, labor or materials for the same, or for other use or purpose, when the expenditure required for the same shall exceed the sum of five thousand dollars ($5,000.00), the same shall be awarded by contract and shall be let by the Council to the lowest responsible bidder after notice by publication in the official newspaper. Security for due execution and performance of any such contract may be required of the bidder and successful contractor, respectively The detailed procedure for carrying out the provisions of this section shall be prescribed by ordinance.

Provided, that the Council may reject any and all bids presented and may, in its discretion, readvertise for other bids.

Provided, further, that after rejecting bids, the Council may determine and declare by a four-fifths vote of all of its members that the work in question may be more economically or satisfactorily performed by day labor, or the materials or labor

may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

Provided, further, that in case of a great public calamity such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council may, by resolution passed by a vote of four-fifths of all members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health or property and thereupon it may proceed without advertising for bids or receiving the same to expend or enter into a contract involving the expenditure of any sum required in such emergency on hand in the City treasury and available for such purpose; and

Provided, further, the Mayor or Mayor pro tempore is empowered to make immediate expenditures of public moneys or to contract on behalf of the City for materials or services necessary to safeguard life or property whenever the Governor of the State of California, the President of the United States, or other designated State or Federal authorities have declared the City, or an area in which the City is included, to be a disaster area, or said persons have declared a state of emergency to exist or other similar designation

Section 42. Public Improvements and Street Work: Renumbered Section 30.

Section 43. Franchises: Renumbered Section 31.

Section 44. Franchise Required When: Renumbered Section 32.

Section 45. Inalienable Rights of City: Renumbered Section 33.

Section 46. Budget: Renumbered Section 34 as follows:

Section 34. Budget: Not later than thirty days before the time for fixing the annual tax levy, the City Manager shall submit to the Council an estimate of the expenditures and revenues of the City departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments.

Section 47. Fiscal Year: Renumbered Section 35.

Section 48. Taxation: Renumbered Section 36.

Section 49. Board of Equalization: Repealed

Section 49A. County Collection of Taxes: Renumbered Section 37 as follows:

Section 37. County Collection of Taxes: The Council is hereby authorized to contract with the County of Monterey for the collection by the County of all taxes on real and personal property, assessments, liens or other levies made by the City.

Section 50. Annual Tax Levy: Renumbered Section 38 as follows:

Section 38. Annual Tax Levy: The Council must finally adopt, not later than at its first regular meeting in August, an ordinance levying upon the assessed valuation of all property in the City, a rate of taxation sufficient to raise the amount estimated to be required in the annual budget as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue.

Section 51. Limit of Tax Levy: Renumbered Section 39.

Section 52. Special Tax Levy: Renumbered Section 40.

Section 53. Tax Liens: Renumbered Section 41.

Section 54. Payment of City Moneys: Renumbered Section 42 as follows:

Section 42. Payment of City Moneys: Money shall be drawn from the treasury only upon warrants as herein prescribed. No demand shall be allowed, approved, audited or paid unless it shall specify each item of claim and the date thereof. The Finance Director shall satisfy himself whether the money is legally due and and its payment authorized by law. Specific rules pertaining to signature requirements shall be established by ordinance.

Provided, however, the warrants for salaries fixed by ordinances of officers and offices specifically created by this Charter shall be allowed by the Finance Director and paid regularly from the treasury without the necessity of any demand therefor or approval thereof as in this section prescribed for claims, and at such time, not in conflict with this Charter, as may be prescribed by ordinance.

Section 55. Uniform Accounts and Reports: Renumbered Section 43.

Section 56. Newspaper Advertising and Printing: Renumbered Section 44.

Section 57. Counting the City's Money—Safety Deposit Boxes: Repealed

Section 58. General Laws Applicable: Renumbered Section 45.

Section 59 Official Records: Renumbered Section 46.

Section 60. Interference With or By City Manager: Renumbered Section 47.

Section 61. Leases of City Property: Renumbered Section 48.

Section 62. Inventory of City Property: Renumbered Section 49.

Section 63. Public Library and Board of Library Trustees: Renumbered Section 50.

Section 63½. Municipal Cemetery Board: Powers and Duties: Repealed

Section 64 Continuing Boards and Commissions: Renumbered Section 51.

Section 65. Continuing Ordinances in Force: Renumbered Section 52.

Section 66. Vacations: Renumbered Section 53.
Section 67. Moneys Received From the Sale of Cemetery Lots: Renumbered Section 54.
Section 69. Equipment: Renumbered Section 55.
Section 70. Resignations: Renumbered Section 56.
Section 71. Payment of Salaries: Repealed
Section 72. Official Seal: Renumbered Section 57.
Section 73. Zoning System: Renumbered Section 58.
Section 74. Administering Oaths, Subpoenas: Renumbered Section 59.
Section 75. Monthly Financial Reports: Renumbered Section 60.
Section 76. Approving Illegal Claims: Renumbered Section 61.
Section 76½. Claims against the City for Personal Injury and Damages: Renumbered Section 62.
Section 77. Publication of Charter and Ordinances: Renumbered Section 63.
Section 78. When Charter Effective: Renumbered Section 64.

That we have compared the amendments as stated herein with the original proposals submitted to the electors of said City and find and certify that all of said amendments are a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Monterey to be affixed hereto this 19th day of May, 1971.

CITY OF MONTEREY

(SEAL)

AL J. MADDEN
Al J. Madden
Mayor
JOHN O. DUNN, JR.
John O. Dunn, Jr.
City Clerk

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Monterey, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Monterey.

# RESOLUTION CHAPTER 94

*Senate Joint Resolution No. 29—Relative to the protection of fishlife.*

[Filed with Secretary of State July 9, 1971.]

WHEREAS, The United States Bureau of Reclamation, in undertaking development of the Central Valley Project upon the Sacramento, San Joaquin and American Rivers of this state, has destroyed substantial natural salmon and steelhead spawning habitat through the construction of its dams; and

WHEREAS, The bureau has, with the expenditure of substantial sums of public funds, attempted to mitigate such fishery losses through construction of artificial fish propagation and handling facilities, including the Coleman National Fish Hatchery, the Nimbus State Fish Hatchery and the Keswick fish handling facility; and

WHEREAS, Each of these bureau facilities has been characterized by chronic functional deficiencies which have prevented their public purpose from being realized and the public investment which they represent from being properly returned; and

WHEREAS, Efforts by state conservation officials to persuade the bureau to remedy the aforementioned deficiencies have been largely unsuccessful; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to instruct the Secretary of the Interior to take those actions necessary to abate temperature control deficiencies now causing disease losses of up to 90 percent of the attempted production at the federally financed Coleman and Nimbus hatcheries; to increase rearing facilities at these hatcheries so as to permit the production of fish of sufficient size to survive; to amend the design and operation of the Keswick fish handling facility so as to permit its efficient year-around operation; and to take such other actions as are necessary to accomplish the long overdue fishery mitigation purposes of the aforementioned Central Valley Project facilities; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 95

*Assembly Joint Resolution No. 36—Relative to the East Side Division of the Central Valley Project.*

[Filed with Secretary of State July 16, 1971 ]

WHEREAS, The proposed East Side Division of the Central Valley Project is needed to meet existing ground water overdrafts in areas along the east side of the San Joaquin Valley; and

WHEREAS, The East Side Division offers the only feasible means of delivering supplemental water to these areas to meet increasing domestic, municipal and industrial demands which are worsening the present overdraft condition; and

WHEREAS, The East Side Division can be used to improve water quality conditions in the San Joaquin River System and can furnish water to enhance fish and wildlife habitat; and

WHEREAS, Eighty-five to 90 percent of the water made available by the initial phase of the East Side Division would serve lands which are now developed; and

WHEREAS, This facility would prevent further subsidence of lands on the east side of the San Joaquin Valley, and in so doing would prevent the further loss of ground water storage capacity and the possible worsening of water quality as lower depths are reached; and

WHEREAS, Water deliveries from the proposed East Side Division would stabilize ground water tables and assist in meeting demands of an increasing population; and

WHEREAS, The project is economically and engineeringly feasible, there is a market for the water, and the project would be a worthwhile addition to existing Central Valley Project facilities; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to expedite the processing of, so as to authorize as early as possible, the proposed East Side Division of the Central Valley Project, along with other proposed additions to the Central Valley Project to the end that water can be made available to meet overall state demands; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the United States Commissioner of Reclamation, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 96

*Assembly Concurrent Resolution No. 148—Approving amendments to the Charter of the City of Chico, County of Butte, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the sixth day of April, 1971.*

[Filed with Secretary of State July 16, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Chico, a municipal corporation in the County of Butte, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California,
County of Butte, } ss.
City of Chico.

We, the undersigned, Gordon H. Casamajor, Mayor of the City of Chico, and Barbara A. Evans, Clerk of the City of Chico, do hereby certify and declare as follows:

That the City of Chico in the County of Butte, State of California, has at all times herein mentioned been, and now is, a City of the State of California, containing a population of more than thirty-five hundred (3500) inhabitants, and less than fifty thousand (50,000) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States of America, and ever since the 2nd day of May, 1961, has been existing and acting under a freeholders charter adopted under and by virute of the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election held for that purpose on the 7th day of June, 1960, and approved by the Legislature of the State of California on the 16th day of January, 1961.

That the legislative body of the said city, namely, the Council of said city, of its own motion did, pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California, by resolution adopted the 2nd day of February, 1971, and duly published in the manner and form required by law, duly proposed to the qualified electors of the City of Chico, a certain amendment to the Charter of said City, and ordered that said amendment be submitted to the qualified electors of said City on the 6th day of April, 1971, at the General Municipal Election to be held in said City, the date of which election is fixed by said Charter of the City of Chico hereinbefore referred to, and which said date was fixed in said resolution as the date for voting upon said amendments proposed.

That said proposed amendment, as set out in said resolution, and as submitted at the said election, all as hereinafter set out,

was published and advertised in the manner and for the time provided by law, in the Chico Enterprise-Record, a daily newspaper of general circulation printed and published in the City of Chico and having a general circulation therein, said newspaper being the officially designated newspaper of the City of Chico. That in all respects notice was given, published and advertised in the manner and for the time required by Section 8, Article XI of the Constitution of the State of California, the Charter of the City of Chico, and the Elections Code.

That on February 16, 1971, the Council of the City of Chico regularly adopted Ordinance No. 951, entitled, "An Ordinance Ordering the Calling and Holding of a General Municipal Election in the City of Chico and in Chico Unified School District to be Held on April 6, 1971."

That said election was duly held pursuant to said call on April 6, 1971, which date was not less than forty (40) nor more than sixty (60) days after the completion of the publication of said proposed amendments in the "Chico Enterprise-Record" as aforesaid, and a majority of the qualified electors voting thereon voted in favor of said proposed amendment, as determined by a canvass of the returns of said election duly and regularly made by the Council of the City of Chico, and said Council did, by Resolution No. 114 70-71, duly and regularly adopted, declare the results of said election in so far as it concerned the proposed charter amendment, as determined from a canvass of the returns thereof, which result was as follows:

Total ballots cast ---------- 3,588

Total number of votes cast in favor of and against the Charter amendment, were as follows:

| Measure (B) | Yes | No |
|---|---|---|
| (Amendment of Charter Section 403)---- | 2,686 | 785 |

That the charter amendment so ratified by the qualified electors of the City of Chico is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8, Article XI of the Constitution of the State or California, and which is in words and figures as follows:

Amendment to the Charter of the City of Chico

That Section 403 of the Charter of the City of Chico be amended, and as amended, to read as follows:

"Section 403. Eligibility of Candidates.

Candidates for city councilman shall have all of the following qualifications at the time of filing nomination papers:

(a) have resided in the city for a period of one year, and

(b) be over the age of twenty-one years, and

(c) be a qualified voter as defined by the Elections Code of the State of California.

Candidates for members of the board of education shall comply with all requirements of eligibility as set forth in the laws of the State of California."

We further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Chico with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true, exact and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Chico to be affixed hereto this 3rd day of May, 1971.

(SEAL)

GORDON H. CASAMAJOR
Mayor of the City of Chico
BARBARA A. EVANS
Clerk of the City of Chico

Approved:
GRAYSON PRICE
Grayson Price, City Attorney

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Chico, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Chico.

---

## RESOLUTION CHAPTER 97

*Assembly Concurrent Resolution No. 161—*
*Relative to passage of bills.*

[Filed with Secretary of State July 16, 1971 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That Joint Rule 23 is hereby suspended until July 30, 1971.

## RESOLUTION CHAPTER 98

*Assembly Concurrent Resolution No. 27—Relative to logging operations.*

[Filed with Secretary of State July 19, 1971.]

WHEREAS, In 1967 the Subcommittee on Forest Practices and Watershed Management of the Assembly Committee on Natural Resources, Planning, and Public Works submitted a report of findings and recommendations which identified a number of improvements which should be made to protect the environment during and after logging operations; and

WHEREAS, Logging operations, unless controlled, can have destructive environmental impact in the area in which such operations are conducted; and

WHEREAS, The conflict between the growing demand for wood products and the need to preserve our environment can be resolved if such operations are controlled; and

WHEREAS, It appears that legislation may be required in this field if a viable forest industry is to be maintained in the state and our environment is to be protected and preserved for future generations; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Director of Conservation, in cooperation with the Director of Fish and Game, the State Forester, and the State Board of Forestry, is hereby requested to submit to the Legislature not later than the 10th calendar day of the 1972 Regular Session a recommendation of legislation necessary to control logging operations so as to minimize their adverse effect on the environment; and be it further

*Resolved,* That Chief Clerk of the Assembly transmit copies of this resolution to the Director of Conservation, the Director of Fish and Game, the State Forester, and the State Board of Forestry.

---

## RESOLUTION CHAPTER 99

*Assembly Concurrent Resolution No. 39—Relative to awards to state employees.*

[Filed with Secretary of State July 19, 1971 ]

WHEREAS, Section 13926 of the Government Code provides awards may be made to state employees in excess of one hundred fifty dollars ($150) when such awards are approved by concurrent resolution of the Legislature; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Patricia Ramsey and Ruthie Chappell, Department of Agriculture, for a suggestion that results in annual savings of one thousand five hundred eighty-five

dollars ($1,585) by recommending a method to accelerate evaporation of ether in the process of sample analyses; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Daniel A. Nevis, Department of Corrections, for a suggestion that results in annual savings of ten thousand three hundred dollars ($10,300) for recommending a new "welding" process for repairing damaged vinyl-covered furniture; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Joseph C. Ciochetti, Department of Education, for a suggestion that results in annual savings of eleven thousand dollars ($11,000) by recommending an accounting method to allocate federal funds to districts rather than to individual projects; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Rosemarie Butler, Franchise Tax Board, for a suggestion that results in annual savings of two thousand one hundred thirty-four dollars ($2,134) by recommending that certain "corporation returns" be identified, counted and reassembled by one person instead of passing the file to another individual for count and reassembly; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Robert J. Haines, Franchise Tax Board, for a suggestion resulting in annual savings of three thousand three hundred forty-seven dollars ($3,347) by recommending the use of a Xerox copy machine to duplicate certain returns that were normally recorded by other means to facilitate transfer to other units; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Evelyn J. Carroll, Department of General Services, for a suggestion that results in annual savings of thirty-two thousand four hundred eighty-seven dollars ($32,487) by recommending a reduction in the "Notice to Bidder" newspaper advertisements from three to two times; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Dalton Newfield, Department of General Services, for a suggestion which results in recurring added income of eighteen thousand nine hundred ninety-two dollars ($18,992) by recommending a method of handling lease payments so that state funds would be in interest-bearing status for a longer period; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to David B. Ellis, Department of California Highway Patrol, for a suggestion that results in annual savings of twelve thousand eight hundred fifty-seven dollars ($12,857) by recommending that the department no longer require that official stations maintain the "Approved Devices Handbook"; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ethel A. Perry, Department of Human Resources Development, for a suggestion that results in

annual savings of fourteen thousand eight hundred fifty dollars ($14,850) by recommending a revised method of handling employer accounting in the Data Processing Section which results in reduced keypunch time and volume of cards used; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Kenneth E. Rudrud, Department of Human Resources Development, for a suggestion that results in annual savings of one thousand eight hundred seventy-six dollars ($1,876) by recommending a reduction in the items typed on checks for disability insurance benefits; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Kenneth W. Cox, Department of Human Resources Development, for a suggestion that results in annual savings of four thousand five hundred sixty-seven dollars ($4,567) by recommending that notices of insurance awards be combined with the instructions, on one sheet; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Carole E. McMahon, Marguerite Pintar and Helen Welsh, Department of Motor Vehicles, for a suggestion that results in annual savings of twenty-two thousand dollars ($22,000) by recommending a procedure which results in elimination of a number of unnecessary steps in filing; and

WHEREAS, An award of one hundred fifty dollars ($150) and an additional award of one hundred twenty-one dollars ($121) has already been made to Virginia L. Ring, Department of Motor Vehicles, for a suggestion which results in annual savings of four thousand four hundred nineteen dollars ($4,419) by recommending a procedure which eliminates the search for names of parents or guardians of a minor subject, called for reexamination or interview; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Lois J. Steinberger, Department of Motor Vehicles, for a suggestion which results in annual savings of two thousand one hundred eighty-three dollars ($2,183) by recommending a simplified procedure for handling suspense receipts; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to June H. Woodrum, Department of Motor Vehicles, for a suggestion which results in annual savings of two thousand two hundred fifty-three dollars ($2,253) by recommending that business reply cards be reduced in size to affect savings in postage; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Charles E. Edgar and Joseph M. Zink, Department of Motor Vehicles, for a suggestion which results in annual savings of twenty-three thousand one hundred thirty-three dollars ($23,133) by recommending that the use tax receipt and the cashiers' temporary receipt be combined into one form; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Margaret M. Murphy, Department of Motor Vehicles, for a suggestion which results in annual savings of two thousand four hundred eighty-three dollars ($2,483) by proposing that reinstatement orders be modified to notify the driver that lost, mutilated or laminated drivers licenses must be replaced; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Robert J. Dowling, Jr., Department of Motor Vehicles, for a suggestion which results in annual savings of twenty-six thousand four hundred five dollars ($26,405) by recommending that applicants for renewal of drivers license, who require the Spanish version of the written test be permitted to take a shortened driving test; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Audrey L. Griffith, Department of Motor Vehicles, for a suggestion which results in annual savings of nine thousand seven hundred thirty-seven dollars ($9,737) for recommending a process which eliminates a verification step in the processing of drivers license applications for sixteen-year-olds; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to May Y. Matsumoto, Department of Motor Vehicles, for a suggestion which results in annual savings of one thousand three hundred twenty-three dollars ($1,323) and one-time savings of one thousand twenty-eight dollars ($1,028) by recommending that the filing system be changed from Kardex to a tub record file; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Marie Micke, Department of Motor Vehicles, for a suggestion which results in annual savings of two thousand five hundred dollars ($2,500) by recommending a procedure which eliminates a daily hand count of incoming documents; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Elaine L. Renner, Department of Motor Vehicles, for a suggestion which results in annual savings of three thousand three hundred dollars ($3,300) by recommending a procedure to combine field office suspense document processing; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Carolyn Sue Heale, Department of Motor Vehicles, for a suggestion which results in one-time savings of thirteen thousand five hundred sixty-eight dollars ($13,568) by proposing revision of a form which would facilitate savings in the conversion coding of the driver records; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to William J. Weiss, Department of Motor Vehicles, for a suggestion which results in annual savings of one thousand nine hundred dollars ($1,900) by recommending a procedure of filing identification which could considerably reduce the number of entries; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Vera Reetz, Department of Motor Vehicles, for a suggestion which results in annual savings of two thousand ninety dollars ($2,090) by recommending a coordinating work sort procedure which would eliminate re-sorting; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Richard E. Turk, Department of Motor Vehicles, for a suggestion which results in annual savings of one thousand eight hundred ninety-four dollars ($1,894) by proposing a processing method which eliminated the necessity to write seven characters per format in the processing of file conversions; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ellen F. Epperson, Department of Motor Vehicles, for a suggestion which results in annual savings of three thousand four hundred ten dollars ($3,410) by proposing a method to reduce steps in verification and control procedures; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ruth Bertolino, Department of Motor Vehicles, for a suggestion which results in annual savings of two thousand seven hundred forty-nine dollars ($2,749) by recommending a procedure to reduce the number of items that must be stamped upon receipt; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Betty M. Walker, Department of Motor Vehicles, for a suggestion which results in annual savings of three thousand six hundred fifty-nine dollars ($3,659) by recommending a method to segregate "manual processing" printouts in the Data Processing Unit; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Dorothy A. Boisa, Department of Motor Vehicles, for a suggestion which results in annual savings of two thousand seven hundred twenty-five dollars ($2,725) by recommending the elimination of a report which contained data available from another source; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Dorothy A. Boisa, Department of Motor Vehicles, for a suggestion which results in annual savings of six thousand one hundred forty-three dollars ($6,143) by recommending the elimination of a copy of seldom-used form copy in the driver record file conversion process; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Isiah James, Charles J. McDuffie, Theodore Hubbard and Robert Morris, Division of Bay Toll Crossings, for a suggestion which results in annual savings of four thousand three hundred thirty dollars ($4,330) by proposing a method of a mechanized handling of sand to eliminate a manual procedure; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Russell A. Flint, Division of Bay Toll

Crossings, for a suggestion which results in annual savings of two thousand three hundred seventy dollars ($2,370) by recommending that pressure-sensitive paper be used in toll recorders; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Gilbert E. Walton, Division of Bay Toll Crossings, for a suggestion which results in recurring added income of two thousand seven hundred dollars ($2,700) by recommending that exempt agencies be required to pay a toll service charge of five dollars ($5) per month; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Fred V. Rayburn, Division of Highways, for a suggestion which results in annual savings of seventeen thousand two hundred fifty dollars ($17,250) by recommending that the four hundred (400) watt mercury vapor street lamps be purchased direct from the State Lamp Contract instead of through the warehouse; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Walter F. Flanary, Division of Highways, for a suggestion which results in annual savings of seventy-seven thousand seven hundred forty dollars ($77,740) by recommending the use of lower wattage traffic signal lamps; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Jack F. Hodges, Division of Highways, for a suggestion which results in annual savings of five thousand three hundred sixty-five dollars ($5,365) by devising a mechanical salt spreader; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Roger D. Simpson, Division of Highways, for a suggestion which results in annual savings of twenty-six thousand dollars ($26,000) by recommending the elimination of bond of insurance as a prerequisite for obtaining transportation permits; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ena E. Charlton and John W. Devinney, Division of Highways, for a suggestion which results in annual savings of four hundred thirty thousand two hundred seven dollars ($430,207) by proposing a new method of preparing special provisions, notice to contractors, proposal and contract for highway construction projects, using the IBM magnetic tape Selectric typewriter (MT/ST); and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Robert L. Inman, Division of Highways, for a suggestion which results in recurring added income of eleven thousand eight hundred dollars ($11,800) by recommending a method of obtaining federal reimbursement of funds expended in removal of utility facilities; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Edward Lee and Milton R. Carlson, Division of Highways, for a suggestion which results in an-

nual savings of three thousand dollars ($3,000) by recommending a procedure for indexing standard plans; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Carl B. McGuire, Division of Highways, for a suggestion which results in annual savings of seven thousand nine hundred fifty dollars ($7,950) by repairing a computer program to calculate the safety index in the preparation of a program for highway improvements; and

WHEREAS, The suggestions of these employees have resulted in one-time and recurring savings and recurring added income amounting to eight hundred forty-one thousand six hundred nine dollars ($841,609); and

WHEREAS, As a result of these savings and added income it is unnecessary to appropriate additional funds for the payment of these awards; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the following additional awards, which have been approved by the State Board of Control, are hereby authorized to the employees named:

Donald R. Neuterman, supervisor of Patricia Ramsey and Ruthie Chappell, forty-five dollars ($45);

Daniel A. Nevis, eight hundred eighty dollars ($880);

Joseph C. Ciochetti, nine hundred fifty dollars ($950);

Rosemarie Butler, sixty-three dollars ($63);

Robert J. Haines, one hundred eighty-five dollars ($185);

Evelyn J. Carroll, three thousand ninety-nine dollars ($3,099);

Dalton Newfield, one thousand seven hundred forty-nine dollars ($1,749);

David B. Ellis, four hundred ninety-three dollars ($493);

Ethel A. Perry, one thousand three hundred thirty-five dollars ($1,335);

Kenneth E. Rudrud, thirty-eight dollars ($38);

Kenneth W. Cox, two hundred eight dollars ($208);

Carole E. McMahon, six hundred seventy-five dollars ($675);

Marguerite Pintar, six hundred seventy-five dollars ($675);

Helen Welsh, six hundred seventy-five dollars ($675);

Virginia L. Ring, one hundred seventy-one dollars ($171);

Lois J. Steinberger, sixty-eight dollars ($68);

Betty L. Johnson, supervisor of Lois J. Steinberger, sixty-five dollars ($65);

June H. Woodrum, seventy-five dollars ($75);

Charles E. Edgar, one thousand eighty-one dollars ($1,081);

Joseph M. Zink, one thousand eighty-one dollars ($1,081);

Margaret M. Murphy, ninety-eight dollars ($98);

Robert J. Dowling, Jr., two thousand four hundred ninety-one dollars ($2,491);

Audrey L. Griffith, eight hundred twenty-four dollars ($824);

Steven Kawai, supervisor of Audrey L. Griffith, two hundred eighty-one dollars ($281);

May Y. Matsumoto, thirty-three dollars ($33);

Marie Micke, one hundred dollars ($100);
Elaine L. Renner, one hundred eighty dollars ($180);
Carolyn Sue Heale, five hundred twenty-eight dollars ($528);
William J. Weiss, forty dollars ($40);
Vera Reetz, fifty-nine dollars ($59);
Richard E. Turk, thirty-nine dollars ($39);
Ellen F. Epperson, one hundred ninety-one dollars ($191);
Ruth Bertolino, one hundred twenty-five dollars ($125);
Betty M. Walker, two hundred sixteen dollars ($216);
Dorothy A. Boisa, one hundred twenty-three dollars ($123);
Dorothy A. Boisa, four hundred sixty-four dollars ($464);
Isiah James, seventy dollars ($70);
Charles J. McDuffie, seventy dollars ($70);
Theodore Hubbard, seventy dollars ($70);
Robert P. Morris, seventy dollars ($70);
Russell A. Flint, eighty-seven dollars ($87);
Gilbert E. Walton, one hundred twenty dollars ($120);
Fred V. Rayburn, one thousand five hundred seventy-five dollars ($1,575);
Walter R. Flanary, two thousand four hundred forty-one dollars ($2,441);
Jack F. Hodges, three hundred eighty-seven dollars ($387);
Roger D. Simpson, two thousand four hundred fifty dollars ($2,450);
Ena E. Charlton, ten thousand six hundred eighty dollars ($10,680);
John W. Devinney, ten thousand six hundred eighty dollars ($10,680);
Robert L. Inman, one thousand thirty dollars ($1,030);
Edward Lee, seventy-five dollars ($75);
Milton R. Carlson, seventy-five dollars ($75);
Carl B. McGuire, six hundred forty-five dollars ($645);
and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the State Board of Control and the State Controller.

---

## RESOLUTION CHAPTER 100

*Assembly Concurrent Resolution No. 149—Approving an amendment to the Charter of the City of Inglewood, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the sixth day of April, 1971.*

[Filed with Secretary of State July 19, 1971]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, as hereinafter

set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF INGLEWOOD OF A CERTAIN CHARTER AMENDMENT

State of California
County of Los Angeles } ss.
City of Inglewood

We, the undersigned, Merle Mergell, Mayor of the City of Inglewood, County of Los Angeles, State of California, and Helen Rieck, City Clerk of said City, do hereby declare and certify as follows:

That the City of Inglewood, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned during the year 1971, was a city having a population of more than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States of America, and has been ever since the year 1927, and now is, organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special municipal election held for that purpose on the 14th day of December, 1926, and approved by the Legislature of the State of California on the 27th day of January, 1927 (Statutes and Amendments of 1927, p. 2205).

That the City Council of the City of Inglewood, being the legislative body of said city, on its own motion, by its Resolution No. 6260, adopted January 26, 1971, duly and regularly proposed and submitted to the qualified electors of the City of Inglewood a certain proposition for a certain amendment to the Charter of the City of Inglewood at the general municipal election on the 6th day of April, 1971.

That pursuant to the aforesaid resolution of the City Council of the City of Inglewood, the proposed charter amendment was published and advertised.

That in accordance with the provisions of the Charter of the City of Inglewood and in the manner provided by law, the said general municipal election was duly and regularly held in said City, after due notice given and published.

That thereafter the Council of the City of Inglewood did, in the manner provided by law, duly and regularly canvass the returns of said general municipal election and did adopt its resolution declaring the results of the canvass and declaring the results of the returns of said election.

That said Council of said City did by said resolution find, determine and declare that a certain proposed amendment to the Charter of the City of Inglewood and hereinafter set forth was ratified by a majority vote of the electors of said City voting thereon.

That as to the proceedings taken relating to the amendment to the Charter of the City of Inglewood hereinafter set forth, the provisions of Section 8 of Article XI of the Constitution of the State of California and the laws of the State of California applicable thereto, have been substantially complied with.

That said amendment to the Charter of the City of Inglewood, so ratified by the electors of said City, is as follows:

Charter Amendment No. 1

"The Charter of the City of Inglewood hereby is amended by deleting Section 3 of Article VII of said Charter."

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Inglewood with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Inglewood to be affixed this 27th day of April, 1971.

MERLE MERGELL
(SEAL) Mayor of the City of Inglewood, California
HELEN RIECK
City Clerk of the City of Inglewood, California

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Inglewood, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Inglewood.

---

## RESOLUTION CHAPTER 101

*Senate Concurrent Resolution No. 102—Approving an amendment to the Charter of the City of Alhambra, State of California, ratified by the qualified electors of the city at a special municipal election consolidated with the general municipal election held therein on the eighth day of June, 1971.*

[Filed with Secretary of State July 23, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Alhambra, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALHAMBRA OF THAT CERTAIN CHARTER AMENDMENT

State of California
County of Los Angeles } ss.
City of Alhambra

We, the undersigned, Talmage V. Burke, Mayor of the City of Alhambra, and Dorothy McKusick, City Clerk, do hereby certify and declare as follows:

The City of Alhambra, a Municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was a City containing a population greater than 60,000 inhabitants, and ever since the year 1915 has been and now is organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said City at a Special Election held for that purpose on the 14th day of October, 1914, and approved and ratified by the Legislature of the State of California by Concurrent Resolution No. 14 thereof, introduced by Senator Newton W. Thompson on January 26, 1915, and approved by the Legislature of the State of California on January 28, 1915. (Statutes 1915, p. 1740)

The City Council of said City, being its legislative body, on its own motion, and pursuant to the provisions of Section 3 of Article XI of the Constitution of the State of California, by Resolution No. R71-68, adopted on the 20th day of April, 1971, duly proposed to the qualified electors of the City of Alhambra that certain Amendment to the Charter of said City, designated as Alhambra City Charter Amendment No. 1, and ordered said Charter Amendment to be submitted to said qualified electors at a Special Municipal Election to be held thereon on the 8th day of June, 1971.

By Ordinance No. 071-3516, duly adopted on the 20th day of April, 1971, said City Council ordered the holding of a Special Municipal Election to be consolidated with the General Municipal Election to be held in said City of Alhambra on June 8, 1971, for the purpose of submitting to a vote said proposed Charter Amendment.

Said proposed Charter Amendment was duly published and advertised on April 23, 1971, in the Post-Advocate, a daily newspaper of general circulation printed, published and circu-

lated in the City of Alhambra, which newspaper is the official newspaper of said City.

Said proposed Charter Amendment was duly and regularly printed in convenient form, and at and during the time and in the manner provided by law a notice was published in said Post-Advocate that such copies of said proposed Charter Amendment could be had upon application therefor in the office of the City Clerk of said City, and copies of said proposed Charter Amendment, so printed in convenient form, were duly and regularly distributed in the manner provided by law.

The date of said election on June 8, 1971 was not less than forty days nor more than sixty days after the completion of the publication of said proposed Charter Amendment as aforesaid.

Pursuant to said Charter, resolution and ordinance, the said proposed Charter Amendment was submitted to the qualified electors of said City for their ratification on said June 8, 1971, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify that certain Amendment to the Charter of said City designated as Alhambra City Charter Amendment No. 1.

The City Council of the City of Alhambra, in accordance with Section 119 of said Alhambra City Charter and Section 22932 of the Elections Code of the State of California, did meet on the 14th day of June, 1971, at a regular meeting of such City Council and duly canvassed the returns of said election and duly found, determined and declared that said proposed Charter Amendment was ratified by a majority of the electors of said City voting thereon.

Said proposed Charter Amendment so ratified by the electors of the City of Alhambra is in words and figures as follows, to wit:

Alhambra City Charter Amendment No. 1

(Adds a new Section 116a to Article XVII of the Alhambra City Charter)

"Article XVII. Elections

Sec. 116a Ballot Arguments Concerning City Measures

The city council, or the majority of the members of the city council authorized by the city council, may file a written argument for or against any city measure. If the position of the members of the city council is not unanimous, the member, or members, of the city council whose position is opposed to that of the majority may file a written argument in opposition to that of the majority. Any individual voter or bona fide association of citizens, or any combination of voters or associations, may file a written argument for or against any city measure.

(a) No argument shall exceed three hundred words in length. The city clerk shall cause arguments for and arguments

against the measure to be printed and shall include a copy of the arguments both for and against printed on the same sheet of paper or on separate sheets fastened together with each sample ballot; provided that only those arguments filed pursuant to this section shall be printed and included with the sample ballot.

(b) A ballot argument shall not be acceptable under this section unless accompanied by the name, or names, of the person, or persons, submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted under this section. In case any argument is filed by more than five persons, the signatures of the first five shall be printed.

(c) Based on the time reasonably necessary to prepare and print arguments and sample ballots for that particular election, the city clerk shall fix and determine a reasonable date prior to the election after which no arguments for or arguments against any city measure may be submitted to the city clerk for printing and distribution to the voters as provided in this section. Arguments may be submitted until and including the date fixed by the city clerk, and arguments may be withdrawn by their proponents at any time prior to and including the final date fixed for filing arguments.

(d) If more than one argument for or more than one argument against any such measure is submitted to the city clerk within the time prescribed, the city clerk shall select two arguments in favor of the measure, if two or more such arguments have been submitted, and two arguments against the measure, if two or more such arguments have been submitted, for printing and distribution to the voters. In selecting the arguments for or against the measure, the city clerk shall give preference and priority in the order named below to the arguments of the following:

1. The city council, or the majority of the members of the city council, on the one side and the minority member, or members, of the city council on the other side.
2. In the case of an initiative or referendum measure, the bona fide sponsors or proponents of the measure.
3. Bona fide associations of citizens.
4. Individual voters."

We have compared the foregoing Amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof. We further certify that the facts set forth in the preamble preceding such Amendment to said Charter are true.

As to the said Amendment, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the corporated seal of the City of Alhambra to be affixed hereto this 24th day of June, 1971.

(SEAL)

TALMAGE V. BURKE
Mayor of the City
of Alhambra
DOROTHY McKUSICK
City Clerk of the City
of Alhambra

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Alhambra, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Alhambra.

---

## RESOLUTION CHAPTER 102

*Senate Joint Resolution No. 21—Relative to unemployment insurance.*

[Filed with Secretary of State July 23, 1971.]

WHEREAS, In the San Francisco area alone, 300 postal employees have been laid off and the total is expected to reach 1,000 by May 1, 1971, when the layoff will be completed; and

WHEREAS, Federal employees in other categories are also being laid off, and this severance program is being carried out in all California cities, and in all other states of the Union; and

WHEREAS, Those federal employees already laid off have applied for their unemployment insurance, but they were refused because the budget item has not been considered yet so there is no money available; and

WHEREAS, It requires the permission of the President to have this budget item considered out of order; and

WHEREAS, The former federal employees have waited the necessary two weeks before applying for unemploymnt insurance, their funds are very low, and many of them cannot pay their rent and will have to apply for public assistance either to pay rent or to buy food; and

WHEREAS, Federal employees in prior years have repeatedly been compelled to suffer delays in the payment of federal unemployment benefits due to the failure of the federal government to provide the necessary funds; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to allocate moneys to the federal unemployment insurance fund in order that former federal employees, recently laid off, can draw their unemployment insurance compensation; and be it further

*Resolved,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to establish a permanent system of continuing appropriations and allocation of moneys to the federal unemployment insurance fund to guarantee that federal employees shall not again suffer delays in the payment of federal unemployment benefits; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 103

*Senate Joint Resolution No. 32—Relative to federal-aid highway funds.*

[Filed with Secretary of State July 23, 1971.]

WHEREAS, The federal government now maintains a balance in excess of $3 billion in the Highway Trust Fund and this surplus is scheduled to reach nearly $5 billion by 1973; and

WHEREAS, These funds are obtained by federal taxes on gasoline and other automobile-related taxes; and

WHEREAS, The state highway system has serious deficiencies totaling $13 billion; and

WHEREAS, The construction industry in California is in a seriously depressed state with unemployment among construction workers recently reaching 17 percent; and

WHEREAS, The release of federal highway funds would benefit California by relieving unemployment, aiding the construction industry and alleviating serious highway deficiencies; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to immediately release funds now held in

the Federal Highway Trust Fund for highway construction; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 104

*Assembly Joint Resolution No. 35—Relative to the retention of judge advocates and law specialist officers for the armed forces.*

[Filed with Secretary of State July 26, 1971.]

WHEREAS, There is under consideration in the Congress of the United States federal legislation which is designed to amend Title 37, United States Code, and to provide for the procurement and retention of judge advocates and law specialist officers for the armed forces; and

WHEREAS, The California Legislature in 1969 adopted a resolution which memorialized the Congress of the United States to enact appropriate legislation to provide for the procurement and retention of judge advocates for the armed forces, and the same resolution expressed approval of the subject matter and the contents of the then pending federal legislation which sought to achieve the desired result; and

WHEREAS, The currently pending federal legislation is designed to further the retention of judge advocates of the Army, Navy, Air Force, and Marine Corps and of law specialists of the Coast Guard, because the retention rate of legal officers by the armed services is now dangerously low and legal careers with the armed forces should be made more financially acceptable; and

WHEREAS, The Military Justice Act of 1968 has extended to service personnel the right-to-counsel safeguards which the United States Supreme Court in recent years has granted to defendants charged with crime in the civil courts, and the same statute requires the armed services to provide qualified and experienced lawyers as military judges in trials by special and by general courts-martial, and the four military services are very hard pressed to obtain and retain at least 700 additional military lawyers in order to satisfy the requirements of the statute; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact early appropriate legislation approving the procure-

ment and retention of judge advocates and law specialist officers for the armed forces; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to the Chairman of the Senate Committee on Armed Services, to the Chairman of the House Committee on Armed Services, to the Secretary of Defense and the respective Secretaries of the Army, Navy, and Air Force, and to the executive secretary, Judge Advocates Association.

---

## RESOLUTION CHAPTER 105

*Senate Joint Resolution No. 23—Relative to a regional park in the Santa Susana Mountains.*

[Filed with Secretary of State July 26, 1971.]

WHEREAS, Northern Los Angeles County and southern Ventura County in southern California have reached high population density and are continuing to grow at a rapid and steady rate; and

WHEREAS, Natural recreation areas to serve these areas have already become scarce because of the demands of increasing population; and

WHEREAS, The Santa Susana Mountains, situated in Los Angeles and Ventura Counties, from the Golden State Freeway on the northeast to the foot of the mountains in the northeast Simi Valley, represent an area uniquely suited to dedication as a regional park because of diversity of plant and animal life, natural beauty, and historical significance; and

WHEREAS, The Santa Susana Mountains could not, because of terrain and other factors, be developed economically for residential, commercial, or industrial purposes, unless such uses were established in conjunction with the use of the area for park purposes; and

WHEREAS, Several local organizations, such as Chatsworth Beautiful, Santa Susana Mountain Park Association, and Simi Valley Beautiful, together with community-minded residents of southern California, have already begun work on the preservation of part of the proposed park area; and

WHEREAS, The Federal Bureau of Outdoor Recreation is presently conducting a study of a proposed Santa Monica Mountain Park in Los Angeles and Ventura Counties; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to expand the existing Santa Monica Mountain Park Study to include a study of the establishment of a

regional park in the Santa Susana Mountains; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 106

*Assembly Joint Resolution No. 42—Relative to national environmental protection programs.*

[Filed with Secretary of State July 28, 1971.]

WHEREAS, The President of the United States stated in 1970 that responsibility for pollution control and related environmental protection programs is now fragmented among several departments and agencies of government, thus weakening our federal effort, and since air pollution, water pollution, and solid wastes are different forms of a single problem, it becomes increasingly evident that broad systems approaches are needed to bring our pollution problems under control; and

WHEREAS, Millions of words have been written about the present worldwide ecological crisis, while it has been, and is still being, studied by a myriad of governmental agencies, task forces, and commissions; and

WHEREAS, In order to forestall and reduce unemployment and the related waste of national talent and resources, it is essential that the federal government take effective steps now to assist in the conversion of defense-related programs to civilian-oriented activities; and

WHEREAS, The federal investment in science and technology, especially in the education of scientists, engineers, and technicians, constitutes one of the nation's most valuable resources for progress in the future; and

WHEREAS, In these times of deepening concern, it is essential that this vast potential be utilized in coping with the problems of manpower, unemployment, poverty, crime, race relations, pollution in all forms, nutrition, housing, health care, transportation, education, and social alienations; and

WHEREAS, Groups and organizations, such as the California-based Ecology Development and Implementation Commitment Team (EDICT) and the Aerospace Industries Association of America, have called for a national program to utilize the available talents and resources of the aerospace industry in the battle to improve our environment; and

WHEREAS, The President of the United States has also called for a national commitment and a rational commitment to solve our most serious pollution and social problems; and

WHEREAS, Committees of the United States Congress are now studying legislative measures calling for just such a national commitment; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully urge the Senators and Representatives from California in the Congress of the United States to lend their full support to the enactment of legislative measures to establish national environmental protection programs; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Speaker of the House of Representatives, to the Majority Floor Leader and the Minority Floor Leader in the United States Senate, to the Majority Floor Leader and the Minority Floor Leader in the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 107

*Assembly Concurrent Resolution No. 26—Relative to bicycle lanes and paths.*

[Filed with Secretary of State July 28, 1971.]

WHEREAS, It has come to the attention of the Members of the Legislature that bicycling is becoming the principal sport and recreation of ever-increasing numbers of Californians of all ages, and serves as an important mode of basic transportation for many persons as well; and

WHEREAS, The volume of motor traffic on California streets and highways makes bicycling a sometimes hazardous pursuit; and

WHEREAS, Alternatives to bicycling on public streets and highways by sharing the traffic lanes with motor vehicles should be made available to the bicyclists of the state, since every effort should be made to encourage this healthful and pollution-free activity; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Division of Highways shall study the most feasible and least expensive methods by which existing and future public streets and thoroughfares can more safely accommodate bicycle riders; and be it further

*Resolved,* That the Division of Highways report its findings and recommendations to the Legislature no later than the fifth calendar day of the 1972 Regular Session; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works and the State Highway Engineer.

## RESOLUTION CHAPTER 108

*Assembly Concurrent Resolution No. 124—Relative to jobs for veterans.*

[Filed with Secretary of State July 30, 1971.]

WHEREAS, Although Vietnam veterans have encountered danger, have given years of their lives, and have sacrificed much in the service of their country, Vietnam veterans have substantially higher unemployment rates than men in their own age groups who have stayed at home; and

WHEREAS, President Nixon recently called a White House meeting to discuss ways to assist returning veterans in finding employment and training opportunities through the Federal Jobs for Veterans program and, at the meeting, the President emphasized that the nation must take bold action to reverse the trend of unemployment among veterans; and

WHEREAS, The Vietnam veterans deserve preference in finding employment and training opportunities in the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That all public and private employers should consider hiring returning servicemen as a matter of highest priority.

---

## RESOLUTION CHAPTER 109

*Senate Joint Resolution No. 17—Relative to firefighting.*

[Filed with Secretary of State July 30, 1971.]

WHEREAS, Recent fires in the brush-laden hills and canyons of this state have shown the need for a more efficient system of airdrop of fire-retardant chemicals or water, or both fire-retardant chemicals and water; and

WHEREAS, While the existing chemicals or water, or both, seem to be effective, their usefulness is diminished because of the problems of accurate drops on, or deliveries in large quantities to, the target areas from the air; and

WHEREAS, This is due, in part, to the fact that relatively small airplanes are used to deliver the fire-retardant chemicals or water, or both, to the target areas, and that the airplanes are required to fly dangerously low in order to insure a direct hit on the target area since the fire-retardant chemicals or water, or both, when released from airplanes, immediately disperse; and

WHEREAS, It has been determined that large quantities of fire-retardant chemicals or water, or both, could be delivered to the target areas with more safety and accuracy, by the use of large airplanes equipped with devices for carrying and dropping self-bursting containers filled with such chemicals or water, or both; and

WHEREAS, This could be accomplished by the use of existing airplanes equipped with devices for carrying such containers and trained personnel of the United States Air Force and the Air National Guard; and

WHEREAS, Such airplanes and trained personnel could be made available to local governments during emergency fire conditions; and

WHEREAS, It would be in the best interest of this state and country to utilize existing federal and state airplanes and trained personnel to control forest fires efficiently; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States and the Secretary of Defense to study the feasibility of utilizing military airplanes and personnel based in this state to inaugurate programs of training personnel and active participation in fighting fires in mountains and canyons of this state by dropping fire-retardant chemicals or water, or both fire-retardant chemicals and water, in self-bursting containers from airplanes; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 110

*Senate Concurrent Resolution No. 100—*
*Relative to a recess of the Legislature.*

[Filed with Secretary of State July 30, 1971.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That Resolution Chapter No. 30 (Senate Concurrent Resolution No. 36), Statutes of 1971, is hereby rescinded and the Legislature shall commence the constitutional recess required by Section 3 of Article IV of the Constitution on Thursday, September 30, 1971.

---

## RESOLUTION CHAPTER 111

*Senate Joint Resolution No. 28—Relative to the Prado Dam and Reservoir.*

[Filed with Secretary of State August 3, 1971.]

WHEREAS, The Prado Dam and Reservoir is a flood control facility constructed by the United States Army Corps of En-

gineers in 1941 on the Santa Ana River in the Santa Ana River Basin, which includes the metropolitan areas of San Bernardino, Riverside and Orange Counties; and

WHEREAS, The Corps of Engineers is now making a comprehensive review investigation of the Santa Ana River Basin for flood control, water conservation, and other allied purposes; and

WHEREAS, Various alternatives are being studied to accomplish these purposes, which include measures for heightening Prado Dam and enlarging Prado Reservoir, along with varying degrees of downstream channel improvements; and

WHEREAS, The Corps of Engineers tentatively plans to issue a draft report on their proposal for Prado Dam and Reservoir in May of 1972; and

WHEREAS, Any heightening of Prado Dam and Reservoir enlargement could have serious economic impact on adjacent property owners, the local economy, and the local tax base, resulting from inundation of lands surrounding Prado Reservoir; and

WHEREAS, The southern California earthquake of February 9, 1971, caused extensive damage to the Van Norman Reservoir with potential threat to human life and private property downstream, causing serious public concern and awareness of future dam safety requirements throughout California; and

WHEREAS, Essential to determining an adequate and acceptable proposal for additional flood control, water conservation, or allied purposes is the necessity to incorporate the views of concerned private and public interests in San Bernardino, Riverside, and Orange Counties; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes the United States Army Corps of Engineers to establish procedures whereby property owners adjacent to or in the vicinity of Prado Dam and Reservoir are apprised of any alternatives being studied by the Corps of Engineers, and whereby their views and concerns may be adequately taken into account prior to the issuance of any report on the proposed project; and to establish similar procedures for those property owners and other concerned citizens downstream from Prado Dam and Reservoir, to assure their protection from possible earthquake damage and flooding which could result from the enlargement of the Prado Dam and Reservoir; and to establish such procedures whereby property owners downstream of the Prado Dam and Reservoir are apprised as to the flood damage threat and the environmental water quality problems which would exist both with and without the enlargement of Prado Dam; and be it further

*Resolved,* That the Corps of Engineers is requested, in its forthcoming report on Prado Dam and Reservoir, to adequately describe, for each alternative, all potential adverse effects occurring to all property owners who could be harmed

by enlarging the reservoir or by potential earthquake damage due to heightening and enlargement of the Prado Dam and Reservoir, and similarly describe the flood damage and water quality problems which would exist without such enlargement; and be it further

*Resolved*, That the Secretary of the Senate transmit a copy of this resolution to the United States Army Corps of Engineers.

---

## RESOLUTION CHAPTER 112

*Assembly Concurrent Resolution No. 59—Relative to making additional funds available to the Joint Legislative Audit Committee.*

[Filed with Secretary of State August 4, 1971.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That in addition to any money heretofore made available to it, the sum of eight hundred twenty-five thousand dollars ($825,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and Senate for the payment of any and all expenses of the Joint Legislative Audit Committee (created by Section 10501 of the Government Code) and its members and for any charges, expenses, or claims it may incur, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

---

## RESOLUTION CHAPTER 113

*Assembly Concurrent Resolution No. 108—Relative to shipping and travel on American ships.*

[Filed with Secretary of State August 4, 1971.]

WHEREAS, It is in the best interests of the people of the State of California to have and enjoy the benefits provided by a thriving marine transportation industry; and

WHEREAS, A large portion of every dollar of ocean freight payments to United States cargo ships and every dollar spent for travel aboard United States passenger ships is retained in the United States and to a great extent in the State of California; and

WHEREAS, Increasing the share of cargoes and passengers carried in ships of United States registry is vital to the continued growth of the California transportation industry; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That every effort be made to encourage California industry and the California public to ship and travel on American ships, to the end that greater prosperity may accrue to the people of the State of California through increased employment, payrolls and revenues; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor of California in order that he may take all measures at his disposal to accomplish this objective.

## RESOLUTION CHAPTER 114

*Assembly Concurrent Resolution No. 156—*
*Relative to memorializing John B. Cooke.*

[Filed with Secretary of State August 4, 1971.]

WHEREAS, The Members of the Legislature have been greatly saddened to learn of the death of John B. Cooke, who served five distinguished terms as a Member of the Assembly elected from Ventura County; and

WHEREAS, A native of Fort Smith, Arkansas, he arrived in California in 1904 and thereafter enlisted in the United States Navy, serving throughout the world, including submarine duty from 1908 to 1923; and

WHEREAS, Retired as a lieutenant commander in 1933 with a physical disability incurred in the line of duty, he and his wife, Anne, settled in Ventura County on a ranch; and

WHEREAS, Persuaded to run for the Assembly in 1940, John Cooke easily defeated the incumbent, but served only seven months before he was recalled to active duty by the Navy until his retirement in 1946 after 40 years of service; and

WHEREAS, Reelected to the Assembly in 1946 and serving until his retirement in 1954 for reasons of health, John Cooke was not only politically unbeatable but also a truly distinguished and dedicated public official who provided the highest example of service to all persons in the political life of the state; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members express their profound sorrow at the passing of John B. Cooke, former legislator and public servant, who throughout his life demonstrated the highest principles of statesmanship and distinguished service to his country; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to his widow, Mrs. Anne Klassen Cooke, and his son, Mr. John B. Cooke, Jr.

## RESOLUTION CHAPTER 115

*Assembly Joint Resolution No. 27—Relative to fish management programs.*

[Filed with Secretary of State August 4, 1971.]

WHEREAS, The California streams have historically produced a significant portion of the Pacific king salmon, silver salmon, and steelhead trout of the Pacific Coast; and

WHEREAS, The California salmon and steelhead resources constitute an important economic and recreational asset to all of the Pacific Coast states; and

WHEREAS, The California salmon and steelhead resources are in a critical state of decline; and

WHEREAS, Water development and other activities of the federal government have contributed significantly to this decline; and

WHEREAS, The President and Congress of the United States, recognizing these factors, enacted into law the Federal Anadromous Fisheries Act of 1965; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take necessary steps to assure that the federal government annually provide the maximum funding which is allowed under the Federal Anadromous Fisheries Act for salmon, steelhead, striped bass, and shad management programs; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Director of the United States Fish and Wildlife Service, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 116

*Senate Concurrent Resolution No. 61—Relative to designating Blue Star Memorial Highways.*

[Filed with Secretary of State August 4, 1971.]

WHEREAS, The Blue Star Memorial Highway concept was conceived by the National Council of State Garden Clubs as a tribute to the men and women of the nation's armed services; and

WHEREAS, The Blue Star Memorial Highways of California have been sponsored throughout the state in cooperation with the Department of Public Works; and

WHEREAS, It is fitting and appropriate that further recognition be accorded the services and sacrifices of our servicemen so valiantly rendered; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That Interstate Route 5, in its entirety, from the Mexican border at Tijuana to the Oregon border near Henley, be and is hereby designated a Blue Star Memorial Highway in the State of California; and be it further

*Resolved,* That the Division of Highways is authorized to cooperate with the California garden clubs in erecting and maintaining appropriate memorial markings in rest areas, pursuant to applicable national standards; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

## RESOLUTION CHAPTER 117

*Senate Concurrent Resolution No. 115—Relative to public transportation.*

[Filed with Secretary of State August 4, 1971.]

WHEREAS, Senior citizens have earned a right to a peaceful, enjoyable retirement; and

WHEREAS, They live on fixed incomes which are diminished by the rising cost of living; and

WHEREAS, Expenses of transportation prohibit them from taking advantage of community activities and from volunteering their services to community projects; and

WHEREAS, Without transportation, they cannot shop for the best bargains and must often pay higher prices for goods and services; and

WHEREAS, The present cost of transportation prevents them from needed recreation, thereby increasing their loneliness; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That all public mass transit systems are urged to adopt free or reduced fares for senior citizens.

## RESOLUTION CHAPTER 118

*Senate Joint Resolution No. 44—Relative to a Veterans' Hospital in San Bernardino.*

[Filed with Secretary of State August 4, 1971.]

WHEREAS, There is no Veterans' Administration Hospital available either to residents of the west end of San Bernardino County or of the San Bernardino-Riverside-Redlands area; and

WHEREAS, Veterans who have served their country and who are in need of medical attention must therefore travel to Long Beach, California, in order to obtain needed medical attention; and

WHEREAS, A large number of veterans live in this geographical area and their number will be augmented as time goes on by additional personnel returning from serving their country; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to include in the current federal budget funds for construction of a Veterans' Administration Hospital convenient to the many deserving veterans of above described portions of San Bernardino County; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 119

*Assembly Joint Resolution No 21—Relative to the suspension of the Davis-Bacon Act.*

[Filed with Secretary of State August 6, 1971.]

WHEREAS, President Nixon on February 23, 1971, by proclamation, suspended the Davis-Bacon Act of 1931 and then on March 29, 1971, rescinded the suspension of such act on a temporary basis; and

WHEREAS, The Davis-Bacon Act requires that laborers on all federal construction projects be paid the locally prevailing wage rates; and

WHEREAS, Suspension of the Davis-Bacon Act will invite wage-cutting drives by employers and could plunge the construction industry into labor-management turmoil; and

WHEREAS, Between 1949 and 1969 onsite labor costs fell from 33 percent of the price of a single family home to 18 percent, while during the same period cost of materials rose only slightly from 36 percent to 38 percent; and

WHEREAS, Between 1949 and 1969 land costs have jumped from 11 percent to 21 percent and financing costs from 5 percent to 10 percent; and

WHEREAS, The Davis-Bacon Act requirement that "prevailing wages" be paid has meant payment of the equivalent of union scale in the area, and suspension of the act will have no real effect on inflation but rather would be an invitation to unscrupulous employers to exploit workers by competitive

undermining of fair wages and labor standards; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President not to suspend the Davis-Bacon Act, other than in a national emergency as defined by Congress, and memorializes Congress to pass an amendment to the Davis-Bacon Act which would limit the presidential power to suspend the Davis-Bacon Act in the future to a national emergency as defined by Congress; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 120

*Assembly Concurrent Resolution No. 66—Relative to adoption of the Joint Rules of the Senate and Assembly.*

[Filed with Secretary of State August 6, 1971 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the following rules be adopted as the Joint Rules of the Senate and Assembly for the 1971 Regular Session.

### Standing Committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number of members, and the manner of selection to be determined by the rules of each house.

### Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

### Effect of Adoption of Joint Rules

3.5. The adoption of the Joint Rules for any extraordinary session shall not be construed as modifying or rescinding the Joint Rules of the Senate and Assembly for any previous session, nor as affecting in any way the status or powers of the interim committees created by those rules.

BILLS AND RESOLUTIONS

Definition of Word Bill

4. Whenever the word "bill" is used in these rules, it shall include constitutional amendments and concurrent and joint resolutions.

Concurrent and Joint Resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions are those which relate to matters connected with the federal government.

Resolutions Treated as Bills

6. Constitutional amendments and concurrent and joint resolutions shall be treated in all respects as bills; except that concurrent and joint resolutions shall not be deemed bills within the meaning of subdivision (a) of Section 8 of Article IV of the Constitution. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

PREPARATION AND INTRODUCTION OF BILLS

Title of Bill

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

Division of Bill Into Sections

8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

Introduction of Bills

8.3. (a) Unless otherwise provided by concurrent resolution, no bill shall be introduced after the Friday following the Easter recess of a regular session except as follows:

(1) A written notice of intention to introduce a bill, a copy of the bill and a digest prepared pursuant to Rule 8.5 shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, and shall be transmitted to the Rules Committee of the appropriate house. The notice and digest shall be printed in the Journal of that house.

(2) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for the introduction of the proposed bill.

(3) If the Rules Committee recommends that introduction of the proposed bill be permitted, the member may offer a resolution, without further reference thereof to committee, granting permission to introduce the bill. The adoption of the resolution granting such permission shall require an affirmative recorded vote of two-thirds of the elected members of the house in which the request is made.

(b) All requests for the preparation of a bill to be introduced on or before the Friday following the Easter recess shall be made to the Legislative Counsel on or before 5 p.m. on the Friday preceding the Easter recess. The Legislative Counsel shall not deliver the draft of any bill requested after 5 p.m. on the Friday preceding the Easter recess until the Saturday following the Easter recess or after.

(c) As used in this rule "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

Digest of Bills Introduced

8.5. No bill shall be introduced unless it is contained in a cover attached by the Legislative Counsel and unless it is accompanied by a digest, prepared and attached to the bill by the Legislative Counsel, showing the changes in the existing law which are proposed by the bill. No bill shall be printed where the body of the bill or the Legislative Counsel's Digest has been altered, unless the alteration has been approved by the Legislative Counsel. If any bill is presented to the Secretary of the Senate or Chief Clerk of the Assembly for introduction which does not comply with the foregoing requirements of this rule the Secretary or Chief Clerk shall return it to the member who presented it. The digest shall be printed on the bill as introduced, commencing on the first page thereof.

Digest of Bills Amended

8.6. Whenever a bill is amended in either house, the Secretary of the Senate or the Chief Clerk of the Assembly, as the case may be, shall request the Legislative Counsel to prepare an amended digest and cause it to be printed on the first page of the bill as amended. The digest shall be amended to show changes in the existing law which are proposed by the bill as amended with any material changes in the digest indicated by the use of appropriate type.

Errors in Digest

8.7. If a material error in a printed digest referred to in Joint Rule 8 5 or 8.6 is brought to the attention of the Legislative Counsel, he shall prepare a corrected digest which shall

show the changes made in the digest as provided in Joint Rule 10 for amendments to bills. He shall deliver the corrected digest to the Secretary or the Chief Clerk, as the case may be. If the correction warrants it in the opinion of the President pro Tempore of the Senate or the Speaker of the Assembly, a corrected print of the bill as introduced shall be ordered with the corrected digest printed thereon.

Restrictions as to Amendments

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment, or resolution under consideration. No amendment shall be in order when all that would be done to the bill is the addition of a coauthor or coauthors, unless the Rules Committee of the house in which such an amendment is to be offered grants prior approval.

Changes in Existing Law to Be Marked by Author

10. In a bill amending or repealing a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

In any amendment to a bill which sets out for the first time a section being amended or repealed, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended or repealed were a part of the original bill and was being printed for the first time.

When an entire code is repealed as part of a codification or recodification or when an entire title, part, division, chapter, or article of a code is repealed, the sections comprising such code, title, part, division, chapter, or article shall not be set forth in the bill or amendment in strikeout type.

Rereference to Fiscal Committees

10.5. Bills shall be rereferred to the fiscal committee of each house when they would do any of the following:

(1) Appropriate money.

(2) Result in substantial expenditure of state money by: (a) imposing new responsibilities on the state or (b) new or additional duties on a state agency or (c) liberalization of any state program, function, or responsibility.

(3) Result in a substantial loss of revenue to the state.

(4) Result in substantial reduction of expenditures of state money by reducing, transferring, or eliminating any existing responsibilities of any state agency, program or function.

Concurrent and joint resolutions shall be rereferred to the fiscal committee of each house when they contemplate any action which would involve any of the following:

(1) Any substantial expenditure of state money.
(2) A substantial loss of revenue to the state.

The above requirements do not apply to bills or concurrent resolutions which contemplate the expenditure or allocation of contingent funds.

Heading of Bills

10.7. No bill shall indicate in its heading or elsewhere that it was introduced at the request of a state agency or officer or any other person. No bill shall contain the words "By request" or words of similar import.

Consideration of Bills

10.8. At a regular session, no bill shall be heard by any committee or acted upon by either house until 30 calendar days have elapsed following the date the bill was first introduced except this provision and the limitation contained in subdivision (a) of Section 8 of Article IV of the Constitution may be dispensed with as follows:

(a) A written request for such dispensation entitled "Request to Consider and Act on Bill Within 30 Calendar Days" shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, printed in the Journal and transmitted to the Rules Committee of the appropriate house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for dispensing with the 30-calendar-day waiting period following the bill's introduction.

(c) If the Rules Committee recommends that the waiting period be dispensed with, the member may offer a resolution, without further reference thereof to committee, authorizing hearing and action upon the bill before the 30 calendar days have elapsed. The adoption of the resolution shall require an affirmative recorded vote of three-fourths of the elected members of the house in which the resolution is presented.

As used in this rule "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

Reading of Concurrent and Joint Resolutions

10.9. The Rules Committee of each house shall determine whether there exists an urgent need for dispensing with the requirement that a concurrent or joint resolution be given more than one formal reading in that house. If the Rules Committee so determines that only one formal reading is required, the member may offer a single house resolution, without further reference thereof to committee, authorizing action on the joint or concurrent resolution immediately. The authorizing resolution may be adopted by 21 votes in the Senate and 41 votes in the Assembly.

Printing of Amendments

11. All bills amended by either house shall be immediately reprinted; in case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted.

Printing and Distribution of Bills—Manner of Printing Bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, and concurrent and joint resolutions:

(a) The body of such bills shall be printed in solid unspaced form so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page, and line only.

Distribution of Legislative Publications

13. All requests by members for mailing or distribution of copies of the Weekly Histories and the Legislative Index shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Except as otherwise provided by either the Assembly or Senate, each Member of the Senate and Assembly shall be permitted to submit a list of 10 organizations or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of copies of the Weekly Histories and the Legislative Index to supply this list together with such number of bills and legislative publications as may be necessary for legislative requirements.

No complete list of bills shall be delivered except upon payment therefor of such sum as may be fixed by the Joint Rules Committee for any regular or extraordinary session. No more than two copies of any bill or other legislative publication, nor more than a total of 100 bills or other legislative publications during a session, shall be distributed free to any person, office, or organization. The limitations imposed by this paragraph do not apply to Members of the Legislature, the President of the Senate, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's office; Secretary of State's office; Controller's office; Governor's office; the Clerk of the Supreme Court; the clerk of the court of appeal for each district; the Judicial Council; the

California Law Revision Commission; the State Library; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall not be more than 2,500.

Summary Digest and Legislative Index

13.1. The Legislative Counsel shall provide for the periodic publication of a cumulative Legislative Index which shall include tables of sections affected by pending legislation. The State Printer shall print the Legislative Index in such quantities, and at such times, as are determined by the Secretary of the Senate and the Chief Clerk of the Assembly The costs of such printing shall be paid from the legislative printing appropriation.

13 3. The Legislative Counsel shall compile and prepare for publication a summary digest of legislation passed at each regular and extraordinary session, which digest shall be prepared in a form suitable for inclusion in the publication of statutes. The digest shall be printed as a separate legislative publication on the order of the Joint Rules Committee and may be made available to the public in such quantities and at such prices as the Joint Rules Committee may determine.

13 5. The Legislative Counsel shall prepare for publication from time to time a cumulative statutory record The statutory record shall be printed as a legislative publication on the order of the Secretary of the Senate or the Chief Clerk of the Assembly.

OTHER LEGISLATIVE PRINTING

Printing of the Daily Journal

14. The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the journal of each day's proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the journal of the respective houses of the Legislature.

What Shall Be Printed in the Journal

15. The following shall always be printed in the journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial, or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

Printing of the Daily File

16. A daily file of bills ready for consideration shall be printed each legislative day for each house.

The material to be printed in the file and the form and arrangement shall be determined by the respective houses.

Printing of History

17. Each house shall cause to be printed, once each week, during the session, a complete history of all bills; constitutional amendments; and concurrent, joint, and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such history shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a supplementary history showing the action taken upon any measure since the issuance of the complete history.

Authority for Printing Orders

18. The State Printer shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the rules, except upon a written order signed by the Secretary of the Senate, on behalf of the Senate, or the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly. Persons authorized to order printing under this rule may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly, are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of the printing.

## Record of Bills

### Secretary and Chief Clerk to Keep Records

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

### Secretary and Chief Clerk Shall Endorse Bills

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill.

## Action in One House on Bill Transmitted From the Other

### After a Bill Has Been Passed by the Senate or Assembly

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house

The procedure of referring bills to committees shall be determined by the respective houses.

### Messages to Be in Writing Under Proper Signatures

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered.

### Uncontested Bills

22.1. Each standing committee may report an uncontested bill out of committee with the recommendation that it be placed on the consent calendar. The Secretary of the Senate and the Chief Clerk of the Assembly shall provide to each committee chairman appropriate forms for such report. As used in this rule, "uncontested bill" means a bill, except a revenue measure or a measure as to which the 30-day limitation prescribed by subdivision (a) of Section 8 of Article IV of the Constitution has been dispensed, which: (a) receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present provided a quorum is present; and (b) has no opposition expressed by any person present at the committee meeting with respect to the final version of the bill as approved by the committee; and (c) prior to final action by the committee has been requested, by the author, to be placed on the consent calendar.

### Consent Calendar

22.2 Following their second reading and the adoption of any committee amendments thereto, if any, all bills certified by the committee chairman as uncontested bills shall be placed by the Secretary of the Senate or the Chief Clerk of the Assembly on the consent calendar, and shall be known as "consent calendar bills." Any consent calendar bill which is amended from the floor shall cease to be a consent calendar bill and shall be replaced on the second reading file. Upon objection of any member to the placement or retention of any bill on the consent calendar, such bill shall cease to be a consent calendar bill and shall be replaced on the second reading file. No consent calendar bill shall be considered for adoption until the second legislative day following the day of its placement on the consent calendar.

### Consideration of Bills on Consent Calendar

22.3. Bills on the consent calendar are not debatable, except that the President of the Senate or the Speaker of the Assembly shall allow a reasonable time for questions from the floor and shall permit the proponents of such bills to answer such questions. Immediately prior to voting on the first bill on the consent calendar, the President of the Senate or the Speaker of the Assembly shall call to the attention of the members the fact that the next rollcall will be the rollcall on the first bill on the consent calendar.

The consent calendar shall be considered as the last order of business on the daily file.

## Passage and Enrolling of Bills

### Passage of Bills Preceding the Recess

23. No Senate bill shall be passed by the Senate within 15 days, and no Assembly bill shall be passed by the Assembly within 10 days, prior to the commencement of the 30-day recess of the two houses of the Legislature at a regular session required by Section 3 of Article IV of the Constitution, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill). As used in this rule, "bill" does not include concurrent resolutions.

### Procedure on Defeat of More Than Majority Bill

23.5. Whenever a bill containing a section or sections requiring for passage an affirmative recorded vote of more than 21 votes in the Senate and more than 41 votes in the Assembly is being considered for passage and the urgency clause, if the bill is an urgency bill, or the bill, in any case, fails to receive the necessary votes to make all sections effective, no further

action may be taken on the bill; provided that an amendment to remove all sections requiring the higher vote for passage from the bill shall be in order prior to consideration of further business. If the amendment is adopted, the bill shall be reprinted to reflect such amendment. When the bill is reprinted, it shall be returned to the same place on the file as when it failed to receive the necessary votes.

### Enrollment of Bill After Passage

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the presiding officers of both houses and the Secretary of the Senate and Chief Clerk of the Assembly and presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, and concurrent and joint resolutions shall be filed without delay in the office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the journal.

## Amendments and Conferences

### Amendments to Amended Bills Must Be Attached

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Two copies of such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "concurred in," and such endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

### Amendments to Concurrent and Joint Resolutions

25.5. When a concurrent or joint resolution is amended, and the only effect of the amendments is to add coauthors, the joint or concurrent resolution shall not be reprinted unless specifically requested by one of the added coauthors, but a list of the coauthors shall appear in the journal and history.

To Concur or Refuse to Concur in Amendments

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

Concurring in Amendments Adding Urgency Section

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency statute and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

When Senate or Assembly Refuse to Concur

28. If the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) refuse to concur in amendments to the bill made by the other house, and when the other house has been notified of such refusal to concur, a conference committee shall be appointed for each house in the manner prescribed by these rules. The Committee on Rules in the case of the Senate and the Speaker in the case of the Assembly shall each appoint a committee of three (3) on conference, and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken.

Committee on Conference

28.1. The Committee on Rules and the Speaker, in appointing a committee on conference, shall each select two members from those voting with the majority on the point about which the difference has arisen, and the other member from the minority, in the event there is a minority vote.

Whether a member has voted with the majority or minority on the point about which the difference has arisen is determined by his vote on the appropriate rollcall, as follows:

(1) In the Assembly—

(a) The rollcall on the question of final passage of a Senate bill amended in the Assembly when the Senate has refused to concur with the Assembly amendments.

(b) The rollcall on the question of concurrence with Senate amendments to an Assembly bill.

(2) In the Senate—

(a) The rollcall on the question of final passage of an Assembly bill amended in the Senate when the Assembly has refused to concur with the Senate amendments.

(b) The rollcall on the question of concurrence with Assembly amendments to a Senate bill.

Meetings and Reports of Committees on Conference

29. The first Senator named on the conference committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly. The chairman of the committee on conference for the house of origin of the bill shall arrange the time and place of meeting of the conference committee and shall prepare or direct the preparation of reports. It shall require an affirmative vote of not less than two of the Assembly Members and two of the Senate Members constituting the committee on conference to agree upon a report, and the report shall be submitted to both the Senate and the Assembly. The committee on conference shall report to both the Senate and Assembly. Such report is not subject to amendment, and if either house refuses to adopt such report, the conferees shall be discharged and other conferees appointed; provided, however, that no more than three different conference committees shall be appointed on any one bill. No member who has served on a committee on conference shall be appointed a member of another committee on conference on the same bill. It shall require the same affirmative recorded vote to adopt any conference report as required by the Constitution upon the final passage of the bill affected by such report. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of each house to adopt any conference report affecting any bill which contains an item or items of appropriation which are subject to subdivision (d) of Section 12 of Article IV of the Constitution. The report of a conference committee shall be in writing, and shall have affixed thereto the signatures of each Senator and each Assemblyman consenting to the report. Space shall also be provided where a member of a conference committee may indicate his dissent in the committee's findings. Any dissenting member may have attached to a conference committee report a dissenting report which shall not exceed, in

length, the majority committee report. A copy of any amendments proposed in the majority report shall be placed on the desk of each member of the house before it is acted upon by the house.

The vote on concurrence or upon the adoption of such conference report shall be deemed the vote upon final passage of such bill.

When Conference Committee Report Is in Order

30. The presentation of the report of a committee on conference shall always be in order, except when a question of order or a motion to adjourn is pending, or during rollcall, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Conference Committee Reports on Urgency Statutes

30.5. When the report of a committee on conference recommends the amendment of a bill by the addition of a section providing that the act shall take effect immediately as an urgency statute, the procedure and the vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall adopt the report of the committee on conference shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, the adoption of the report and the amendments proposed thereby shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to adopt the report of the committee on conference.

Failure to Agree on Report

30.7. A conference committee may find and determine that it is unable to submit a report to the respective houses, upon the affirmative vote to that effect of not less than two of the Assembly Members and not less than two of the Senate Members constituting the committee. Such finding may be submitted to the Chief Clerk of the Assembly and the Secretary of the Senate in the form of a letter from the chairman of the committee on conference for the house of origin of the bill, containing the signatures of the members of the committee consenting to the finding and determination that the committee is unable to submit a report. The Chief Clerk of the Assembly and the Secretary of the Senate, upon being notified that a conference committee is unable to submit a report, shall so inform each house, whereupon the conferees shall be discharged and other conferees appointed, in accordance with the provisions of Rule 29.

## Miscellaneous Provisions

### Authority When Rules Do Not Govern

31. All relations between the houses which are not covered by these rules shall be governed by Mason's Manual.

### Press Rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Joint Rules Committee. Such application shall constitute compliance with any provisions of the Rules of the Assembly or the Senate with respect to registration of news correspondents. Applications shall state in writing the names of the daily newspapers, news associations, or radio or television stations by which they are employed, and what other occupations or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privilege of accredited press representatives.

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the Standing Committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who represent news associations requiring daily telegraphic or radio or television service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to news associations requiring telegraphic or radio or television service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

(f) No accredited member of the Capitol Correspondents Association shall, for compensation, perform any service for state constitutional officers or members of their staffs, for state agencies, for the Legislature, for candidates for state office, or for a state officeholder, or for any person registered or performing as a legislative advocate.

Dispensing With Joint Rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dispensed with only in the manner provided for in that joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in conference committee.

Opinions of Legislative Counsel

34. Whenever the Legislative Counsel issues an opinion to any person other than the first-named author analyzing the constitutionality, operation, or effect of a bill or other legislative measure which is then pending before the Legislature or of any amendment made or proposed to be made to such bill or measure, he is authorized and instructed to deliver two copies of the opinion to the first-named author as promptly as feasible after the delivery of the original opinion and also to deliver a copy to any other author of the bill or measure who so requests. A copy of any letter prepared by the Legislative Counsel for the sole purpose of advising a member of a conflict between two or more bills as to the sections of law being amended, repealed, or added shall be submitted to the chairman of the committee to which each such bill has been referred.

Resolutions Prepared by Legislative Counsel

34.1. Whenever the Legislative Counsel has been requested to draft a resolution commemorating or taking note of any event, or a resolution congratulating or expressing sympathy toward any person, and subsequently receives a similar request from another Member of the Legislature, he shall inform that requester and each subsequent requester that such a resolution is being, or has been, prepared, and he shall inform them of

the name of the member for whom the resolution was, or is being, prepared.

Resolutions

34.2. A concurrent, Senate resolution, or House resolution may be introduced to memorialize the death of a present or former state or federal elected official or a member of their immediate families. In all other instances, a resolution other than a concurrent resolution, as specified by the Committee on Rules of each house, or as provided by the Joint Rules Committee in those cases which require that such resolution should emanate from both houses, shall be used for the purpose of commendation, congratulation, sympathy, or regret with respect to any person, group, or organization.

No concurrent resolution requesting the Governor to issue a proclamation shall be introduced without the prior approval of the Committee on Rules of the house in which the resolution is to be introduced.

Identical Drafting Requests

34.5. Whenever it shall come to the attention of the Legislative Counsel that a member has requested the drafting of a bill which will be substantially identical to one already introduced he shall inform such member of that fact.

Executive Reorganization Plans

34.7. Whenever the Legislative Counsel issues an opinion concerning any particular executive reorganization plan submitted to the Legislature pursuant to Article 7.5 (commencing with Section 12080), Chapter 1, Part 2, Division 3, Title 2 of the Government Code, he is authorized and instructed to deliver two copies of the opinion to the chairman of each standing committee to which such plan is assigned.

Expense of Members

35. As provided in Section 8902 of the Government Code, each Member of the Legislature is entitled to reimbursement for living expenses while in attendance at sessions of the Legislature, or while traveling to and from or in attendance at a committee meeting, or while attending to any legislative function or responsibility as authorized or directed by legislative rules or the Rules Committee of the house of which he is a member at the same rate as may be established by the State Board of Control for other elected state officers. Each member shall be reimbursed for travel expenses incurred in traveling to and from a session of the Legislature, or when traveling to and from a meeting of a committee of which he is a member, or when traveling pursuant to any other legislative function or responsibility as authorized or directed by legislative rules or the Rules Committee of the house of which he is a member

at the rate prescribed by Section 8903 of the Government Code.

As provided in Section 4 of Article IV of the Constitution, members shall receive five cents ($0.05) per mile for traveling to and from their homes in order to attend reconvening following the 30-day recess after a regular session.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly Committee on Rules, on behalf of the Assembly, weekly or as otherwise directed by either house, and upon such certification the Controller shall draw his warrants in payment of the allowances to the respective members.

Investigating Committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or, when such authorization may lawfully be made, after final adjournment.

In the exercise of the power granted by this rule, each committee may employ such clerical, legal, and technical assistants as may be authorized by: (a) the Joint Rules Committee in the case of a joint committee, (b) the Senate Rules Committee in the case of a Senate committee, or (c) the Assembly Rules Committee in the case of an Assembly committee.

Except as otherwise provided herein for joint committees or by the Rules of the Senate or the Assembly for single house committees, each committee may adopt and amend such rules governing its procedure as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. Such rules may include provisions fixing the quorum of the committee and the number of votes necessary to take action on any matter. With respect to all joint committees, a majority of the membership from each house constitutes a quorum and an affirmative vote of a majority of the membership from each house is necessary for the committee to take action.

Each such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records, and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter

4 (commencing with Section 9400), Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant at Arms of the Senate or Assembly, or such other person as may be designated by the chairman of the committee, shall serve any and all subpoenas, orders, and other process that may be issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee.

Every department, commission, board, agency, officer, and employee of the state government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this state, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each committee or subcommittee of either house in accordance with the rules of that respective house and each joint committee or subcommittee thereof, may meet at any time during the period in which it is authorized to act, even though the Legislature is in session, either at the State Capitol, or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or accomplish the objects and purposes of the resolution creating it with the following exceptions:

(a) When the Legislature is in session, no committee or subcommittee of either house shall meet outside the State Capitol without the prior approval of the Rules Committee of the Senate with respect to Senate committees and subcommittees and the Speaker of the Assembly with respect to Assembly committees and subcommittees;

(b) When the Legislature is in session, no committee or subcommittee of either house, other than a standing committee or subcommittee thereof, shall meet unless notice of such meeting has been printed in the daily file for three days prior thereto;

(c) When the Legislature is not in session, each joint committee or subcommittee, other than the Joint Committees on Legislative Audit, Legislative Budget, Legislative Ethics and Rules, shall notify the Joint Rules Committee at least two weeks prior to any such meeting;

(d) When the Legislature is in session, no joint committee or subcommittee thereof other than the Joint Committees on Legislative Audit, Legislative Budget, Legislative Ethics and Rules, shall meet outside the State Capitol without the prior approval of the Joint Rules Committee;

(e) When the Legislature is in session, no joint committee or subcommittee thereof other than the Joint Committees on Legislative Audit, Legislative Budget, Legislative Ethics and

Rules, shall meet unless notice of such meeting has been printed in the daily file for three days prior thereto;

(f) The requirements placed upon joint committees by paragraphs (c) through (e) above may be waived where it is deemed necessary by the Joint Rules Committee.

Each such committee may expend such money as may be made available to it for such purpose but no committee shall incur any indebtedness unless money shall have been first made available therefor.

No living expenses shall be allowed in connection with service upon a legislative committee for a day where the member is entitled to reimbursement for expenses due to attendance at a session of the Legislature. The chairman of each committee shall audit and approve the expense claims of the members of the committee including claims for mileage in connection with attendance on committee business, or in connection with specific assignments by the committee chairman, but excluding other types of mileage, and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

Subject to the rules of each house for the respective committees of each house, and subject to the joint rules for any joint committee, the chairman of any such committee may appoint subcommittees and chairmen thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairmen thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the state, have the same authority as if it were acting and functioning within the state, and the members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the state

Notwithstanding any provision of this rule, if the standing rules of either house require that expense claims of committees for goods or services or pursuant to contracts or for expenses of employees or members of committees be audited or approved, after approval of the committee chairman, by another agency of either house, the Controller shall draw his warrants only upon the certification of such other agency. All expense claims approved by the chairman of any joint committee other than the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, shall be approved by the Joint

Rules Committee and the Controller shall draw his warrants only upon the certification of the Joint Rules Committee.

Except salary claims of employees clearly subject to federal withholding taxes and the requirement as to loyalty oaths, claims presented for services or pursuant to contract shall refer to the agreement, the terms of which shall be made available to the Controller.

Expenses of Interim Committee Employees

36.1. Unless otherwise provided by respective house or committee rule or resolution, employees of legislative committees shall, when entitled to traveling expenses, be entitled to allowances in lieu of actual expenses for hotel accommodations, breakfast, lunch, and dinner, at the rates fixed by the Board of Control from time to time in limitation of reimbursement of expenses of state employees generally; provided, that if an allowance for hotel accommodations, breakfast, lunch, and dinner is made by a committee at a rate in excess of those fixed by the Board of Control the chairman of the committee shall notify the Controller of that fact in writing.

Appointment of Committees

36 5. The provisions of this rule shall apply whenever a joint committee is created by a statute or resolution which either provides that appointments be made and vacancies be filled in the manner provided for in the Joint Rules, or which makes no provision for the appointment of members or the filling of vacancies.

The Senate members of the committee shall be appointed by the Senate Committee on Rules; the Assembly members of the committee shall be appointed by the Speaker; and vacancies occurring in the membership of the committee shall be filled by the respective appointing powers. The members appointed shall hold over until their successors are regularly selected.

Appointment of Joint Committee Chairmen

36 7. The chairman of each joint committee heretofore or hereafter created, except the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, shall be appointed by the Joint Rules Committee from a member or members recommended by the Senate Committee on Rules and the Speaker of the Assembly.

Joint Committee Funds

36.8. Each joint committee, heretofore or hereafter created, except the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, shall expend the funds heretofore or hereafter made available to it in compliance with the policies set forth by the Joint Rules Committee with respect to personnel, salaries, purchasing, office space assignment,

contractual services, rental or lease agreements, travel, and any and all other matters relating to the management and administration of committee affairs.

Joint Legislative Budget Committee

37. In addition to any other committee provided for by these rules, there shall be a joint committee to be known and called the Joint Legislative Budget Committee, which is hereby declared to be a continuing body.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the state budget, the revenues and expenditures of the state, and of the organization and functions of the state, its departments, subdivisions and agencies, with a view of reducing the cost of the state government, and securing greater efficiency and economy.

The committee shall consist of seven Members of the Senate and seven Members of the Assembly. The Senate members of the committee shall consist of seven Members of the Senate appointed by the Committee on Rules. The Assembly members of the committee shall consist of seven Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between regular sessions in the Senate membership of the Joint Legislative Budget Committee shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not reelected at the general election.

Any vacancies occurring between regular sessions in the Assembly membership of the Joint Legislative Budget Committee shall be filled by the Speaker of the Assembly, and the Members of the Assembly appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Member of the Assembly whose term is expiring whenever he is not reelected at the general election.

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation, or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the express terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The Joint Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Joint Legislative Budget Committee and the committee for which the services are to be performed. The contract may provide for payment to the Joint Legislative Budget Committee of the cost of such services from the funds appropriated to the contracting investigating committee. All legislative investigating committees are authorized to enter such contracts with the Joint Legislative Budget Committee. Money received by the Joint Legislative Budget Committee pursuant to any such agreement shall be in augmentation of the current appropriation for the support of the Joint Legislative Budget Committee.

The provisions of Joint Rule 36 shall apply to the Joint Legislative Budget Committee, and it shall have all the authority provided in such rule or pursuant to Section 11 of Article IV of the Constitution.

The committee shall have authority to appoint a Legislative Analyst, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The duties of the Legislative Analyst shall be as follows:

(1) To ascertain the facts and make recommendations to the Joint Legislative Budget Committee and under its direction to the committees of the Legislature concerning:

(a) State budget.

(b) Revenues and expenditures of the state.

(c) The organization and functions of the state, its departments, subdivisions, and agencies.

(2) To assist the Senate Finance Committee and the Assembly Ways and Means Committee in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee, and to assist any other legislative committees upon instruction by the Joint Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Joint Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Analyst under the direction of the Joint Legislative Budget Committee and to keep and make available all documents, data, and reports submitted to him by any Senate, Assembly or joint committee The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California

The chairman of the committee or, in the event of his inability to act, the vice chairman, shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman

shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

On and after the commencement of a succeeding regular session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel, and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Analyst for use and custody, available to the Members of the Legislature, all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be.

The Legislative Analyst with the consent of the committee shall make available to such members or committees any records, documents, or other data under his control or shall secure and provide any information falling within the scope of his employment or which concerns the administration of the government of the State of California. But, except as hereinabove provided, neither the Legislative Analyst nor any employee of the committee shall reveal to any person not a member of or employed by the committee the contents or nature of any matter or the author of any request, except with the permission of the committee or legislator making such request, or under the express direction of the Joint Legislative Budget Committee.

The Legislative Analyst, upon the receipt of a request from any committee or Member of the Legislature, shall at once secure the consent of the committee without disclosing the nature of the request or the name of the requester to provide the requesting committee or legislator with the service or information requested, and thereupon shall notify the requester or committee or legislator that he is authorized to provide the information, and shall inform the committee or legislator of the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requester. In the event the committee refuses such authorization, he shall inform such requester forthwith.

Registration of Legislative Representatives

37.5. The Joint Rules Committee shall have the rights, powers and duties prescribed in Section 9909 of the Government Code, specifically including but not limited to the authority to grant certificates of registration as legislative advocates.

The committee shall study and analyze all facts relating to legislative representation and the regulation thereof, and shall report thereon to the Legislature at each regular session and from time to time as the committee deems necessary, including in the reports its recommendations for appropriate legislation.

The committee may direct the Legislative Analyst to perform such duties as may be assigned to him by the committee.

Adjournment

38. Adjournment sine die shall be made only by concurrent resolution.

Designating Legislative Sessions

39. All regular sessions of the Legislature shall be designated by the year in which held, and all extraordinary sessions shall be designated in numerical order by the year in which convened.

Easter Recess

39.1. Each house of the Legislature shall be in recess each year from adjournment of its session on the Friday next preceding Good Friday until the time set for reconvening on the Monday next following Easter Sunday.

Joint Rules Committee

40. The Joint Rules Committee is hereby created. The committee has a continuing existence and may meet, act, and conduct its business during sessions of the Legislature or any recess thereof, and in the interim period between sessions.

The committee shall consist of seven members of the Assembly Committee on Rules and five members of the Senate Committee on Rules, the Speaker of the Assembly, and three Members of the Senate to be appointed by the Senate Committee on Rules. Vacancies occurring in the membership shall be filled by the appointing power.

The committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

The committee shall ascertain facts and make recommendations to the Legislature and to the houses thereof concerning:

(a) The relationship between the two houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship

(b) The legislative branch of the state government and any defects or deficiencies in the law governing that branch.

(c) Methods whereby legislation is proposed, considered, and acted upon.

(d) The operation of the Legislature, and the committees thereof, and the means of coordinating the work thereof and avoiding duplication of effort.

(e) Aids to the Legislature.

(f) Information and statistics for the use of the Legislature, the respective houses thereof, and the members.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is in session, and shall be referred to the committee for action if the Legislature is not in session.

The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To allocate space in the State Capitol Building and all annexes and additions thereto as provided by law.

(c) To approve, as provided by law, the appearance of the Legislative Counsel in litigation.

(d) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created.

(e) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(f) To report its findings and recommendations, including recommendations for the needed revision of any and all laws and constitutional provisions relating to the Legislature, to the Legislature and to the people from time to time and at any time.

(g) The committee, and any subcommittee when so authorized by the committee, may meet and act without as well as within the State of California, and is authorized to leave the state in the performance of its duties.

(h) To expend such funds as may be made available to it to carry out the functions and activities related to the legislative affairs of the Senate and Assembly.

(i) To appoint a chief administrative officer of the committee, who shall have such duties relating to the administrative, fiscal and business affairs of the committee as the committee shall prescribe. The committee may terminate the services of the chief administrative officer at any time.

(j) To employ such persons as may be necessary to assist all other joint committees, except the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, in the exercise of their powers and performance of their duties In accordance with Joint Rule 36.8, the committee shall govern and administer the expenditure of funds by such other joint

committees, requiring that the claims of such joint committees be approved by the Joint Rules Committee or its designee. All expenses of the committee as well as expenses of all other joint committees may be paid from the Contingent Funds of the Assembly and Senate.

(k) To appoint the chairmen of joint committees, as authorized by Joint Rule 36.7.

(*l*) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

The committee shall succeed to, and is vested with, all of the powers and duties of the Joint Committee on Legislative Organization, State Capitol Committee, the Joint Committee on Interhouse Cooperation, the Joint Legislative Committee for School Visitations, and the Joint Standing Committee on the Joint Rules of the Senate and the Assembly.

Subcommittee on Legislative Assistance

40.5. A subcommittee of the Joint Rules Committee is hereby created to be known as the Subcommittee on Legislative Assistance. The Chairman of the Joint Rules Committee shall appoint one member of the Joint Rules Committee from each house to be members of the subcommittee.

The subcommittee shall have the duty and responsibility of offering such assistance as may be desired by Members of the Legislature, former members, and their families and rendering such aid and assistance as is possible through the offices of the Sergeants at Arms and other officers and employees of the Legislature in the event of the death of a member, former member, or a member of their families.

The Sergeants at Arms and other officers and employees of each house of the Legislature shall render such aid or assistance as may be requested or directed by the subcommittee.

The Joint Rules Committee shall allocate to the subcommittee, from any funds available therefor, such funds as may be required to carry out its functions.

Claims for Workmen's Compensation

41. The Chairman of the Rules Committee of each house, or his designated representative, shall sign any required workmen's compensation report regarding injuries or death arising out of and within the course of employment suffered by any member, officer, or employee of the house, or any employee of a standing or interim committee thereof. In the case of a joint committee, the Chairman of the Rules Committee of either house, or his designated representative, may sign any such report in respect to a member or employee of such joint committee.

Information Concerning Committees

42. The Rules Committee of each house shall provide for a continuous cumulation during interim periods between sessions of the Legislature of information concerning the membership, organization, meetings, and studies of legislative investigating committees. Each Rules Committee shall be responsible for information concerning the investigating committees of its own house and concerning joint investigating committees under the chairmanship of a member of that house. To the extent possible, each Rules Committee shall seek to insure that the investigating committees for which it has responsibility under this rule have organized, including the organization of any subcommittees, and have had all topics for study assigned to them within a reasonable period of time after the adjournment of each regular session of the Legislature.

The information thus cumulated shall be made available to the public by the Rules Committee of each house and shall be published periodically under their joint direction.

Joint Committees

43. Concurrent resolutions creating joint committees of the Legislature and concurrent resolutions allocating moneys from the Contingent Funds of the Assembly and Senate to such committees shall be referred to the Committees on Rules of the respective houses.

Conflict of Interest

44. (a) No Member of the Legislature shall, while serving as such, have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed in the laws of this state.

(b) No Member of the Legislature shall, during the term for which he was elected:

(1) Accept other employment which he has reason to believe will either impair his independence of judgment as to his official duties or require him, or induce him, to disclose confidential information acquired by him in the course of and by reason of his official duties;

(2) Willfully and knowingly disclose, for pecuniary gain, to any other person, confidential information acquired by him in the course of and by reason of his official duties or use any such information for the purpose of pecuniary gain;

(3) Accept or agree to accept, or be in partnership with any person who accepts or agrees to accept, any employment, fee, or other thing of value, or portion thereof, in consideration of his appearing, agreeing to appear, or taking any other action on behalf of another person regarding a licensing or regulatory matter, before any state board or agency which is

established by law for the primary purpose of licensing or regulating the professional activity of persons licensed, pursuant to state law; provided, that this rule shall not be construed to prohibit a member who is an attorney at law from practicing in such capacity before the Workmen's Compensation Appeals Board or the Commissioner of Corporations, and receiving compensation therefor, or from practicing for compensation before any state board or agency in connection with, or in any matter related to, any case, action, or proceeding filed and pending in any state or federal court; and provided that this rule shall not act to prohibit a member from making inquiry for information on behalf of a constituent before a state board or agency, if no fee or reward is given or promised in consequence thereof, and provided that the prohibition contained in this rule shall not apply to a partnership in which the Member of the Legislature is a member if the Member of the Legislature does not share directly or indirectly in the fee resulting from the transaction; and provided that the prohibition contained in this rule shall not apply in connection with any matter pending before any state board or agency on the operative date of this rule if the affected Member of the Legislature is attorney of record or representative in the matter prior to such operative date;

(4) Receive or agree to receive, directly or indirectly, any compensation, reward, or gift from any source except the State of California for any service, advice, assistance or other matter related to the legislative process, except fees for speeches or published works on legislative subjects and except, in connection therewith, reimbursement of expenses for actual expenditures for travel and reasonable subsistence for which no payment or reimbursement is made by the State of California;

(5) Participate, by voting or any other action, on the floor of either house, or in committee or elsewhere, in the enactment or defeat of legislation in which he has a personal interest, except as follows:

(i) If, on the vote for final passage by the house of which he is a member, of the legislation in which he has a personal interest, he first files a statement (which shall be entered verbatim on the journal) stating in substance that he has a personal interest in the legislation to be voted on and notwithstanding such interest, he is able to cast a fair and objective vote on such legislation, he may cast his vote without violating any provision of this rule;

(ii) If the member believes that, because of his personal interest, he should abstain from participating in the vote on the legislation, he shall so advise the presiding officer prior to the commencement of the vote and shall be excused from voting on the legislation without any entry on the journal of the fact of his personal interest. In the event a rule of the house, requiring that each member who is present vote aye or nay is invoked, the presiding officer shall order the member

excused from compliance and shall order entered on the journal a simple statement that the member was excused from voting on the legislation pursuant to law.

(c) A person subject to this rule has an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed in the laws of this state or a personal interest, arising from any situation, within the scope of this rule, if he has reason to believe or expect that he will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. He does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state or a personal interest, arising from any situation, within the scope of this rule, if any benefit or detriment accrues to him as a member of a business, profession, occupation, or group to no greater extent than any other member of such business, profession, occupation, or group.

(d) A person subject to the provisions of this rule shall not be deemed to be engaged in any activity which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state, arising from any situation, or to have a personal interest, arising from any situation, within the scope of this rule, solely by reason of any of the following:

(1) His relationship to any potential beneficiary of any situation is one which is defined as a remote interest by Section 1091 of the Government Code or is otherwise not deemed to be a prohibited interest by Section 1091.1 or 1091.5 of the Government Code.

(2) Receipt of a campaign contribution regulated, received, reported, and accounted for pursuant to Division 8 (commencing with Section 11500) of the Elections Code, so long as the contribution is not made on the understanding or agreement, in violation of law, that the person's vote, opinion, judgment, or action will be influenced thereby.

(e) The enumeration in this rule of specific situations or conditions which are deemed not to result in substantial conflicts with the proper discharge of the duties and responsibilities of a legislator or legislative employee or in a personal interest shall not be construed as exclusive.

The Legislature in adopting this rule recognizes that Members of the Legislature and legislative employees may need to engage in employment, professional, or business activities other than legislative activities, in order to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the specific provisions of the chapter. However, in construing and administering the provisions of the rule, weight should be given to any coincidence of income, employment, investment, or other profit from sources which may be identified with the interests represented by those sources which are seek-

ing action of any character on matters then pending before the Legislature.

(f) No employee of either house of the Legislature shall, during the time he is so employed, commit any act or engage in any activity prohibited by any part of this rule.

(g) No person shall induce or seek to induce any Member of the Legislature to violate any part of this rule.

(h) Violations of these rules are punishable as provided in Section 8926 of the Government Code.

Joint Legislative Ethics Committee

45. (a) The Joint Legislative Ethics Committee is hereby created. The committee shall consist of three Members of the Senate appointed by the Senate Committee on Rules and three Members of the Assembly appointed by the Speaker of the Assembly. Of the three members appointed from each house, at least one from each house shall be a member of the political party having the largest number of members in that house and at least one from each house shall be a member of the political party having the second largest number of members in that house. The committee shall elect its own chairman. Vacancies occurring in the membership of the committee shall be filled in the manner provided for in these rules for other committees. A vacancy shall be deemed to exist as to any member of the committee whose term is expiring whenever such member is not reelected at the general election.

(b) The committee is authorized to make rules governing its own proceedings. The provisions of Rule 36 of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee.

Prior to the issuance of any subpoena by the committee with respect to any matter before the committee, it shall by a resolution adopted by a vote of two members of the committee from each house of the Legislature define the nature and scope of its investigation in the matter before it.

(c) Funds for the support of the committee shall be provided from the Contingent Funds of the Assembly and the Senate in the same manner that such funds are made available to other joint committees of the Legislature.

(d) The committee shall have power, pursuant to the provisions of this rule, to investigate and make findings and recommendations concerning alleged violations by Members of the Legislature of the provisions of Rule 44.

(e) Any person may (a) file with the committee a verified complaint in writing which shall state the name of the Member of the Legislature alleged to have committed the violation complained of, and which shall set forth the particulars thereof, or (b) file a complaint concerning the alleged violation by a Member of the Legislature with the district attorney of the appropriate county.

If a person files a complaint with respect to any alleged violation by a Member of the Legislature with the committee, he may not thereafter file a complaint to institute a criminal prosecution for such violation until the committee has rendered its report or until a period of 120 days has elapsed since the filing of the complaint. If a complaint is filed with the appropriate district attorney by any person concerning an alleged violation by a Member of the Legislature of any provision of Rule 44, such person may not thereafter file a complaint with respect to such alleged violation with the committee.

If a complaint is filed with the committee, the committee shall promptly send a copy of the complaint to the Member of the Legislature alleged to have committed the violation complained of, who shall thereafter be designated as the respondent.

No complaint may be filed with the committee after the expiration of six months from the date upon which the alleged violation occurred.

(f) If the committee determines that the verified complaint does not allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of Rule 44, it shall dismiss the complaint and notify the complainant and respondent thereof If the committee determines that such verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of Rule 44, the committee shall promptly investigate the alleged violation and, if after such preliminary investigation, the committee finds that probable cause exists for believing the allegations of the complaint, it shall fix a time for a hearing in the matter, which shall be not more than 30 days after such finding. If, after the preliminary investigation, the committee finds that probable cause does not exist for believing the allegations of the complaint, the committee shall dismiss the complaint. In either event the committee shall notify the complainant and respondent of its determination.

(g) After the complaint has been filed the respondent shall be entitled to examine and make copies of all evidence in the possession of the committee relating to the complaint.

(h) If a hearing is to be held pursuant to subdivision (f) the committee, before the hearing has commenced, shall issue subpoenas and subpoenas duces tecum at the request of any party in accordance with the provisions of Chapter 4 (commencing with Section 9400), Part 1, Division 2, Title 2 of the Government Code. All of the provisions of Chapter 4, except Section 9410, shall be applicable to the committee and the witnesses before it.

(i) At any hearing held by the committee:

(1) Oral evidence shall be taken only on oath or affirmation.

(2) Each party shall have these rights: to be represented by legal counsel; to call and examine witnesses; to introduce exhibits; and to cross-examine opposing witnesses.

(3) The hearing shall be open to the public.

(j) Any official or other person whose name is mentioned at any investigation or hearing of the committee and who believes that testimony has been given which adversely affects him, shall have the right to testify or, at the discretion of the committee, to file a statement of facts under oath relating solely to the material relevant to the testimony of which he complains.

(k) After the hearing the committee shall state its findings of fact. If the committee finds that the respondent has not violated any of the provisions of Rule 44, it shall order the action dismissed, and shall notify the respondent and complainant thereof and shall also transmit a copy of the complaint and the fact of dismissal to the Attorney General and to the district attorney of the appropriate county. If the committee finds that the respondent has violated any of the provisions of Rule 44, it shall state its findings of fact and submit a report thereon to the house in which the respondent serves, send a copy of such findings and report to the complainant and respondent, and the committee shall also report thereon to the Attorney General and to the district attorney of the appropriate county.

(*l*) Nothing in this rule shall preclude any person from instituting a prosecution for violation of any provision of Rule 44 unless such person has filed a complaint with the committee concerning such violation, in which case such person may not file a complaint with the district attorney of the appropriate county to institute a criminal prosecution for such violation until the committee has made its determination of the matter or a period of 120 days has elapsed since the filing of the complaint with the committee.

(m) The filing of a complaint with the committee pursuant to this rule suspends the running of the statute of limitations applicable to any violation of the provisions of Rule 44 while such complaint is pending.

(n) The committee shall maintain a record of its investigations, inquiries, and proceedings. All records, complaints, documents, reports filed with or submitted to or made by the committee, and all records and transcripts of any investigations, inquiries or hearings of the committee under this rule shall be deemed confidential and shall not be open to inspection by any person other than a member of the committee, an employee of the committee, or a state employee designated to assist the committee, except as otherwise specifically provided in this rule. The committee may, by adoption of a resolution, authorize the release to the Attorney General or to the district attorney of the appropriate county of any information, records, complaints, documents, reports, and transcripts in its

possession material to any matter pending before the Attorney General or the district attorney. All matters presented at a public hearing of the committee and all reports of the committee stating a final finding of fact pursuant to subdivision (k) shall be public records and open to public inspection. Any employee of the committee who divulges any matter which is deemed to be confidential by this subdivision is punishable as provided in Section 8953 of the Government Code.

(o) All actions of the committee shall require the concurrence of two members of the committee from each house.

(p) The committee may render advisory opinions to Members of the Legislature with respect to the provisions of Rule 44 and their application and construction. The committee may secure an opinion from the Legislative Counsel for this purpose or issue its own opinion.

---

## RESOLUTION CHAPTER 121

*Senate Joint Resolution No. 34—Relative to railroad passenger service.*

[Filed with Secretary of State August 6, 1971.]

WHEREAS, The National Railroad Passenger Corporation, known as "Railpax," has been created by the federal government to operate a basic network of intercity railroad passenger service, relieving those carriers who elect to join Railpax of their obligation to maintain service on the intercity passenger lines they presently operate; and

WHEREAS, In its basic network, the corporation has announced retention of the coastal route between Los Angeles and San Francisco and elimination of the San Joaquin Valley route presently served by the Southern Pacific Company which proposes to join Railpax and discontinue its passenger service through the valley; and

WHEREAS, Rail passenger service is a matter of the greatest importance to people living along this populous corridor, and such service is of increased importance during winter months when heavy fog closes some airports for many days at a time, renders highway travel dangerous, and results in curtailed bus service; and

WHEREAS, A vigorous and attractive rail passenger system is of the highest importance to the people of the State of California as well as the San Joaquin Valley, particularly in view of the congested conditions prevailing in air and highway travel; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California memorializes the United States Secretary of Transportation and the National Railroad Passenger Corporation to retain

railroad passenger service in the San Joaquin Valley of California; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the United States Secretary of Transportation and to the National Railroad Passenger Corporation.

## RESOLUTION CHAPTER 122

*Senate Joint Resolution No. 39—Relative to purchase, sale and possession of gold.*

[Filed with Secretary of State August 6, 1971.]

WHEREAS, Federal statutes and executive orders have denied any person who is a citizen of the United States or any individual wheresoever located who is a resident of or domiciled in the United States the right to freely purchase, sell and possess gold bullion; and

WHEREAS, The continuation of such policies have had a negative effect upon the gold mining and exploration industry within this country and this state, thereby making this nation reliant upon external gold industries to meet the various demands of the citizenry; and

WHEREAS, The State of California's gold mining industry has suffered severely because of the continuation of such policies, causing over the years the loss of real employment to Californians; and

WHEREAS, It is desirable that these regulations and statutes be reviewed in light of contemporary conditions; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes the President and Congress of the United States to remove all restrictions on the purchase, sale and possession of gold by any person who is a citizen of the United States or any individual wheresoever located who is a resident of or domiciled in the United States; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 123

*Assembly Joint Resolution No. 54—Relative to the establishment of a national cemetery in California.*

[Filed with Secretary of State August 11, 1971.]

WHEREAS, There are presently almost 3,000,000 veterans residing in California eligible for burial in a national cemetery, yet the three existing national cemeteries in California are closed to future veteran burials because of lack of space; and

WHEREAS, The initial earthquake of February 9, 1971, destroyed the San Fernando Veterans Hospital; and

WHEREAS, Geological experts question the advisability of rebuilding a hospital or any other major structure on the site, and the Veterans Administration does not plan to rebuild this facility; and

WHEREAS, This large piece of government-owned land would be an extremely suitable final resting place for our honored dead; and

WHEREAS, Such a cemetery would involve no cost to the federal government as far as land is concerned and the operational costs would be minimal; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to consider such a site, together with all other potential sites, for a national cemetery, and establish one or more such national cemeteries in California; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 124

*Assembly Concurrent Resolution No. 99—Relative to the Jacksonville Bridge.*

[Filed with Secretary of State August 11, 1971.]

WHEREAS, The New Don Pedro Dam Project has required the realignment of a portion of Route 120 between 0.6 mile east of Route 49 (north) near Chinese Camp, and 2.4 miles east of Route 49 (south); and

WHEREAS, The construction of this realigned portion of Route 120 has been completed, including the erection of a bridge across the Tuolumne River at a point near the location of the former Town of Jacksonville; and

WHEREAS, Jacksonville, established in the spring of 1849, was one of the pioneer mining camps of Tuolumne County and was named in honor of its founder, Colonel Alden A. M. Jackson; and

WHEREAS, Jacksonville has existed as a living community for over 120 years, and many former residents and descendants of families who once resided there retain fond memories of the river community; and

WHEREAS, It is proper that the historic site of Jacksonville be appropriately and permanently memorialized in tribute to its Gold Rush origin and in deference to those whose homesites will be inundated; and

WHEREAS, The new bridge constructed across the Tuolumne River below the site once occupied by this historic community would serve as a fitting monument to the memory of the Town of Jacksonville and its people; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the new bridge on Route 120 crossing the Tuolumne River near the location of the former Town of Jacksonville is hereby officially designated and named the Jacksonville Bridge; and be it further

*Resolved,* That the Department of Public Works be directed to erect appropriate signs and markers showing this official designation; and be it further

*Resolved,* That the Chief Clerk transmit a copy of this resolution to the Director of Public Works.

---

## RESOLUTION CHAPTER 125

*Assembly Joint Resolution No 40—Relative to California salmon and steelhead resources.*

[Filed with Secretary of State August 12, 1971]

WHEREAS, California's salmon and steelhead resources are in a demonstrably critical state of decline, with many previously very productive runs of these fish entirely destroyed; and

WHEREAS, The salmon and steelhead resources of this state have long been of immense economic and recreational value to the people of California, providing not only a most needed food but also many hours of unsurpassed angling enjoyment; and

WHEREAS, A principal cause of the decline in this valuable resource has been the destruction and damage to streams caused by federal water development projects, which in many instances has been without proper consideration of the impact on the salmon and steelhead resource; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California memorializes:

(1) The Federal Council on Environmental Quality to disapprove any proposed federal project on any California salmon and steelhead stream unless the Environmental Impact Re-

port clearly finds that such project will not be substantially deleterious to the salmon and steelhead resources of that stream.

(2) The United States Army Corps of Engineers to issue no permits for waste discharges into any California salmon and steelhead stream under the National Refuse Act of 1899 without first making a finding that such discharge will have no substantial deleterious effect on the salmon and steelhead resources of that stream; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to each Senator and Representative from California in the Congress of the United States, to the Chairman of the Federal Council on Environmental Quality, and to the Administrator of the Federal Environmental Protection Agency.

---

## RESOLUTION CHAPTER 126

*Assembly Concurrent Resolution No. 168—Relative to the death of former Assemblyman Leverette D. House, 76th District.*

[Filed with Secretary of State August 12, 1971.]

WHEREAS, The members were saddened to hear of the death of their esteemed colleague, former Assemblyman Leverette D. House, 76th District; and

WHEREAS, Assemblyman House was born in Texas, moved to Imperial, California, in 1922, where he attended grammar and high school, married Hazel Cassatt in 1929, and he and his wife raised three daughters, Helen, Pauline, and Jane; and

WHEREAS, An ardent believer in the Imperial Valley as a monument to the wonders that can be wrought by the irrigation of rich desert lands, Assemblyman House was elected to the Assembly in 1956, representing the 76th District; and

WHEREAS, He served in the Assembly from 1956 to 1962, and was chairman of the Agriculture Committee and a member of the Committees on Education, Revenue and Taxation, Transportation and Commerce, Civil Service and State Personnel, Livestock and Dairies, Manufacturing, Oil and Mining Industry, and Ways and Means; and

WHEREAS, An active leader in his community, Assemblyman House was a member of the First Methodist Church of Brawley, past president of the Brawley Rotary Club, a member of the Imperial Lions Club and the Del Rio Country Club, a past master of the Masonic Imperial Lodge 390, a Royal Arch Mason, a 32nd degree Mason, a former DeMolay chapter dad, a member of the Brawley Elks Club, a former director, Brawley Chamber of Commerce, a chairman of the Brawley Polio Drive for two years and served on the county polio board; and

WHEREAS, Both he and his wife were deeply interested in the young people of their community, serving on PTA boards, Campfire and church youth groups; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the members express their mutual sorrow upon the passing of their long-time friend and esteemed colleague, Leverette D. House, and extend their sincere condolences to his family; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to his family.

---

## RESOLUTION CHAPTER 127

*Senate Joint Resolution No. 33—Relative to mining claims and excavations.*

[Filed with Secretary of State August 12, 1971]

WHEREAS, The many abandoned mining claims and related mine shafts and other mining excavations on federal lands complicate the orderly administration, development, and protection of such lands; and

WHEREAS, Legislation should be enacted which would require all mining claimants to file descriptions of the locations of their claims on federal lands and which would declare such a mining claim to be abandoned if the claim or assessment work on the claim were not recorded for a period of two successive years; and

WHEREAS, Scattered throughout the public lands administered by the United States Bureau of Land Management and other federal lands are thousands of unmarked and abandoned mine shafts and other mining excavations; and

WHEREAS, These unmarked and abandoned mine shafts and other mining excavations pose a serious hazard to the recreational uses of federal lands and have caused loss of life and injury; and

WHEREAS, Legislation should be enacted to implement a program of marking and fencing such mine shafts and mining excavations in the interest of public safety; now, therefore, be

*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and enact legislation, as described in this resolution, which would require mining claimants to file descriptions of the locations of their claims, would declare a mining claim to be abandoned if the claim or assessment work on the claim were not recorded for a period of two successive years, and would implement a program of marking and fencing abandoned mine shafts and other mining excavations; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 128

*Senate Concurrent Resolution No. 106—Relative to a recess of the Legislature.*

[Filed with Secretary of State August 12, 1971.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Senate and Assembly shall be in recess from adjournment on Thursday, August 12, 1971, until the time set by each house for reassembly on Tuesday, September 7, 1971; provided that this recess shall not constitute the constitutional recess specified in Section 3 of Article IV of the Constitution.

## RESOLUTION CHAPTER 129

*Assembly Concurrent Resolution No. 93—Relative to joint committees.*

[Filed with Secretary of State August 13, 1971.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* As follows:

1. The joint committees named below are continued in existence until July 31, 1972, notwithstanding the provisions of any prior concurrent resolution relating to such committees. Each such committee shall continue to have the powers and duties granted and imposed by the resolution creating or continuing it. Each such committee may expend any funds heretofore made available and further allocations may be made by the Joint Rules Committee; provided that, in accordance with Joint Rule 36.8, any expenditure of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

The named committees are:

(a) The Joint Committee on Atomic Development and Space.

(b) The Joint Committee on Educational Goals and Evaluation.

(c) The Joint Committee on the Master Plan for Higher Education.

(d) The Joint Committee on Open Space Lands.

(e) The Joint Committee on School Finance.
(f) The Joint Committee on Seismic Safety.
(g) The Joint Committee on Textbooks and Curriculum.
(h) The Fairs Allocation and Classification Committee.

2. The joint committees named below are created and shall continue in existence until July 31, 1972, unless extended.

Each committee has the following powers and duties.

All of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to each committee and its members.

To contract subject to the Joint Rules with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

To report its findings and recommendations to the Legislature and to the people from time to time and at any time.

To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

Each committee shall consist of three Members of the Senate, appointed by the Committee on Rules thereof, and three Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

The Joint Rules Committee may make funds available from the Contingent Funds of the Assembly and Senate for the expenses of each committee and its members and for any charges, expenses or claims it may incur under this resolution; provided that, in accordance with Joint Rule 36.8, any expenditure of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

The named committees, with their jurisdictions, are:

(a) The Joint Committee on Aging is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the economic, health, and social needs of older adults, including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

(b) The Joint Committee for the Revision of the Elections Code is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the revision of the Elections Code, including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

(c) The Joint Committee on the Organization and Financing of Local Government is hereby created and authorized and directed to ascertain, study, and analyze all the facts relating to the organization and financing of local government and to report thereon to the Legislature, including in its report its recommendations for appropriate legislation and change, if any, in the present law.

(d) The Joint Committee on the State's Economy is hereby created and shall continue in existence until July 31, 1972, unless extended. A subcommittee of the committee is also created to be known as the Subcommittee on Economic Conversion.

The committee and subcommittee shall consist of four Members of the Senate, appointed by the Committee on Rules thereof, and four Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

It shall be the function of the Joint Committee on the State's Economy:

(A) With respect to the Governor's annual economic report and any supplement thereto, to make a continuing study of the matters contained therein;

(B) With respect to legislative initiative to achieve the policy for promoting employment growth, to make a continuing study of:

(1) The rates and levels of employment, production, income and purchasing power obtaining in the state and those needed to carry out the policy declared in the policy for promoting employment growth;

(2) Current and foreseeable trends in the levels of employment, production, income, and purchasing power;

(3) The economic program of the state and of economic conditions affecting employment in the state or any considerable portion thereof during the preceding year and of their effect upon employment, production, income, and purchasing power;

(4) The competitive economic position of goods and merchandise produced or manufactured in the state and marketed in other states or in foreign nations, as affected by:

(a) The level of and trends in state and local governmental taxation;

(b) The level of and trends in wages, salaries, and prices in California;

(c) The level of and trends in the cost of raw materials and products used in further processing and manufacturing and of the cost of utilities, including water, natural gas, and electricity;

(5) The competitive economic effect of the marketing in the state of goods and merchandise produced or manufactured in other states or in foreign nations;

(6) The general economic effect of the level of and trends in state and local government of:

(a) Taxation, including consideration of present, and possible future modification of, subjects of taxation;

(b) Borrowing, including consideration of various types of borrowing, the cost of borrowing, and economic limits on borrowing capacity;

(c) Spending, including outlays for capital improvements;

(7) The ways and means by which the state may coordinate and correlate its planning and activities, including those of taxation and borrowing, with the planning and activities of private enterprise.

(C) To report thereon to the Legislature with its findings and recommendations with respect to each of the main recommendations of the Governor and with respect to its own continuing study, to the end that the objectives set forth in the policy for promoting employment growth are effectuated.

(D) The Subcommittee on Economic Conversion succeeds to all powers and duties of the Joint Legislative Committee on Economic Conversion. The subcommittee is authorized and directed to ascertain, study and analyze all facts relating to ways in which this state's economy can adjust to the changing security needs of the country and prepare for a transition to a civilian economy when necessary. This is necessitated by the fact that for many years important segments of this state's economy have been dependent upon the military needs of the United States and that recently those needs have changed and as a consequence some areas in our state which have been dependent upon a particular military installation that has closed or upon certain government contracts that have not been renewed have suffered from unemployment and general business dislocation. In order to minimize the problems which result to local communities and to the state as a whole when converting from a military to a civilian economy it is necessary to prepare in advance. The subcommittee shall prepare schedules of possible private and public investment patterns and the employment and income effects to be expected therefrom; convene conferences on economic conversion and growth; focus statewide attention on the problems of conversion and economic growth; and study all parts of the state's economy, including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to such subject, and to

report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

Funds heretofore made available to the Joint Legislative Committee on Economic Conversion shall be available to the subcommittee.

The chairman of the subcommittee shall have the authority heretofore granted to the Chairman of the Joint Legislative Committee on Economic Conversion.

3. Funds allocated pursuant to this measure or made available for expenditure thereby may be expended to pay such salary adjustments as are authorized by the Joint Rules Committee to provide an increase in the compensation for officers and employees during the month of August 1971 to provide compensation equivalent to that which they would have otherwise received had this measure been adopted prior to August 1, 1971.

4. Funds from each allocation made pursuant to this measure or made available for expenditure thereby may be expended to pay any obligation incurred between August 1, 1971, and the effective date of this measure, which would otherwise have been authorized hereunder had this measure been adopted prior to August 1, 1971, subject to the same limitation, conditions and requirements.

5. On or after July 31, 1971, no officer or employee of a committee subject to this measure 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 measure extending the life of such committee prior to August 1, 1971.

6. Each committee named in this resolution shall report to the Joint Rules Committee by the date otherwise specified but, in any event, by July 31, 1972. The Joint Committee on Educational Goals and Evaluation shall also submit a report to the Joint Rules Committee by January 31, 1972.

---

## RESOLUTION CHAPTER 130

*Senate Joint Resolution No. 45—Relative to the Salton Sea.*

[Filed with Secretary of State August 19, 1971.]

WHEREAS, The Salton Sea is a recreational resource of unusual value because of its proximity to southern California population centers; and

WHEREAS, Rising salinity will destroy its value within a few years unless corrective action is taken immediately; and

WHEREAS, A task force of federal and state agencies completed a reconnaissance study of the Salton Sea problem in

August 1969, and determined that the Sea could be saved, that the project had a favorable cost-benefit ratio, and that the game fish would not be able to spawn successfully after the salinity reached 40 parts per thousand; and

WHEREAS, Salinities of 39 parts per thousand were recorded in October 1970, with the rate of increase being about one-half part per thousand per year; and

WHEREAS, Each year of delay adds millions of dollars to project costs; and

WHEREAS, All that is needed at this point is a modest federal effort to mesh with a corresponding state effort to define the best salinity control project and to estimate its cost; and

WHEREAS, The State of California has budgeted funds for its share of such an effort; and

WHEREAS, This situation is unusually grave, because further delay will jeopardize a salinity control project by increasing construction costs; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully requests the President and Congress of the United States to authorize and fund a feasibility study to determine the best way to stop the salt level from increasing in Salton Sea, by passing H R No. 5648 or other appropriate enabling legislation and budgeting the necessary funds; and be it further

*Resolved*, That the federal government is requested to include funds for such a project in the budget for the next year; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, to the Secretary of the Interior, to the U.S. Army Corps of Engineers, to the Vice President, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 131

*Assembly Concurrent Resolution No. 163—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization and the State Personnel Board, and Members of the Senate and Assembly.*

[Filed with Secretary of State September 13, 1971 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That leaves of absence from the state for a longer period than 60 days during their terms of office are hereby granted to His Excellency Ronald Reagan,

Governor of the State of California; to the Honorable Ed Reinecke, Lieutenant Governor of the State of California; to Edmund G. Brown, Jr., Secretary of State; Evelle J. Younger, Attorney General; to Houston I. Flournoy, Controller; to Ivy Baker Priest, Treasurer; to Wilson C Riles, Superintendent of Public Instruction; to George R. Reilly, John W. Lynch, William M. Bennett, and Richard Nevins, members of the Board of Equalization; to Robert M. Wald, Samuel Leask, May Layne Davis, Nita Ashcraft, and Frank M. Woods, members of the State Personnel Board; and to the following Members of the Senate and the Assembly:

Senators Alfred E. Alquist, Peter H. Behr, Anthony C. Beilenson, Clark L. Bradley, Clair W. Burgener, Dennis E. Carpenter, Tom Carrell, Randolph Collier, Gordon Cologne, William E. Coombs, Lou Cusanovich, George Deukmejian, Ralph C. Dills, Mervyn M. Dymally, Arlen Gregorio, Donald L. Grunsky, John L. Harmer, John W. Holmdahl, Joseph M. Kennick, Robert J. Lagomarsino, Milton Marks, Fred W. Marler, Jr., James R. Mills, George R. Moscone, John A. Nejedly, Nicholas C. Petris, H. L. Richardson, Albert S. Rodda, Jack Schrade, Alan Short, Alfred H. Song, Robert S. Stevens, Walter W. Stiern, Stephen P. Teale, Lawrence E. Walsh, Howard Way, James Q. Wedworth, James E. Whetmore, and George N. Zenovich; Assemblymen Dixon Arnett, Robert E. Badham, William T. Bagley, E. Richard Barnes, Carlos Bee, Frank P. Belotti, Robert G. Beverly, W. Craig Biddle, Yvonne W. Brathwaite, John V. Briggs, Willie L. Brown, Jr., Robert H. Burke, John L. Burton, William Campbell, Peter R. Chacon, Eugene A. Chappie, Robert C. Cline, John L. E. Collier, Charles J. Conrad, Kenneth Cory, Robert W Crown, Mike Cullen, Pauline L. Davis, Wadie P. Deddeh, James W. Dent, Gordon W. Duffy, John F Dunlap, Jack R. Fenton, March K. Fong, John F. Foran, Alex P. Garcia, Joe A. Gonsalves, Bill Greene, Leroy F. Greene, Richard D. Hayden, James A. Hayes, Harvey Johnson, Ray E. Johnson, Walter Karabian, William M. Ketchum, Jim Keysor, John T. Knox, Ernest LaCoste, Frank Lanterman, Jerry Lewis, Ken MacDonald, W. Don MacGillivray, Kenneth L. Maddy, Alister McAlister, Leo T. McCarthy, Ken Meade, John J. Miller, Ernest N. Mobley, Bob Monagan, Carlos J. Moorhead, Bob Moretti, Frank Murphy, Jr., David C. Pierson, Carley V. Porter, Walter W. Powers, Paul Priolo, John P. Quimby, Leon Ralph, David A. Roberti, Newton R. Russell, Leo J. Ryan, Peter F. Schabarum, Raymond T. Seeley, Alan Sieroty, Kent H. Stacey, John Stull, Vincent Thomas, L. E. Townsend, John Vasconcellos, Floyd L. Wakefield, Charles Warren, Henry A. Waxman, Pete Wilson, Bob Wood and Edwin L. Z'berg.

The leaves of absence granted by this resolution are also granted to the successors of any of the above-named officers during their terms of office as such successors.

# RESOLUTION CHAPTER 132

*Senate Concurrent Resolution No. 43—*
*Relative to firefighting.*

[Filed with Secretary of State September 15, 1971.]

WHEREAS, Recent fires in the brush-laden hills and canyons of this state have shown the need for a more efficient system of airdrop of fire-retardant chemicals or water, or both fire-retardant chemicals and water; and

WHEREAS, While the existing chemicals or water, or both, seem to be effective, their usefulness is diminished because of the problems of accurate drops on, or deliveries in large quantities to, the target areas from the air; and

WHEREAS, This is due, in part, to the fact that relatively small airplanes are used to deliver the fire-retardant chemicals or water, or both, to the target areas, and that the airplanes are required to fly dangerously low in order to insure a direct hit on the target area since the fire-retardant chemicals or water, or both, when released from airplanes, immediately disperse; and

WHEREAS, It has been determined that large quantities of fire-retardant chemicals or water, or both, could be delivered to the target areas with more safety and accuracy by the use of large airplanes equipped with devices for carrying and dropping self-bursting containers filled with such chemicals or water, or both; and

WHEREAS, This could be accomplished by the use of existing airplanes equipped with devices for carrying such containers and trained personnel of the United States Air Force and the Air National Guard; and

WHEREAS, Such airplanes and trained personnel could be made available to local governments during emergency fire conditions; and

WHEREAS, It would be in the best interest of this state and country to utilize existing federal and state airplanes and trained personnel to control forest fires efficiently; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Members hereby request the Governor and the Commanding General of the State Military Forces, Military Department, to study the feasibility of utilizing airplanes and trained personnel of the Air National Guard in fighting fires in mountains and canyons of this state by dropping fire-retardant chemicals or water, or both fire-retardant chemicals and water, in self-bursting containers from airplanes; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the Governor and the Commanding General of the State Military Forces.

## RESOLUTION CHAPTER 133

*Senate Concurrent Resolution No. 59—Relative to state parks.*

[Filed with Secretary of State September 15, 1971.]

WHEREAS, Its serene beauty draws thousands upon thousands of Californians each year to the Mendocino coast; and

WHEREAS, The opportunities for these Californians to savor the delights of beaches, dunes, and river estuaries are limited to those few state park properties so wisely acquired by the State of California many years ago; and

WHEREAS, There now exists an opportunity to acquire several miles of unused beach land contiguous to popular McKerricher Beach State Park land which would link that park to a natural playground at and near the mouth of Ten Mile River, an area which includes great barren sand dunes and a vast marsh abounding with life forms which have been witlessly extirpated elsewhere in California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of Parks and Recreation is directed to study, in consultation with the Department of Fish and Game, the possibility of incorporating within the state park system those beach lands extending north from the existing McKerricher State Park to the mouth of Ten Mile River, including the Ten Mile River dunes, beach, estuary, and such land and water areas lying easterly of State Highway 1 as the department finds to be necessary to protect the ecological integrity of the Ten Mile River estuarial system; and be it further

*Resolved,* That the Department of Parks and Recreation report its findings and recommendations to the Legislature no later than the fifth calendar day of the 1972 Regular Session; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Parks and Recreation.

---

## RESOLUTION CHAPTER 134

*Senate Concurrent Resolution No. 3—Relative to drinking drivers.*

[Filed with Secretary of State September 16, 1971.]

WHEREAS, Many drivers involved in traffic accidents in California have been found to have recently consumed alcohol and numerous studies indicate that the drinking driver is the single most significant factor in the cause of fatal accidents; and

WHEREAS, The drinking driver problem poses enormous difficulties for law enforcement, the judiciary, and those charged with traffic accident prevention; and

WHEREAS, There is no statutory or regulatory classification of drinking drivers and the chronic alcoholic and the occasional social drinker are treated alike; and

WHEREAS, Recognizing that the fear of strict law enforcement may be a deterrent with respect to the social drinker but is not with respect to the chronic alcoholic who is in need of psychiatric treatment, the Governor's Automobile Accident Study Commission has recommended that a scheme of classification of the drinking driver be developed which would serve as the basis for a customized approach; and

WHEREAS, The Governor's Automobile Accident Study Commission has also recommended that a schedule of mandatory fines and prison sentences be developed concurrently with the development of a system of classifying the drinking driver, the sanction schedule and the classification system being interrelated; and

WHEREAS, The commission has further recommended the establishment of county medical advisory boards comprised of physicians, including psychiatrists, to which a person charged with a drinking driver offense may be referred by a court for medical examination and board recommendations as to the individual's need for rehabilitative treatment; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of Motor Vehicles is requested to direct a study with the participation of the Office of Alcohol Program Management of the feasibility of implementing the recommendations of the Governor's Automobile Accident Study Commission relating to the drinking driver; and be it further

*Resolved,* That the Department of Motor Vehicles and the Office of Alcohol Program Management file an interim report with the Legislature no later than the 90th calendar day of the 1972 Regular Session and report their findings and recommendations, including any proposals for implementing legislation, to the Legislature not later than the 30th calendar day of the 1973 Regular Session; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Motor Vehicles, the Secretary of Human Relations, and the Coordinator of the Office of Alcohol Program Management.

---

## RESOLUTION CHAPTER 135

*Senate Concurrent Resolution No. 64—Relative to protection of fish life.*

[Filed with Secretary of State September 16, 1971 ]

WHEREAS, The United States government through water development and related activities has in some instances con-

tributed to the decline or destruction of salmon and steelhead populations and habitat in this state; and

WHEREAS, Provisions for protection of fish life affected by federal water developments have been inadequate or have been entirely ignored; and

WHEREAS, The Congress of the United States has in recent years made clear its intent that protection, and where feasible enhancement, of fish and wildlife shall be a primary purpose of federal water development projects; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of Fish and Game shall develop a series of reports on a program to restore salmon and steelhead to full preproject populations in those streams where salmon and steelhead populations have been destroyed or severely depleted because of federal projects including, but not limited to: (a) the identification of the projects and the streams, (b) the assessment of numbers of salmon and steelhead lost, (c) the assessment of damage to the environment, and (d) the estimate of the cost of mitigating the damage and restoring the salmon and steelhead, project by project; and be it further

*Resolved,* That the department report its findings, together with the views of affected federal agencies, to the Legislature by the fifth calendar day of each regular session of the Legislature beginning January, 1972, and transmit a copy of each report to the United States Secretary of the Interior, the Commissioner of the United States Bureau of Reclamation, the Chief of the United States Bureau of Fish and Wildlife, the Chief of the United States Army Corps of Engineers, the Administrator of the United States Environmental Protection Administration and the members of the California congressional delegation; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the Secretary of the Resources Agency, the Director of Fish and Game, the United States Secretary of the Interior, the Commissioner of the United States Bureau of Reclamation, the Chief of the United States Bureau of Fish and Wildlife, the Chief of the United States Army Corps of Engineers, and the Administrator of the United States Environmental Protection Administration.

---

## RESOLUTION CHAPTER 136

*Assembly Concurrent Resolution No 40—Relative to the Richard M. Nixon Freeway.*

[Filed with Secretary of State September 17, 1971]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That State Highway Route 90 is

hereby officially designated and named the Richard M. Nixon Freeway; and be it further

*Resolved,* That the Division of Highways in the Department of Public Works is hereby requested to erect and maintain appropriate signs on such portion of highway upon its construction as a freeway, showing the official designation; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

## RESOLUTION CHAPTER 137

*Assembly Concurrent Resolution No. 56—Relative to schoolbuses.*

[Filed with Secretary of State September 17, 1971.]

WHEREAS, The attention of the Legislature is called to the fact that schoolbuses are stopping at locations not designated as regular stopping areas along the bus route; and

WHEREAS, Many accidents involving schoolbuses and their occupants have occurred due to the unscheduled stopping of schoolbuses; and

WHEREAS, Schoolbuses should not be permitted to stop for purposes of loading and unloading students at locations other than those designated as regular stopping areas; and

WHEREAS, It is incumbent upon the State Department of Education, in conjunction with the California Highway Patrol, to adopt regulations necessary for the safe transportation of students; and

WHEREAS, Parents of schoolchildren should be informed of the route and regular stops of the schoolbuses; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Department of Education, in conjunction with the California Highway Patrol, be requested to adopt regulations necessary to curtail the unscheduled stopping of schoolbuses and to urge each school district to publish and disseminate pertinent information to all interested persons relating to schoolbus routes and designated regular bus stopping areas; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the State Board of Education and the California Highway Patrol.

## RESOLUTION CHAPTER 138

*Senate Concurrent Resolution No. 1—Relative to the Antioch Bridge.*

[Filed with Secretary of State September 21, 1971.]

WHEREAS, The Antioch Bridge which crosses the San Joaquin River from near the City of Antioch in Contra Costa County to Sherman Island in Sacramento County is an integral part of Routes 84 and 160 in the state highway system and services substantially in excess of 5,500 vehicles per day when open to the traveling public; and

WHEREAS, The Antioch Bridge, which was initially constructed by a private organization in the late 1920's and operated as a toll bridge, was acquired by the state on September 16, 1940, and provides the only reasonable means by which persons can travel between northeastern Contra Costa County and southern and eastern Solano and Sacramento Counties; and

WHEREAS, The bridge has been closed to the traveling public from time to time as a result of accidents and natural disasters, and in September 1970, was again forced to close for an extended period; and

WHEREAS, The fact that the bridge is approximately 45 years old raises a serious question with respect to its ability to accommodate present and anticipated traffic flow; and

WHEREAS, The California Toll Bridge Authority has from time to time grouped together parallel crossings of a given body of navigable water for the purpose of enhancing the prospects for financing of a given structure by the sale of bonds; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the members request the Department of Public Works to conduct a study on the feasibility and practicality of constructing a new crossing of the San Joaquin River at or near the site of the present Antioch Bridge sufficiently close to service substantially the same segment of the traveling public, such study to consider the feasibility of both toll and normal highway financing, with appropriate attention being given to the possibility of pledging the revenues of other state-owned toll bridges as security for payment of revenue bonds issued to finance construction; and be it further

*Resolved*, That the Department of Public Works report its findings and recommendations to the Legislature no later than the fifth calendar day of the 1972 Regular Session of the Legislature; and be it further

*Resolved*, That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

---

## RESOLUTION CHAPTER 139

*Senate Concurrent Resolution No. 28—Relative to the Suisun Marsh.*

[Filed with Secretary of State September 21, 1971 ]

WHEREAS, The Assembly Committee on Water, in a letter to the Secretary for Resources dated October 12, 1969, and

the Senate Committee on Water Resources, in a similar letter dated November 7, 1969, emphasized the importance of preserving the Suisun Marsh as one of the principal waterfowl wintering areas in California; and

WHEREAS, The report of the Senate Select Committee on Salinity Intrusion in Agricultural Soils, dated January 4, 1971, notes that there does not yet exist a development plan for the marsh which will insure its restoration and preservation; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Secretary of the Resources Agency cooperate with appropriate federal agencies and coordinate the activities of state and local agencies in the preparation of a plan for the Suisun Marsh which, when implemented, will insure the restoration and preservation of the marsh as one of the principal waterfowl wintering areas in California; and be it further

*Resolved,* That a progress report on the development of such plan be prepared under the direction of the secretary and submitted to the Legislature not later than the fifth legislative day of the 1974 Regular Session and each regular session thereafter until such a plan is implemented; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Secretary of the Resources Agency, the Director of Water Resources, the Director of Fish and Game, the United States Commissioner of Reclamation, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency.

---

## RESOLUTION CHAPTER 140

*Senate Concurrent Resolution No. 30—Relative to the Delta Water Agency.*

[Filed with Secretary of State September 21, 1971.]

WHEREAS, The Delta Water Agency Act of 1968 (Chapter 419, Statutes 1968) created the Delta Water Agency for the purpose of negotiating, entering into, executing, amending, administering, performing, and enforcing one or more agreements with the United States and with the State of California, or with either, which have for their general purposes the protection of the water supply of the lands within the agency against intrusion of ocean salinity, and the assurance that the lands within the agency will have a dependable supply of water of suitable quality sufficient to meet present and future needs; and

WHEREAS, The act provides that the agency is dissolved if a contract of the character and nature described above is not executed on or before December 31, 1973; and

WHEREAS, The report of the Senate Select Committee on Salinity Intrusion in Agricultural Soils, dated January 4, 1971, notes that negotiation between the parties has been slow in developing; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Delta Water Agency and the Department of Water Resources, not later than the fifth calendar day of each regular session, submit to the Legislature a written report as to the progress of negotiations relative to the agreements contemplated by the Delta Water Agency Act of 1968 (Chapter 419, Statutes 1968), and that the first such report be filed within 60 days of the date of adoption of this measure; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the Director of Water Resources and to the Board of Directors of the Delta Water Agency.

---

## RESOLUTION CHAPTER 141

*Senate Concurrent Resolution No. 42—Relative to the Dwight David Eisenhower Memorial Freeway.*

[Filed with Secretary of State September 21, 1971]

WHEREAS, Dwight David Eisenhower served as President of these United States from 1953 to 1961 and as General of the United States Army throughout the latter portion of his brilliant military career; and

WHEREAS, During his administration, the Congress passed the most sweeping highway legislation in the history of this country in the form of the establishment of the national system of interstate and defense highways; and

WHEREAS, One of the longest segments of new highway to constitute a portion of that system is Interstate 5 as it traverses the entire length of the Central Valley; and

WHEREAS, The Central Valley city of Fresno on September 17, 1970, passed Resolution No. 70-165 requesting that a certain specific portion of Route 41 be named the Eisenhower Freeway; and

WHEREAS, Numerous of the men who served under General Eisenhower in World War II, and many of such officers, including his former chief legal and supply officers, now make their residence in the Fresno area; and

WHEREAS, It is altogether fitting and proper that General Eisenhower's name be placed alongside other heroes of World War II after whom California freeways have been named; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That that portion of Route 41 in the City of Fresno from Ventura Avenue north to Herndon

Avenue be designated the Dwight David Eisenhower Memorial Freeway; and be it further

*Resolved,* That the Department of Public Works be directed to erect appropriate signs and markers consistent with signing requirements for the state highway system showing this official designation; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

---

## RESOLUTION CHAPTER 142

*Senate Concurrent Resolution No. 82—Relative to a study of rebuilding portions of Interstate 15 within the City of San Bernardino.*

[Filed with Secretary of State September 21, 1971 ]

WHEREAS, Interstate 15, which runs in a north-south direction through the City of San Bernardino, was constructed in 1959 pursuant to a route adopted by the California Highway Commission on August 20, 1953, and a freeway agreement entered into with the city on April 12, 1956; and

WHEREAS, The design included on-and-off ramps which funnel traffic directly into and from the left lanes of the freeway; and

WHEREAS, Such practice is no longer regarded as good engineering because of the adverse effect which it has on traffic flow; and

WHEREAS, The City of San Bernardino has been advised in a report submitted in 1970 by the firm of Economics Research Associates that the western development of the city is being impeded by the obsolete design of the on-and-off-ramp pattern along the freeway; and

WHEREAS, It has been determined that the exceptionally high ratio of unemployment in the western portion of the city is directly attributable to the obsolete design of the pattern of the on-and-off ramp, which prevents free and easy transportation between eastern and western portions of the city; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of Public Works is hereby requested to conduct a study on the feasibility and practicality of rebuilding portions of Interstate 15 within the City of San Bernardino so as to bring the freeway up to modern freeway design standards to provide for the enhancement of access to that portion of the city lying westerly of the Santa Fe railroad tracks; and be it further

*Resolved,* That the department report back to the Legislature on its findings on or before the fifth calendar day of the 1972 Regular Session; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

## RESOLUTION CHAPTER 143

*Assembly Joint Resolution No. 28—Relative to the Federal Highway Beautification Act.*

[Filed with Secretary of State September 21, 1971.]

WHEREAS, Roadside rest stops and viewpoint outlooks enhance the value of highways in a wise and prudent manner; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to modify the Federal Highway Beautification Act to allow the use of federal-aid highway funds now earmarked for the interstate highway system to provide roadside rest stops and viewpoint outlooks along sections of officially adopted state scenic highways; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 144

*Assembly Concurrent Resolution No. 116—Relative to Sacramento-Fresno air service.*

[Filed with Secretary of State September 21, 1971.]

WHEREAS, It has come to the attention of the Members of the Assembly that the City of Fresno is assuming ever greater importance to the State of California as an expanding center of commerce, population and culture; and

WHEREAS, The City of Fresno and the State of California can both benefit from improved communication and transportation links between the Capitol City and the nerve center of the lower San Joaquin Valley; and

WHEREAS, Surface transportation between these two pivotal areas has been significantly reduced with the loss of rail service and is presently too time consuming for efficient communication; and

WHEREAS, The enhancement of air travel service between these two great cities can do much to help bring the whole of the San Joaquin Valley into the mainstream of California's political, economic and cultural life; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring.* That the members urge Western Airlines, Pacific Southwest Airlines, and Air California to initiate regularly scheduled direct flights between Sacramento

and Fresno and urge United Airlines, Air West, Valley Airlines, and Golden Pacific Airlines to provide additional and improved service between these cities; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to Air West, Pacific Southwest Airlines, Air California, United Airlines, Western Airlines, Golden Pacific Airlines, Valley Airlines, the City of Fresno, the City of Sacramento, and the Public Utilities Commission.

---

## RESOLUTION CHAPTER 145

*Assembly Concurrent Resolution No. 139—Relative to use of state college property.*

[Filed with Secretary of State September 21, 1971.]

WHEREAS, Commercial events have been proposed or scheduled on state college property and have occasionally upset the normal functioning life in neighborhoods adjacent to the campus; and

WHEREAS, It is the desire of the Legislature that incompatible commercial uses of state college property be discouraged; and

WHEREAS, It is the desire of the Legislature that for such purposes a "commercial event" be deemed to be any event which could reasonably be expected to draw more than 2,000 persons, and specifically excluding athletic events or any other cocurricular activity including but not limited to drama and forensics; and

WHEREAS, The state colleges should in good faith attempt to participate and coexist within the communities in California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Board of Trustees of the California State Colleges request that the president of each state college in approving commercial events take into consideration any local ordinances regulating the use of property in the surrounding community when permitting promoters of commercial events to use state college land; and be it further

*Resolved*, That a copy of this resolution be transmitted to the Board of Trustees of the California State Colleges.

---

## RESOLUTION CHAPTER 146

*Assembly Concurrent Resolution No. 64—Relative to the early completion of the Santa Paula Freeway.*

[Filed with Secretary of State September 22, 1971.]

WHEREAS, Portions of the Golden State Freeway, Route 5, in the San Fernando Valley were seriously damaged during the earthquake of February 9, 1971; and

WHEREAS, There is no acceptable freeway alternative between Los Angeles and the San Joaquin Valley, with the result that the truck traffic between these two points has been using Route 126, which passes through Ventura, Santa Paula, and Fillmore, as an alternative; and

WHEREAS, The early completion of Route 126, the Santa Paula Freeway, to full freeway standards is necessary to handle this increase in truck traffic, which undoubtedly will continue for many months until repairs have been completed on the damaged portion of the Golden State Freeway; and

WHEREAS, The acceleration of construction of Route 126 to full freeway standards would result in Port Hueneme being more accessible as a point of shipment for goods and products from the San Joaquin Valley, thereby eliminating the need to have such goods and products shipped from points further south; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Public Works be requested to accelerate the construction of Route 126, the Santa Paula Freeway, to full freeway standards; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

---

## RESOLUTION CHAPTER 147

*Senate Concurrent Resolution No. 127—Relative to the constitutional recess of the Legislature.*

[Filed with Secretary of State September 22, 1971 ]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That Resolution Chapter No. 110 (Senate Concurrent Resolution No. 100), Statutes of 1971, is hereby rescinded and the Legislature shall commence the constitutional recess required by Section 3 of Article IV of the Constitution on some date hereafter determined by the Legislature.

---

## RESOLUTION CHAPTER 148

*Senate Concurrent Resolution No. 67—Relative to Diagnostic Schools for Neurologically Handicapped Children.*

[Filed with Secretary of State September 23, 1971.]

WHEREAS, The diagnostic schools for neurologically handicapped children are operated by the State of California to

provide diagnostic and educational evaluation services for handicapped children; and

WHEREAS, The diagnostic schools for neurologically handicapped children located in Los Angeles and San Francisco are providing a highly valuable and essential service to handicapped children and their families; and

WHEREAS, The demand for these services far exceeds the capacity as evidenced by long waiting lists at both of the schools totaling 462 children who require diagnosis and educational evaluation; and

WHEREAS, A large portion of the unmet need for services such as provided by the two diagnostic schools for neurologically handicapped children is for children and families residing in counties of the Central Valley; and

WHEREAS, It is most difficult for families in the Central Valley to go to either San Francisco or Los Angeles for the required services; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Department of Education and the State Department of Public Health, working cooperatively with public and private agencies within the Central Valley, study the need and feasibility of establishing an additional diagnostic school for neurologically handicapped children, to provide diagnostic and educational evaluation services for handicapped children in the Central Valley region, and that a full report of the study be submitted to the Senate Education Committee, the Senate Health and Welfare Committee, the Assembly Education Committee, and the Assembly Health Committee by the fifth legislative day of the 1972 Regular Session of the Legislature; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the Department of Education, the State Department of Public Health, the Senate Education Committee, the Senate Health and Welfare Committee, the Assembly Education Committee, and the Assembly Health Committee.

---

## RESOLUTION CHAPTER 149

*Senate Concurrent Resolution No. 77—Relative to the Antioch Bridge.*

[Filed with Secretary of State September 23, 1971.]

WHEREAS, The Members of the Legislature are aware of a proposal to construct a replacement for the Antioch Bridge; and

WHEREAS, The Members of the Legislature are also aware of the need for a rapid transit system between the City and County of San Francisco and the City of Sacramento, and that this route might pass through the Antioch area; and

WHEREAS, If the route of this system does pass through the

Antioch area, the bridge should be constructed to accommodate the system; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Department of Public Works and the California Toll Bridge Authority are requested, if construction of a new Antioch Bridge is commenced prior to June 30, 1973, to construct the bridge so that it may be altered to accommodate a rapid transit system if the specific route designated by the Legislature for a rapid transit system between the City and County of San Francisco and the City of Sacramento passes through the Antioch area; and be it further

*Resolved*, That the Secretary of the Senate is directed to transmit copies of this resolution to the Director of Public Works and the California Toll Bridge Authority.

---

## RESOLUTION CHAPTER 150

*Senate Concurrent Resolution No. 112—Approving amendments to the Charter of the City of Santa Cruz, State of California, ratified by the qualified electors of the city at a special municipal charter amendment election held therein on the 13th day of April, 1971.*

[Filed with Secretary of State September 23, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SANTA CRUZ OF CERTAIN CHARTER AMENDMENTS

State of California
County of Santa Cruz } ss:
City of Santa Cruz

We, the undersigned, Lorette Wood, Mayor of the City of Santa Cruz, and Angele Mellon, City Clerk of the City of Santa Cruz, do hereby certify and declare as follows:

That the City of Santa Cruz, County of Santa Cruz, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1948 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which charter was duly rati-

fied by the qualified electors of said city at a special election held for that purpose on the 2nd day of March, 1948, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 27th day of March, 1948 (Statutes of 1948, page 312).

That in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California, the Council of the City of Santa Cruz, being the legislative body of said city, on its own motion, by its Resolution No. NS-9971 and Resolution No. NS-9972, each adopted on February 9, 1971, duly and regularly proposed and submitted to the qualified electors of said City certain proposals for the amendment of the Charter of said City, to be voted on by said qualified electors at a special municipal charter amendment election, consolidated by said Resolution No. NS-9971 and Resolution No. NS-9972 with the general election held in said City on April 13, 1971.

That said proposed amendments were published and advertised for the time and in the manner prescribed by the laws of the State of California, on the 17th day of February, 1971, in the Santa Cruz Sentinel, the official newspaper of said City of Santa Cruz, a newspaper of general circulation printed and published in said City of Santa Cruz, and in each edition thereof during said day of publication.

That said general election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 13th day of April, 1971, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposed amendments in said Santa Cruz Sentinel.

That a majority of the qualified voters voting on said amendments voted in favor of the ratification of and did ratify said proposed amendments to said charter.

That the Council of said City of Santa Cruz on April 20, 1971, officially confirmed the canvass of all ballots cast at said general election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by resolution, duly find and declare that a majority of the qualified voters voting on said charter amendments, voted in favor thereof and that said charter amendments were ratified.

That said charter amendments so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election was to amend and/or repeal the following sections of the Charter of the City of Santa Cruz in the words and figures following, to wit:

1. By amending Section 616 of Article VI thereof, to read as follows:

"Section 616. Place of Meeting. All meetings shall be held in the Council Chambers of the City Hall, except when, by reason of special circumstances, the City Council deter-

mines, by the affirmative votes of at least four (4) of its members, that the public interest will be best served by holding a meeting elsewhere within the City. If, by reason of fire, flood or other emergency it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if he should fail to act, by four members of the City Council."

2. By amending Section 1410 of Article XIV thereof, to read as follows:

"Section 1410. Changes in Budget Appropriations. The City Manager and the Director of Finance shall see that each department and officer of the City shall operate such department or office in accordance with the annual budget appropriations therefor, as nearly as may be. Any appropriation may be changed during the budget year by resolution of the Council upon application of the appropriate department head or the City Manager. If at any time the City Manager shall ascertain that available income for the year will probably be less than the total appropriations thereof, he shall report to the City Council his recommendation for curtailments of departments and offices necessary to avoid expenditures in excess of adjustments of appropriations of income, and the Council shall, by a resolution make necessary changes in any appropriations."

3. By amending Section 1416 of Article XIV thereof to read as follows:

"Section 1416. Accounting Control of Purchases. All purchases and contracts for supplies, materials, or equipment, executed by the City Manager, shall be pursuant to a written requisition from the department head or officer whose appropriation will be charged therefor, and no contract or purchase order shall be issued to any vendor or supplier unless and until the Director of Finance certifies that there is to the credit of such department or office a sufficient unincumbered appropriation balance to pay for the supplies, materials, or equipment, or contractual services, for which the contract or purchase order is to be issued."

4. By amending Section 1604 of Article XVI thereof, to read as follows:

"Section 1604. Board of Education. Election. Term. Members of the Santa Cruz City Board of Education shall, in all respects not herein otherwise provided for, be elected at the time, for the terms and in the manner now or as may hereafter be provided by the Education Code of the State of California for the election of governing Board members."

5. By repealing Section 1606 of Article XVI, which Section now reads as follows:

"Section 1606. Filling of Vacancies. Should any vacancy occur in the membership of the Santa Cruz City Board of Education, it shall be filled by majority vote of the remaining members of said Board within thirty (30) days after such vacancy occurs. If said Board shall fail to agree or to make such appointment within thirty (30) days the County Sup-

erintendent of Schools shall make the appointment. In neither case shall anyone be appointed who does not possess the qualifications herein provided for election to such office. A person appointed to fill such vacancy on the Santa Cruz City Board of Education shall hold office until the next General Election for School Board Members, at which time a member shall be elected to said Santa Cruz City Board of Education to fill the unexpired terms."

6. By amending Section 1607 of Article XVI thereof, to read as follows:

"Section 1607. Meetings. The Santa Cruz City Board of Education shall hold regular meetings at least once each month at such time and place as such Board may determine; provided, that such meeting shall be held at the Office of the City Superintendent of Schools unless published notice is given to the contrary. At the first regular meeting in July of each year, the Santa Cruz City Board of Education shall meet and organize and choose one (1) member for President and another for Vice-President, each of whom shall serve for one (1) year."

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of Santa Cruz with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Santa Cruz to be affixed hereto this 8th day of June, 1971.

LORETTE M. WOOD
(SEAL) Mayor of the City of Santa Cruz
ANGÈLE MELLON
City Clerk of the City of Santa Cruz

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Santa Cruz, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Santa Cruz.

## RESOLUTION CHAPTER 151

*Assembly Joint Resolution No. 45—Relative to tanker design and construction.*

[Filed with Secretary of State September 23, 1971.]

WHEREAS, The Intergovernmental Maritime Consultative Organization is currently conducting international conferences on the design and operating characteristics of supertankers; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California urges the United States government to participate in Intergovernmental Maritime Consultative Organization conferences and to reflect the public concern for safety-related aspects of supertanker design and construction; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the chairman of the United States Maritime Commission.

---

## RESOLUTION CHAPTER 152

*Assembly Concurrent Resolution No. 62—Relative to higher education.*

[Filed with Secretary of State September 23, 1971 ]

WHEREAS, A primary responsibility of higher education is to educate persons who will be able to lead meaningful and economically productive lives in society; and

WHEREAS, It is important that sound planning for educational output be a continuing part of educational administration to insure that the skills taught are truly useful and marketable; and

WHEREAS, It appears that the number of educated people in certain fields who are available for employment exceeds or is insufficient for the number of available jobs; and

WHEREAS, The public institutions of higher education in California, including the University of California, the California State Colleges, and the California Community Colleges, produce the vast majority of educated people in California; and

WHEREAS, There is insufficient information available to the Legislature on the efforts of the public segments of higher education to structure their academic programs to assure a balance between output and demand; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Regents of the University of California, the Trustees of the California State Colleges and the Board of Governors of the California Community Colleges are requested to report to the Legislature by the fifth

calendar day of the 1972 Regular Session on their current and proposed efforts to develop and maintain academic programs that are relevant to the manpower needs of society; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the Regents of the University of California, the Trustees of the California State Colleges and the Board of Governors of the California Community Colleges.

---

## RESOLUTION CHAPTER 153

*Assembly Concurrent Resolution No. 52—Relative to the creation of the Joint Committee on Revision of the Education Code.*

[Filed with Secretary of State September 24, 1971.]

WHEREAS, The California Education Code has been interpreted as a mandatory code rather than a permissive code; and

WHEREAS, The result of that mandatory code has been to greatly increase its size and complexity; and

WHEREAS, The Education Code is construed to prohibit any action by local school district governing boards that is not specifically authorized; and

WHEREAS, The many restrictive provisions of the existing Education Code reduce initiative and innovation at the local level; and

WHEREAS, Many of the existing Education Code provisions are obsolete and have little relevance to contemporary school district operations; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That:

(1) The Joint Committee on Revision of the Education Code is hereby created and authorized and directed to study and analyze the Education Code and determine the necessary revisions which should be made in that code in order to correct the problems cited in this resolution, as well as other problems which may become apparent to the committee during its study.

(2) The committee shall report to the Legislature as directed by the Joint Rules Committee and shall include in its report recommendations for appropriate legislation.

(3) The committee shall consist of the following members:

(a) Three Members of the Senate appointed by the Senate Rules Committee.

(b) Three Members of the Assembly appointed by the Speaker of the Assembly.

(4) The committee shall work in conjunction with an advisory commission which shall consist of nine members appointed by the Joint Rules Committee as follows:

(a) Three public members who have demonstrated a general interest in education and who shall not be public school administrators, active or retired classroom teachers, or attorneys.

(b) Two members who are public school administrators.

(c) Two members who are classroom teachers in the public schools.

(d) Two members who are practicing attorneys.

(5) The committee shall continue in existence until July 31, 1973.

(6) The committee has the following powers and duties:

(a) All of the rights, duties, and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to the committee and its members.

(b) To contract, subject to the Joint Rules with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the Joint Rules Committee may make funds available from the Contingent Funds of the Assembly and Senate for the purposes of this resolution, and the Joint Committee on Revision of the Education Code may expend such funds for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution; provided, that, in accordance with Joint Rule 36.8, any expenditure of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

---

## RESOLUTION CHAPTER 154

*Assembly Concurrent Resolution No. 107—Relative to adapting swimming pools for firefighting purposes.*

[Filed with Secretary of State September 24, 1971.]

WHEREAS, Brush fires destroyed vegetation and structures in many areas of southern California during autumn of 1970; and

WHEREAS, Much of the damage to private homeowners with swimming pools could have been averted if their swimming pools could have been used by them as a water supply for emergency firefighting purposes; and

WHEREAS, Many swimming pool manufacturers maintain that new pools could be designed and old pools modified so as to enable the homeowner to quickly convert the swimming pool into an effective emergency firefighting tool; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Insurance Commissioner is requested to appoint a committee to serve without compensation comprised of representatives of the insurance and swimming pool industries and private citizens to study the feasibility of adapting swimming pools for emergency firefighting purposes, to evaluate methods and devices for accomplishing such adaptation, and to report its findings to the Legislature on or before March 31, 1972; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Insurance Commissioner.

---

## RESOLUTION CHAPTER 155

*Senate Concurrent Resolution No. 78—Relative to vocational education.*

[Filed with Secretary of State September 24, 1971.]

WHEREAS, The California economy increasingly demands higher and higher degrees of proficiency upon the part of all persons in the work force; and

WHEREAS, Occupational choice and occupational preparation should no longer be left to chance; and

WHEREAS, The high schools, adult schools, and community colleges of this state annually enroll more than a million youth and adults in vocational education courses; and

WHEREAS, The efficient usage of all resources should be fully exploited in the further development of vocational education opportunities in this state; and

WHEREAS, There exists crucial need for increased career preparation opportunities and alternatives for persons who are socioeconomically disadvantaged; and

WHEREAS, The youth organizations in vocational education such as the Future Farmers of America, the Vocational Industrial Clubs of America, the Future Homemakers of America, the Future Business Leaders of America, and the Distributive Education Clubs of America seek and require opportunities both for incentive recognition and community service opportunities; and

WHEREAS, The state, district, county and citrus fruit fairs have rendered valuable services to education, especially in the

fields of agriculture, horticulture, viticulture, apiary sciences, animal husbandry, and home services; and

WHEREAS, The fairs annually attract 10 million Californians to be enriched, informed, and made more knowledgeable of this state's progress; and

WHEREAS, The fair facilities are adequate for uses of additional expositions, exhibitions, and public involvement; and

WHEREAS, The fairs and expositions may well offer an opportunity for reward of students in competition and thereby encourage them in their vocational education pursuits; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Legislature affirms its support of mutually supportive programs in the public schools, and the state, county, district, and citrus fruit fairs; and be it further

*Resolved*, That the Vocational Section of the Department of Education and the Division of Fairs and Expositions of the Department of Agriculture, together and cooperatively with the assistance of the state, county, district, and citrus fruit fairs, shall arrange for and initiate not less than five pilot studies of demonstration activities whereby the joint efforts between such departments and fairs shall test the feasibility of the use of the fairs' resources for the further development of vocational education, at the earliest possible date; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the Superintendent of Public Instruction and the Director of Agriculture.

---

## RESOLUTION CHAPTER 156

*Senate Concurrent Resolution No. 114—Relative to a career development plan for the California Highway Patrol.*

[Filed with Secretary of State September 24, 1971]

WHEREAS, The members of the California Highway Patrol perform unique and outstanding functions in state service; and

WHEREAS, There is a need to conduct a comprehensive study of the position classifications and compensation of the highway patrol to develop plans to facilitate career development and professionalism in the highway patrol; and

WHEREAS, The base salary of California highway patrolmen is less than that of all the major police departments in the state; and

WHEREAS, Promotional possibilities for highway patrolmen are restricted to a much greater degree than for members of other major police departments in the state due to the limited

ratio of higher ranks to officers in comparison with those major police departments; and

WHEREAS, The California Association of Highway Patrolmen, an association whose membership is exclusively uniformed highway patrolmen, is willing to undertake such a study, and will employ and defray the cost of employing a competent professional consultant firm to conduct a comprehensive, objective, and impartial study; and

WHEREAS, As one of the largest employers in the state, the State of California should give thorough consideration to any plan or study that would enhance public service; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Department of the California Highway Patrol is hereby requested to provide support and assistance to such consultants, employed by the California Association of Highway Patrolmen, for the purpose of developing a career development plan for the California Highway Patrol; and be it further

*Resolved*, That the State Personnel Board and the Department of Finance are requested to fully consider and evaluate such career development plan; and be it further

*Resolved*, That the plan be submitted to the Legislature not later than the 35th calendar day of the 1972 Regular Session of the Legislature, and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the State Personnel Board, the Director of Finance, the Commissioner of the California Highway Patrol, and the California Association of Highway Patrolmen.

---

## RESOLUTION CHAPTER 157

*Senate Joint Resolution No. 42—Relative to an exchange program between Argentina and California regarding the Bermejo River Basin Inter-American Multiple Development Project.*

[Filed with Secretary of State September 27, 1971]

WHEREAS, The Bermejo River Basin Project is of International and Inter-American character and represents the establishment of a direct bond of union among Argentina, Bolivia, Brazil, Chile, Paraguay, and Uruguay, and an indispensable basis for the proposed Latin American Free Trade Association; and

WHEREAS, The navigable canals of the project will facilitate intercommunication between the Atlantic and Pacific Oceans across the southern part of South America, and the multiple development will include all aspects of land development, production of natural resources, and industrialization; and

WHEREAS, The multiple development of the Bermejo River Basin with its canals, dams, hydroelectric and other projected works will solve national and international economic and national social problems of the countries involved; and

WHEREAS, The State of California has specialists and engineers in the State Departments of Agriculture, Water Resources, and Public Works, who have unique expertise in regard to all aspects of projects similar to the Bermejo River Basin Multiple Development Project; and

WHEREAS, An exchange program between Argentina and California that would allow personnel who have ably demonstrated their capabilities for these California agencies to participate in the development of the Bermejo River Basin in conjunction with the United States government would improve and strengthen inter-American relationships on both a western hemisphere and country-to-country basis; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully requests the President and Congress of the United States to appropriate foreign assistance funds for the purpose of an exchange program between Argentina and the State of California as set forth regarding the multiple development of the Bermejo River Basin; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President of the United States, to the United States Senate, to the United States House of Representatives, and to each of the Senators and Representatives from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 158

*Assembly Concurrent Resolution No. 169—Approving amendments to the Charter of the City of Tulare, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 13th day of April, 1971.*

[Filed with Secretary of State September 27, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Tulare, a municipal corporation in the County of Tulare, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California }
County of Tulare } ss.
City of Tulare }

We, W. R. Glass, President of the Council and Ex-Officio Mayor of the City of Tulare, and Juanita L Rice, City Clerk of the City of Tulare, do hereby certify as follows:

That said City of Tulare, in the County of Tulare, State of California, is now, and was at all times herein mentioned, a city containing a population of less than 50,000 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Tulare is now, and was at all times herein mentioned, organized and existing under a Freeholders Charter adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a Special Election held therein on the 5th day of September, 1922, and approved by the Legislature of the State of California, and filed with the Secretary of the State of California on the 3rd day of February, 1923 (Statutes of 1923, page 1508; and as amended April 24, 1933, Statutes of 1933, page 3043; and as amended May 4, 1935, Statutes of 1935, page 2640; and as amended March 26, 1954, Statutes of 1955, page 381, Statutes of 1959, page 5713); and

That the legislative body of said City, namely the City Council thereof, did, by Resolution duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Tulare thirteen (13) Amendments to the Charter of said City, and ordered that said proposed Amendments be submitted to said qualified electors of said City at a General Municipal Election to be held in said City on the 13th day of April, 1971; and

That said proposed Amendments were thereafter designated as Propositions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, and were, on the 5th and 12th days of March, 1971, duly published in the Tulare Advance-Register; and

That said Tulare Advance-Register was, upon the dates of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Tulare, and was, upon the dates of the publication of said proposed Amendments, and now is, published in said City, and said newspaper was, upon the dates of the publication of said proposed Amendments, and at all times since has been, and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed Amendments; and

That said proposed Amendments were published in conjunction with the publication of the Notice of General Municipal Election to be held in the City of Tulare on the 13th day of April, 1971, in the Tulare Advance-Register, the official newspaper of the City of Tulare and a newspaper of general circulation published in said City, on the 5th and 12th days of March, 1971, as aforesaid, being ten (10) days prior to the date of the said Election, and precinct polling cards and No-

tice of Election and the Propositions to be voted thereon, were duly and regularly mailed in accordance with the law, to each of the registered voters entitled to vote at said election; and

That said General Municipal Election was held in the said City of Tulare on the 13th day of April, 1971, which day was not less than forty (40) days nor more than sixty (60) days after the publication of the said proposed Amendments in the Tulare Advance-Register, a newspaper of general circulation in said City; and

That the City Council did, by Resolution adopted on the 19th day of April, 1971, duly declare the results of said General Municipal Election, and did duly find, determine and declare that a majority of the qualified voters of the said City of Tulare, voting thereon, had voted in favor of, and had ratified eleven (11) of said proposed Amendments, and

That, at said General Municipal Election, held as aforesaid, a majority of the qualified voters of said City of Tulare, voting thereon, voted in favor of, and thereby ratified eleven (11) of said proposed Amendments; and

That said proposed Amendments to the Charter of the City of Tulare, so ratified by the voters of said City, as aforesaid, are respectively in words and figures as follows, to wit:

Charter Amendment No. 1

Repeal Section 20(e)

Charter Amendment No. 2

Repeal Section 22

Charter Amendment No. 3

Repeal Section 29

Charter Amendment No. 4

Repeal Section 39

Charter Amendment No. 5

Repeal Section 53(d)

Charter Amendment No. 6

Repeal Sections 6, 8, 21, 30, 31, 32 and 33 and amend Sections 4, 5, 9, 17 and 68 by substituting in lieu thereof the following:

Section 4. Elective Officers of the City shall be five (5) councilmen.

Section 5. On the tenth (10th) day of April, 1923, there shall be elected at large five (5) councilmen The term of office of each of said Elective Officers shall be four (4) years, and until his successor is elected and qualified, EXCEPTING that

the City Council elected at the regular Municipal Election held on the second Tuesday of April, 1955, the three (3) members elected by the highest number of votes shall hold office for four (4) years, and the two (2) members elected by the lowest number of votes shall hold office for two (2) years. If two or more persons are elected by the same number of votes, the terms of each shall be decided by lots.

Section 9. A vacancy in any elective office, from whatever cause arising, shall be filled by appointment by the Council, such appointee to hold office until the next general Municipal Election, when a successor shall be chosen by the electors for the unexpired term; provided that if the Council fails to agree or for any other reason does not fill such vacancy within thirty (30) days after the same occurs, then such vacancy shall be filled by the Mayor; provided however, that if for any reason the seats of a majority of the Council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted as herein provided for general Municipal Elections.

If any officer of the City shall remove from the City, or absent himself therefrom for more than thirty (30) days consecutively without the permission of the Council, or shall fail or qualify, or shall resign, or be convicted of a felony, or be adjudged insane, his office shall thereupon become vacant.

Section 17. There shall be the following appointive officers, boards and commissions, who shall perform the duties assigned them by this Charter or by Ordinance: City Manager, City Clerk, City Engineer, City Attorney, Finance Director, Chief of the Police Department, Chief of the Fire Department, Health Officer, City Planning Commission, Director of Parks and Recreation, Board of Library Trustees, Board of Public Utilities Commissioners.

The Council may, by Ordinance, provide for the appointment of all employees of the City Government, except as otherwise provided in this Charter. The Council shall appoint the City Manager, City Clerk, and City Attorney, members of all Boards and Commissions, and such other subordinate officers as in their judgment may be deemed necessary, and fix their compensation.

All other appointive officers shall be appointed and removed by the City Manager.

All appointive officers shall, before entering upon the duties of their office, take the oath herein prescribed for elective officers, and filed with the City Clerk bonds of some responsible Surety Company in such penal sums as this Charter, or failing such provisions, as the Council may by Ordinance direct.

No provisions of this Charter shall be construed to prohibit the adoption of an Ordinance providing for a personnel, merit, civil service, or other system for the employment, tenure, discharge or retirement of employees.

Section 68. All fees, fines or other moneys collected by the Librarian shall be paid into the city treasury at least once each week, and all money collected by the Director of Parks and Recreation shall likewise be paid into such treasury at least once each week.

Charter Amendment No. 7

Amend Section 28 by substituting in lieu thereof the following:

Section 28. Upon request of the City Manager, the Council may, by Resolution, transfer any part of an unencumbered balance of any appropriation to another purpose or object, or may, by Resolution, authorize a transfer to be made between items appropriated to the same office or department.

At the close of each fiscal year, the unexpended balance of each appropriation, against which no contracts or works or supplies are outstanding, reverts to the general fund. Any money in the general fund otherwise unappropriated may be appropriated by the Council at any time by Ordinance.

No money shall be drawn from the City Treasury, nor obligation for the expenditure of money be incurred, except in accordance with the appropriation made by the Council or otherwise provided for herein.

Charter Amendment No. 8

Amend Section 45 by substituting in lieu thereof the following:

Section 45. The City Engineer shall be a Civil Engineer, duly licensed under the laws of the State of California. He shall be head of the Department of Public Works. He shall have all such powers and duties as are conferred on him by this Charter or by Ordinance. He shall be ex-officio Superintendent of Streets. The Department of Public Works shall have charge of all public work relating to streets, street cleaning, lighting and watering of streets, sewers, sewage disposal, garbage disposal, public buildings, and the construction and operation of all public buildings, and the construction and operation of all public utilities owned and operated by the City, except as otherwise provided herein.

Charter Amendment No. 9

Repeal Section 35

Charter Amendment No. 11

Amend Section 15 by substituting in lieu thereof the following:

Section 15. The Council shall act only by Ordinance or Resolution. All proposed Ordinances shall be introduced in typewritten or printed form, and no Ordinance shall be passed by the Council on the date of its introduction, nor within five

(5) days thereafter, nor at any time other than a regular meeting. Nothing herein shall be construed as prohibiting minor changes, amendments or modifications of a proposed Ordinance between the time of its introduction and final passage, providing its general scope and original purpose are retained. The affirmative vote of three (3) members shall be necessary to the passage of any Ordinance or Resolution.

All Resolutions and Ordinances shall be signed by the President of the Council and attested by the City Clerk.

In addition to those cases in which an Ordinance is required by other provisions of this Charter, no action providing for any specific improvements or the appropriation or expenditure of public money, except sums less than the expenditure of which for public projects would be required to be contracted for and let to the lowest responsible bidder in accordance with the general laws governing general law cities, for appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits; or, for the imposing of any penalty, shall be taken except by Ordinance, provided, that such exceptions be observed as may be called for in cases where the Council takes action in pursuance of a general law of this State.

The enacting clause of all Ordinances shall be "Be It Ordained by the Council of the City of Tulare". All Ordinances, with the exception of the annual appropriation Ordinance, shall contain but one subject, which shall be clearly stated in the title.

If any subject shall be embraced in an Ordinance or Resolution, which shall not be expressed in its title, such Ordinance or Resolution shall be void only as to such thereof as shall not be expressed.

All Ordinances, except emergency Ordinances not subject to referendum before final action thereon, must be passed to print and published in a newspaper of general circulation in the City of Tulare, with the 'Ayes' and 'Noes', for one (1) day.

No Ordinance shall be amended unless the whole Section to be amended be set forth, as amended, and the original Section repealed.

Charter Amendment No. 13

Amend Section 49 by substituting in lieu thereof the following:

Section 49. The Department of Parks and Recreation shall consist of a Director of Parks and Recreation and such other employees as the Council may provide. The Director shall have complete charge of the parks and reservations of the City, except as otherwise limited in this Charter. The Director and City Manager shall make rules for the use of the parks and the preservation of the trees, shrubs, lawns, etc., subject to the approval of the City Council. The Council may desig-

nate any of the employees of the park department as special police officers and as such they shall have the powers and duties within the parks and reservations of the City as would be possessed by regular police officers.

The parks and reservations of the City shall be inalienable. Concessions and privileges therein or in the buildings erected by the City thereon may be leased for a period of not more than one year.

That the foregoing is a full, true and correct copy of said proposed Amendments to the Charter of the City of Tulare, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Tulare.

In witness whereof, W. R. Glass, President of the Council and Ex-Officio Mayor, as aforesaid, and Juanita L. Rice, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Tulare to be thereunto duly affixed this 30th day of April, 1971.

(SEAL)

W. R. GLASS
W. R. Glass, President of the Council and Ex-Officio Mayor of the City of Tulare
JUANITA L. RICE
Juanita L. Rice, City Clerk of the City of Tulare

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Tulare, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Tulare.

---

## RESOLUTION CHAPTER 159

*Assembly Concurrent Resolution No. 60—Relative to pupil transportation.*

[Filed with Secretary of State September 28, 1971.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Education is

hereby requested to conduct a field trial of pupil miles, cost per hour, cost per mile, or combination thereof, as factors to form the basis for revision of pupil transportation reporting forms and procedures and the disbursement of State School Fund transportation allowances to school districts. The field trial will involve all public school districts of the state offering pupil transportation services and will be undertaken with a view toward formulating recommendations for revisions of current laws and procedures so that transportation allowances may be made on a more equitable basis and in accord with simplified criteria; and be it further

*Resolved*, That the Department of Education is requested to report its findings and recommendations to the Legislature not later than February 1, 1972; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Department of Education.

---

## RESOLUTION CHAPTER 160

*Assembly Concurrent Resolution No. 88—Relative to departmental program planning and accounting systems.*

[Filed with Secretary of State September 29, 1971]

WHEREAS, Departments of California state government have unilaterally planned, designed and implemented automated fiscal, personnel and program accounting systems; and

WHEREAS, This situation has led to a duplication of systems which are not compatible and have resulted in unnecessary state costs; and

WHEREAS, Sound program budgeting procedures require a comprehensive accounting system to support the program and budgeting system; and

WHEREAS, It is the intent of the Legislature to implement such a system of program planning and budgeting to establish a comprehensive system for state program and financial management which furthers the capacity of the Governor and the Legislature to plan, program and finance the programs of the state; and

WHEREAS, Such a system shall include procedures for:

(a) The orderly establishment, continuing review and periodic revision of the state program and financial objectives and policies.

(b) The development, coordination and review of long-range program and financial plans that will implement established state objectives and policies

(c) The preparation, coordination and analysis, and enactment of a budget organized to focus on state programs and their costs, that authorizes the implementation of the long-range plans in the succeeding budget period.

(d) The evaluation of alternatives to existing objectives, policies, plans and procedures that offer potential for more efficient and effective use of state resources.

(e) The regular appraisal and reporting of program performance; and

WHEREAS, The system shall be governed by the following general principles:

(a) Planning, programming, budgeting, evaluation, appraisal and reporting shall be by programs grouped by objectives, regardless of their placements in the state or agency organizational structure.

(b) The state program structure shall be such as will enable meaningful decisions to be made by the Governor and the Legislature at all levels of the structure. At its lowest level, it shall display those program elements or program subelements which are the simplest units of activities, each unit producing a specific, identifiable result, about which resource allocation decisions are to be made by the Governor and the Legislature.

(c) A program which serves two or more objectives shall be placed in the program structure along with that objective which it primarily serves; where desirable, it shall also be placed with other objectives, but as a nonadd item.

(d) The full cost, including both capital and operating costs, shall be identified for all programs regardless of the source of funding; costs shall be displayed in the year of their anticipated expenditure, regardless of whether such costs have been authorized to be expended by prior appropriations acts or are authorized to be expended by existing law or require new appropriations or authorizations.

(e) Objectives shall be stated for every level of the state program structure.

(f) The effectiveness of programs in attaining objectives shall be assessed.

(g) Planning shall have a long-range view.

(h) Systematic analysis in terms of problems, objectives, alternatives, costs, effectiveness, benefits, risks and uncertainties shall constitute the core of program planning; and

WHEREAS, The State of California has in its employment accounting system specialists in the Department of Finance, the Department of General Services and other state agencies; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Department of Finance with the assistance of the Department of General Services and other state agencies shall develop a pilot project which will test the fiscal, technical, and operational feasibility of a central accounting system development program utilizing the "task force" approach in order to achieve the above mentioned goals; and be it further

*Resolved*, That all the aforementioned parties shall cooperate fully in the completion of this project; and be it further

*Resolved*, That a progress report of the results and conclusions of the pilot project shall be submitted to the Joint Legislative Budget Committee and the Assembly Committee on Efficiency and Cost Control on September 30, 1971, December 31, 1971 and March 31, 1972, and a final report shall be submitted by June 30, 1972; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of General Services and all other departmental directors.

---

## RESOLUTION CHAPTER 161

*Assembly Concurrent Resolution No. 172—Approving an amendment to the Charter of the County of San Diego, State of California, ratified by the qualified electors of the county at a special election held therein on the eighth day of June, 1971.*

[Filed with Secretary of State September 29, 1971.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the County of San Diego, as hereinafter set forth in the certificate of the chairman and clerk of the board of supervisors of the county, as follows:

CERTIFICATE OF CHAIRMAN OF THE BOARD OF SUPERVISORS AND CLERK OF THE BOARD OF SUPERVISORS

WHEREAS, The County of San Diego, State of California, has been at all times herein mentioned, and now is, a body politic, and a political subdivision of the State of California, and is now and has been, since the first day of July 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Sections 3 and 4 (formerly Section 7½) of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at a general election held for that purpose on November 8, 1932, and approved by the Legislature of the State of California, on January 17, 1933, and filed in the office of the Secretary of State on January 17, 1933; and

WHEREAS, The Board of Supervisors of said county, pursuant to the provisions of said Sections 3 and 4 of Article XI of said Constitution and Article 2 (commencing with § 23720) and Article 3 (commencing with § 23730) of Chapter 5, Division 1, Title 3 of the Government Code, did by resolution and order adopted on March 24, 1971, duly propose to the qualified

electors of said County of San Diego, an amendment to the Charter of said county, designated on the ballot as County Proposition G, and ordered that said amendment be submitted to said qualified electors of said county at a special election to be held in said county on June 8, 1971;

WHEREAS, Said proposed amendment to the Charter of the County of San Diego was published for ten times in the San Diego Union, a daily newspaper of general circulation, printed, published and circulated in said county, on April 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24, 1971; and

WHEREAS, Said special election was duly called by the Board of Supervisors of said county by Ordinance No. 3677 (New Series) adopted April 27, 1971, which ordinance, prior to the election was published five times on May 11, 12, 13, 14 and 15, 1971, in the San Diego Union, a daily newspaper printed, published and circulated in San Diego County; and

WHEREAS, Said special election was held in said County of San Diego on June 8, 1971, which said day was not less than 30 days and not more than 60 days after said proposed amendment to said charter had been published for ten times in said San Diego Union; and

WHEREAS, Thereafter the returns of said special election held in the County of San Diego on June 8, 1971, at which said election said proposal was duly submitted to the vote of the qualified electors of said county, was made to and canvassed by the registrar of voters of the County of San Diego, and by said officer certified to the clerk of the board of supervisors of said county, and said clerk of the board of supervisors did on July 6, 1971 duly enter on the records of said board of supervisors a statement of the result of said canvass and said election in the form and manner prescribed by law; and

WHEREAS, At said special election held on June 8, 1971, said proposed amendment to the Charter of the County of San Diego was ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendment so ratified by the electors of said County of San Diego is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Sections 3 and 4 of Article XI of the Constitution of the State of California, and Section 23723 of the Government Code, and is in words and figures as follows, to wit:

COUNTY PROPOSITION G

Proposed Amendment to the Charter of the County of San Diego

That Sections 32, 34.1 and 34.3 of said charter be amended to read:

Section 32: The Purchasing Agent shall perform the duties and have the powers prescribed by this Charter and by ordi-

nance of the Board of Supervisors; and shall supervise the work of such assistants as may be employed in such purchasing department, furnish to the Board of Supervisors such reports and information relative to said purchasing department as said Board shall require, establish such methods and procedures as may be necessary for the practical conduct of the purchasing department, and perform such other acts as may be deemed necessary by the Board of Supervisors.

(a) All purchases of every kind and character shall be made by the Purchasing Agent, except as hereinafter provided, and no purchase of any property for the use of the County or any department thereof shall be valid or binding upon the County, unless made by the Purchasing Agent as herein provided, or unless made, in cases of emergency, by some official or person who may be authorized by the Board of Supervisors to sign requisitions and said purchases later approved by the Purchasing Agent, or subsequently ratified and confirmed by a vote of four-fifths (4/5) of the members of the Board of Supervisors. Purchases shall be made by the Purchasing Agent only upon requisition signed by some official authorized by the Board of Supervisors to sign such requisitions. The Board of Supervisors may direct the Purchasing Agent to purchase in quantity, from time to time, such commodities as are in frequent demand by the various departments of the County, and to keep on hand a specified minimum supply of said commodities. Payment for such commodities shall be made out of the Purchasing Department Revolving Fund as hereinafter described.

(b) No member of the Board of Supervisors, or other officer of the County of San Diego, shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the Purchasing Agent in the performance of his duties under this Charter. Except for purposes of inquiry, no member of the Board of Supervisors shall deal directly with the Purchasing Agent for the purpose of purchasing supplies, but all requests, orders and official business with the Purchasing Agent shall be made and carried on by the Board of Supervisors only as a Board in regular session convened. A violation of this provision shall constitute misconduct in office.

(c) The Board of Supervisors shall establish for the use of the Purchasing Agent out of any unappropriated funds of the County, a revolving fund of not less than Twenty-five Thousand ($25,000.00) Dollars, to be known as the Purchasing Department Revolving Fund. Payment for supplies, materials and equipment purchased in quantity to be issued as needed, shall be made out of said revolving fund. As such supplies, materials, furnishings, equipment and personal property are issued, said revolving fund shall be reimbursed from time to time from the budgeted funds of the department to which said supplies, materials or equipment are issued.

(d) The Board of Supervisors shall establish for the use of the Purchasing Agent a petty cash fund of not less than

One Thousand ($1,000.00) Dollars, from which payment may be made for emergency purchases as hereinbefore described, and for such miscellaneous purchases as the Purchasing Agent may require. An order from the Board of Supervisors shall be sufficient authority for the Purchasing Agent to pay for emergency purchases out of said petty cash fund. The Auditor shall draw a warrant to reimburse said petty cash fund upon presentation of a statement, with bills attached, of disbursements by the Purchasing Agent from said petty cash fund.

(e) No formal purchase order shall be issued by the Purchasing Agent until the County Auditor shall have certified that sufficient funds are or will become available in the proper fund to pay for the purchase, except in the case of emergency purchases, as provided in subsection (a) of this section.

Section 34.1: The Controller shall keep, or cause to be kept, accounts showing the financial transactions of all departments, offices and other subdivisions of the County. Such accounts and accounting procedure shall be adequate to record: (1) all budgeted revenue and appropriations, together with additions or transfers thereto, and to show at all times the amount of encumbrances, expenditures or transfers therefrom and the balances therein; (2) all revenues accrued and liabilities incurred; (3) all cash receipts and disbursements; and (4) all transactions affecting the custody or disposition of values.

Section 34.3: The Controller shall prepare a monthly statement, not later than the 20th day of each month, showing such information with respect to the financial condition of each budget appropriation and the condition of estimated revenues as the Board of Supervisors requires The statement shall be detailed as to assets, liabilities, revenue, expenditures and appropriations and the unencumbered balance in such a manner as to show the financial condition of the County and of each fund and budget unit thereof for that portion of the fiscal year to and including the preceding calendar month. The statement shall also show the cash position of the County in each fund as of the last day of the preceding month. A copy of each statement shall be filed by the Controller with the Board of Supervisors and with such other officials or persons as the Board of Supervisors may designate.

State of California }
County of San Diego } ss

We, the undersigned, William A. Craven, Chairman of the Board of Supervisors of the County of San Diego, State of California, and Porter D. Cremans, Clerk of the Board of Supervisors of said County of San Diego, do hereby certify:

That the foregoing proposed and ratified amendment to the Charter of said County of San Diego, submitted to the electors of said county at a special election held in said county on June 8, 1971, has been compared by us, and each of us, with the proposed amendment set forth in the resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the

foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is, true.

In witness whereof we have hereunto set our hands and caused the same to be authenticated by the seal of the said Board of Supervisors of the County of San Diego this 14th day of July, 1971.

WILLIAM A. CRAVEN
[SEAL] William A. Craven
Chairman of the Board of Supervisors
of the County of San Diego,
State of California
PORTER D. CREMANS
Porter D. Cremans
Clerk of the Board of Supervisors
of the County of San Diego,
State of California

Attest:
R. B. James
County Clerk of the County of
San Diego, State of California

[SEAL]

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the County of San Diego, as proposed to, and adopted and ratified by, the electors of the county, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the County of San Diego.

---

## RESOLUTION CHAPTER 162

*Senate Concurrent Resolution No. 24—Relative to the cleanup of oil spills.*

[Filed with Secretary of State September 30, 1971.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Resources Agency is directed to develop a program which would provide for the de-

velopment of equipment capable of cleaning up oil spills along coastal lands and inland waters of the state and for a service to clean up such oil spills along coastal lands and inland waters, and to report thereon to the Legislature not later than the fifth legislative day of the 1972 Regular Session; and be it further

*Resolved*, That the Secretary of the Senate transmit a copy of this resolution to the Secretary of the Resources Agency.

---

## RESOLUTION CHAPTER 163

*Senate Concurrent Resolution No. 27—Relative to the San Francisco Bay-Sacramento-San Joaquin Delta estuarine system.*

[Filed with Secretary of State September 30, 1971]

WHEREAS, The report of the Senate Select Committee on Salinity Intrusion in Agricultural Soils, dated January 4, 1971, points out that there is an absence of an inventory of the factors that comprise the environment of the San Francisco Bay-Sacramento-San Joaquin Delta estuarine system; and

WHEREAS, Such an inventory would assist in the determination of uses of the bay-delta waters which are to be developed or maintained; and

WHEREAS, The determination itself is merely a matter of public policy decision that results from an analysis of the values of the uses and the desires of the public to realize these values; and

WHEREAS, Protection of the bay-delta environment should be easier if the composition of that environment is known; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Secretary of the Resources Agency is directed to prepare an inventory of the significant factors comprising the environment of the San Francisco Bay-Sacramento-San Joaquin Delta estuarine system, including a complete listing (qualitative) of the flora and fauna; and be it further

*Resolved*, That in preparing such inventory, the bay-delta area be divided into as many subareas as necessary to adequately depict the varied environment and that the inventory be related to seasonal and other changes which may have a temporary effect on its composition; and be it further

*Resolved*, That such inventory be submitted to the Legislature not later than the fifth legislative day of the 1972 Regular Session; and be it further

*Resolved*, That the Secretary of the Senate transmit a copy of this resolution to the Secretary of the Resources Agency.

# RESOLUTION CHAPTER 164

*Senate Concurrent Resolution No. 111—Relative to San Francisco Bay water quality control.*

[Filed with Secretary of State September 30, 1971.]

WHEREAS, The stated objective of the Interim Water Quality Control Plan for the San Francisco Basin, adopted June 14, 1971, by the California Regional Water Quality Control Board, San Francisco Bay Region, is maximum use of the water and wastewater resources through the reclamation and recycling of nearly all reclaimable wastewater; and

WHEREAS, It is the stated intention of the regional board to achieve such maximum use of water and wastewater resources as soon as possible; and

WHEREAS, The State Water Resources Control Board and the regional board have encouraged, and in some instances required, 12 subregional groups of dischargers, responsible for 86 percent of the waste volume discharged into the bay, to develop coordinated subregional water quality control programs consistent with the general concept of Phase I of the bay delta study; and

WHEREAS, These studies are now underway, and among the specific items being investigated is feasibility of wastewater reclamation; and

WHEREAS, The regional board's Interim Basin Plan characterizes discharge of wastewater to surface waters in the basin as (1) an interim means for disposing of reclaimable wastewater, (2) a means for disposing of adequately treated "blowdown" (concentrated brine residue from the wastewater reclamation process), and (3) an emergency outlet for peak flows; and

WHEREAS, The expenditure of millions of dollars for the construction of regional facilities to transport sewage effluent from the north and south extremities of San Francisco Bay to locations in the central portion of the bay where it would be discharged, may be contradictory to the above-stated objectives and criteria of the Interim Basin Plan, and may be detrimental to the regional board's avowed determination to "minimize the investment of public and private funds in sewage and industrial wastewater facilities"; and

WHEREAS, The need to remove wastes from ecologically sensitive area such as the bay's north and south extremities may be met in conjunction with the need for such transportation facilities as are required for large-scale wastewater reclamation on a subregional basis; and

WHEREAS, The present limited market for reclaimed wastewater in most areas around San Francisco Bay will never be broadened unless reclamation programs are implemented through coordinated action by water supply and wastewater agencies; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the State Water Resources Control Board and the California Regional Water Quality Control Board, San Francisco Bay Region, encourage waste treatment and discharge systems that will provide the maximum feasible opportunity for wastewater reclamation while meeting water quality objectives at the earliest possible date; and be it further

*Resolved,* That such discharges to the bay as are necessary on an interim basis, for disposal of adequately treated blowdown, or as an emergency outlet for peak flows, should be made at locations where the Interim Basin Plan's water quality objectives can be met economically, so that the effluents thus produced may be beneficially utilized initially to provide needed augmentation of the flow in the bay system and, later, be diverted to reuse as the market for reclaimed water develops; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the State Water Resources Control Board and the California Regional Water Quality Control Board, San Francisco Bay Region.

---

## RESOLUTION CHAPTER 165

*Assembly Concurrent Resolution No. 83—Relative to proposed Santa Susana State Park.*

[Filed with Secretary of State October 1, 1971 ]

WHEREAS, The people of the Los Angeles area have inadequate outdoor recreational facilities, such as parks, to which they can go to escape the noise and crowding attendant to urban life; and

WHEREAS, No citizen of this state should be denied access to the wonders of nature; and

WHEREAS, The region north of Los Angeles on both sides of the Los Angeles-Ventura county line is an ideal location for a state park; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring.* That the Department of Parks and Recreation is requested to conduct a study to ascertain the feasibility of establishing a state park, to be named Santa Susana State Park, in an area north of the City of Los Angeles and on both sides of the boundary dividing Los Angeles County and Ventura County, and to report its findings thereon on or before the fifth calendar day of the 1972 Regular Session of the Legislature; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Parks and Recreation.

## RESOLUTION CHAPTER 166

*Assembly Concurrent Resolution No. 137—Relative to the University of California.*

[Filed with Secretary of State October 1, 1971.]

WHEREAS, In order for the Legislature to enact legislation providing for the fiscal needs of the state and its institutions as mandated by Article IV, Section 12 of the Constitution, and to provide for the security of the funds of the University of California pursuant to Article IX, Section 9 of the Constitution, it is essential that the Legislature have before it accurate information concerning the financial status of the University of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Regents of the University of California is hereby directed to present to the Legislature on or before January 10, 1972, a comprehensive report of the university's financial assets and its estimated revenues from all sources for the 1971–1972 fiscal year; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Board of Regents of the University of California.

---

## RESOLUTION CHAPTER 167

*Assembly Joint Resolution No. 41—Relative to draft of police officers.*

[Filed with Secretary of State October 1, 1971.]

WHEREAS, It has come to the attention of the Legislature of the State of California that some local draft boards of the United States Selective Service System in this state have been, and are, classifying in class I-A, and inducting into the armed services of the United States, many full-time, sworn peace officers employed by municipalities and public agencies in the State of California; and

WHEREAS, It has also come to the attention of this Legislature that other local draft boards in the State of California have been, and are, classifying full-time, sworn peace officers within their jurisdiction in class II-A, thereby deferring said peace officers from induction into the armed services of the United States; and

WHEREAS, Full-time, sworn peace officers may qualify for classification in class II-A in that their employment as peace officers is necessary to the maintenance of the national health, safety and interest; and

WHEREAS, These peace officers are engaged as vital fighters in the domestic war against crime and violence; and

WHEREAS, The continued practice of certain local draft boards in classifying peace officers in class I-A has had, and will continue to have, adverse and disruptive effect upon the ability of the police and sheriffs' departments of this state to fight crime and protect the citizens of the State of California; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California memorializes the Director of the Selective Service to uniformly classify all full-time, sworn peace officers in class II-A so that the lives and properties of the citizens of the State of California not be placed in jeopardy for lack of peace officers; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Director of the Selective Service.

---

## RESOLUTION CHAPTER 168

*Assembly Joint Resolution No. 50—Relative to establishment of a national park in the area of the Santa Monica Mountains and the shores and waters of the Santa Barbara Channel and Santa Monica Bay.*

[Filed with Secretary of State October 1, 1971.]

WHEREAS, The region generally encompassing the Santa Monica Mountains westward from the San Diego Freeway and eastward from Point Mugu, portions of the beaches and seashore of Santa Monica Bay westward from Sunset Boulevard, and the Santa Barbara Channel eastward from Point Mugu is an area of significant natural, scenic, scientific, and historic value; and

WHEREAS, Such wilderness and near wilderness areas which are adjacent to large expanding centers of urban population are ever increasingly threatened by land development and pollution; and

WHEREAS, The region possesses unique environmental values and should be preserved as a national park for the benefit of future generations; and

WHEREAS, Preservation and recreational use of this region would enhance the environment of contiguous communities by the multiple use of resources, would provide green belt open spaces, and would make this area available for the use and enjoyment of great numbers of people; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact, implement, and support legislation

to establish a national park in California in the region generally encompassing the Santa Monica Mountains westward from the San Diego Freeway and eastward from Point Mugu, portions of the beaches and seashore of Santa Monica Bay westward from Sunset Boulevard, and the Santa Barbara Channel eastward from Point Mugu; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 169

*Senate Concurrent Resolution No. 72—Relative to recreational fish and wildlife enhancement.*

[Filed with Secretary of State October 1, 1971.]

WHEREAS, Water project development has caused substantial damage to the salmon and steelhead resources of this state; and

WHEREAS, Such salmon and steelhead damage has adversely affected the economic and recreation opportunities of the citizens of this state; and

WHEREAS, There appears to be an unprecedented opportunity to enhance the production of salmon and steelhead in the Feather River in conjunction with the development and operation of the Oroville Division of the State Water Facilities; and

WHEREAS, The citizens of this state did, in November 1970, approve the issuance of $60 million in bonds pursuant to the Recreation and Fish and Wildlife Enhancement Bond Act, the proceeds of which are to be used in part for fishery improvements; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Department of Fish and Game shall prepare plans to improve salmon and steelhead production in and along the Feather River in conjunction with the development and operation of the Oroville Division of the State Water Facilities; and be it further

*Resolved*, That the Department of Fish and Game is hereby directed to identify in its 1972–73 budget request to the Legislature those funds necessary to accomplish the aforementioned improvements and further to request that such funds be payable from the Recreation and Fish and Widlife Enhancement Fund; and be it further

*Resolved*, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the Department of Fish and Game.

# RESOLUTION CHAPTER 170

*Senate Concurrent Resolution No. 83—Relative to the University of California.*

[Filed with Secretary of State October 1, 1971 ]

WHEREAS, The Senate of the California Legislature, the Assembly concurring, hereby finds and declares:

a. The Institute of Transportation and Traffic Engineering was established at the University of California by the regents in response to Chapter 1573, Statutes of 1947. At that time there was great need for a formalized training and research program to prepare personnel for greatly enlarged responsibilities in transportation as a result of legislation enacted by the Legislature.

b. The Institute of Transportation and Traffic Engineering responded to the needs for training and research then expressed, and since that time scores of engineers have received advanced degrees who are now actively engaged in transportation planning, engineering and management as employees of the state, the counties, the cities, and as consultants in California. Hundreds of engineers and other professionals have taken short courses in transportation engineering and management through extension offerings sponsored by the institute. The institute provides virtually the only ongoing program of continuing education for county engineers, and others in similar positions, in transportation engineering, traffic safety, and related matters.

c. Increasing understanding of relationships between transportation and social, economic, and environmental factors as well as recent developments with regard to rapid and mass transit programs call for new emphasis in research and training for engineering and management personnel engaged in transportation. The Legislature finds it advisable, therefore, to express its concern to the regents as to the desirability not only of continuing existing programs but also of expanding the scope and enlarging the responsibilities of the Institute of Transportation and Traffic Engineering, so that it may respond to emerging and foreseeable needs for California in the transportation field.

d. The enabling statute under which the institute was established is sufficiently comprehensive to embrace the proposed scope and responsibilities to which the Legislature desires to direct attention explicitly; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Regents of the University of California are urged, to the extent they deem it appropriate, to make provision for the Institute of Transportation and Traffic Engineering to:

(1) Cooperate in research and training with the State Business and Transportation Agency and its departments and with

other agencies charged with responsibility for the design, construction, operation, and maintenance of highways, airports, rapid and mass transit systems, and other related facilities for public transportation. In addition to, but not to the exclusion of, other appropriate subjects for research and study, the institute shall give attention to (a) the interrelated problems of highway design, traffic control, and highway safety, (b) ground access to airports and harbors, (c) effective coordination of the several modes of transportation to achieve a balanced public transportation system, and (d) interrelationships between development and operation of transportation facilities and the social, economic, and physical environment; and

(2) Cooperate with the state and local governmental agencies, by the assignment of graduate students to cooperative programs or by other appropriate means, in conjunction with projects involving innovations in transportation to be recommended by such agencies for consideration by the State Transportation Board. Such projects shall include, but not be limited to, expediting the application of knowledge in the biological, physical, and social sciences to transportation systems, and should include new combinations of existing technology to serve multiple functions.

---

## RESOLUTION CHAPTER 171

*Senate Concurrent Resolution No. 87—Relative to a study of the feasibility of including the Bald Hills Road in the state highway system.*

[Filed with Secretary of State October 1, 1971.]

WHEREAS, Redwood National Park is a facility of outstanding national and statewide significance and an attraction to the people of the state generally; and

WHEREAS, Persons traveling from the interior of the state through the Redding area find their ability to reach this park encumbered by a lack of suitable routes; and

WHEREAS, There presently exists the Bald Hills Road traversing from State Highway Route 169 in the vicinity of Martin's Ferry to Route 101 in the vicinity of Orick; and

WHEREAS, Owing to its potential for providing enhanced access to Redwood National Park, it may be appropriate to add this road to the state highway system; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of Public Works is requested to conduct a study of the feasibility of converting Bald Hills Road into a new state highway route from the terminal points of Martin's Ferry and Orick; and be it further

*Resolved,* That the department report its findings to the Legislature during the 1972 Regular Session thereof as a part of its quadrennial functional classification study due at that time; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

---

## RESOLUTION CHAPTER 172

*Senate Concurrent Resolution No. 101—Relative to landscaping the Long Beach Freeway.*

[Filed with Secretary of State October 1, 1971 ]

WHEREAS, The Long Beach Freeway, State Highway Route 7, passes through areas which are of an industrial nature; and

WHEREAS, The general effect of such conditions constitutes a deterioration to the aesthetic experience of the motorist as he travels along these ways; and

WHEREAS, The Department of Public Works has in the past followed a policy of apportioning limited landscaping funds to those sections of the California freeway and expressway system which are most compatible with aesthetic surroundings, and has thereby bypassed this section of the freeway; and

WHEREAS, It may well be that such landscaping would serve more of a purpose in industrial areas than in other areas; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of Public Works is requested to conduct a pilot project on the effect of landscaping freeways in industrial areas by landscaping that section of the Long Beach Freeway from the point where it intersects with the Santa Ana Freeway to Century Boulevard; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

---

## RESOLUTION CHAPTER 173

*Assembly Joint Resolution No. 34—Relative to clinical laboratories.*

[Filed with Secretary of State October 1, 1971.]

WHEREAS, The citizens of the State of California are developing a growing, critical awareness of the quality of available health care; and

WHEREAS, The State of California has, for over 30 years, led in the field of regulation and licensing of the clinical laboratory; and

WHEREAS, This leadership was attained only through the active participation and cooperation of all professionals working and licensed within the field; and

WHEREAS, Congress has recognized the important contribution of the clinical laboratory to total health care in the passage of "Medicare" (Public Law 89-97); and

WHEREAS, The rules and regulations established by the Department of Health, Education and Welfare impede the implementation of congressional desire by stringent regulations upon the clinical laboratories in the State of California in particular and the United States generally; and

WHEREAS, The regulations require that clinical laboratories must be under the direction of either a physician with enumerated qualifications or a person with an earned doctoral degree in certain fields in order to qualify under Medicare after a specified date; and

WHEREAS, Such requirements will prevent the participation of many California-licensed clinical laboratories and limit the ability of physicians to fully utilize all resources available in California; and

WHEREAS, The most important consideration in certifying clinical laboratories should be the ability of a given laboratory to perform those tests submitted to it, and Section 405.1314 of the regulations appears to set forth means of determining whether a laboratory does perform adequately, although it, too, places excessive emphasis upon the degree held by the director; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to direct the Department of Health, Education and Welfare to reexamine its present standards for clinical laboratories and the impact they will have upon the provision of services in California and other states; and be it further

*Resolved,* That the Department of Health, Education and Welfare be requested to amend its clinical laboratory regulations to recognize the excellence of strict licensing of clinical laboratories in states such as California and to place major emphasis upon a determination of the adequacy of a laboratory's performance as opposed to the degrees earned by its director; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Health, Education and Welfare.

## RESOLUTION CHAPTER 174

*Assembly Concurrent Resolution No. 72—Relative to the state scenic highway system.*

[Filed with Secretary of State October 1, 1971.]

WHEREAS, State highways frequently border some of the finest landscapes in this state; and

WHEREAS, One may better appreciate and enjoy the wealth and beauty of this state while traveling on state highways by using vista points, rest stops, and other recreational facilities; and

WHEREAS, The public interest would be served by the construction of vista points, rest stops, and other recreational facilities along state highways which are eligible for official state scenic highway designation; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* A high priority should be assigned for vista points, rest stops, and other recreational facilities in the design of state highways which may be eligible for official state scenic highway designation; and be it further

*Resolved,* That an equally high priority should be assigned for providing these enhancements for existing official state scenic highway routes; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of Public Works and to the Scenic Highway Advisory Committee.

---

## RESOLUTION CHAPTER 175

*Assembly Concurrent Resolution No. 78—Relative to recognizing the contributions of ethnic minorities.*

[Filed with Secretary of State October 1, 1971 ]

WHEREAS, There is need to help develop greater understanding and tolerance among people of varying ethnic backgrounds in America; and

WHEREAS, Educational programs offer a potential for contributing to this needed understanding of differing ethnic groups; and

WHEREAS, Many educational programs in American history and American institutions do not adequately reflect the contributions of many ethnic minority peoples to the development of America; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature requests the major agencies governing public higher education in California to review and encourage the development of educational programs in American history and American institutions which more adequately reflect the contributions of people from ethnic minority backgrounds.

## RESOLUTION CHAPTER 176

*Assembly Concurrent Resolution No. 103—Relating to use of electricity in state buildings.*

[Filed with Secretary of State October 1, 1971.]

WHEREAS, This nation is facing a serious energy crisis; and

WHEREAS, The State of California is the largest consumer of electricity in the Sacramento area, and the state pays over $1.2 million each year for electricity in Sacramento alone; and

WHEREAS, The state operates innumerable offices throughout California, and it is the practice to leave the lights burning 24 hours a day in many of those offices; and

WHEREAS, This practice wastes electrical energy; and

WHEREAS, Lamps which burn 24 hours per day may be expected to have an average life of 1,250 days, while lamps which burn 12 hours per day may be expected to have an average life of 2,080 days, and lamp ballast life is lengthened by reducing the time at which the ballast is at maximum temperature; and

WHEREAS, The costs of lamp replacement, including manpower, could be reduced by extending the period between lamp changes; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Director of General Services is requested to evaluate the cost benefits of turning out the lights in state offices at the close of the working day, and report his findings and recommendations to the Legislature not later than the 10th calendar day of the 1972 Regular Session of the Legislature; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of General Services.

---

## RESOLUTION CHAPTER 177

*Assembly Concurrent Resolution No. 120—Relative to a study of adding a Route 269 to the state highway system.*

[Filed with Secretary of State October 1, 1971.]

WHEREAS, Development trends and land use planning in the Fresno regional area would indicate a need for a transportation artery from the community of Avenal due north to the community of Five Points at its juncture with proposed Route 33 in the west Fresno area; and

WHEREAS, The Department of Public Works is currently engaged in preparing a functional classification study, pursuant to Senate Resolution No. 49 (1969 Regular Session of the Legislature), and a Section 256 Report, pursuant to Sec-

tion 256 of the Streets and Highways Code; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Public Works is hereby requested to include within its current studies consideration of the feasibility and practicality of adding a route to the state highway system along this corridor, a proposed Route 269; and be it further

*Resolved,* That the department submit its findings and recommendations to the Legislature on or before the 1972 Regular Session of the Legislature as a part of its functional classification study and Section 256 Report.

---

## RESOLUTION CHAPTER 178

*Assembly Concurrent Resolution No. 143—*
*Relative to arson detection.*

[Filed with Secretary of State October 1, 1971 ]

WHEREAS, Incendiary fires are becoming an increasing problem in the nation and particularly in the State of California, and persons of criminal tendencies or sick minds manifest their aberrations by the setting of destructive fires; and

WHEREAS, Contemporary acts of arson reveal a trend toward a higher degree of organization and planning, a higher degree of sophistication is shown as targets are carefully selected, and planning is more evident and execution more skillful; and

WHEREAS, The crime of arson costs American society four times that of the next most expensive crime, in the State of California approximately 37,600 incendiary fires cost an estimated 60 million dollars annually, and in the past five-year period there has been an increase of 438 percent in incendiary fires; and

WHEREAS, Timely and accurate information, coordinating of effort and effective crime fighting tools are the public's best protection against this wanton fire destruction; and

WHEREAS, The majority of the state's fire departments do not have active arson investigative units and the few that do have are hampered by a lack of an effective coordinating body; and

WHEREAS, There appears to be a need for a method for combating the crime of arson, to lessen the economic loss and danger to the public safety, and for the development of a means to give added protection to our people and the resources of this state; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the California State Division of Forestry is hereby requested to study the best means for providing arson detection capability under contract to coun-

ties, cities and fire districts located in state responsibility areas as defined in Part 2 (commencing with Section 4101), Division 4 of the Public Resources Code, and to submit a report thereon to the Legislature by March 1, 1972; and be it further

*Resolved*, That the League of California Cities, the Attorney General, and the County Supervisors Association of California are requested to jointly undertake a study of the best means for providing a statewide arson detection capability, and the feasibility of the establishment of an arson investigation unit to coordinate with local and state authorities the detection and investigation of suspicious or incendiary fires and to assist and provide expertise to local fire agencies on fires involving interjurisdictional areas or fires of more than local interest; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of the Department of Conservation, to the State Forester, to the League of California Cities, to the Attorney General, and to the County Supervisors Association of California.

---

## RESOLUTION CHAPTER 179

*Assembly Concurrent Resolution No 68—Relative to vocational education and training.*

[Filed with Secretary of State October 4, 1971 ]

WHEREAS, The Legislature has an obligation under the Vocational Education Amendments of 1968 (PL 90-576) and under the Vocational and Technical Training Act of 1969 (Chapter 1555 of the Statutes of 1969) for insuring the effective use of public funds in providing for and administering vocational education and training opportunities; and

WHEREAS, Experience has demonstrated that the determination of labor market projections for the purposes of regional and statewide planning for occupational education and manpower development is necessary for proper planning; and

WHEREAS, Lack of labor market projections and population need analysis has impeded development of procedures for objective measurement of the educational communities' responsiveness and effectiveness in providing training opportunities that equip individuals with marketable skills; and

WHEREAS, A pilot program has been initiated in Vocational Planning Region No. 6 comprising the Counties of Santa Clara, Santa Cruz, Monterey and San Benito and created pursuant to Article 10.4 (commencing with Section 6268) of Chapter 6 of Division 6 of the Education Code, and the pilot program being conducted under the joint auspices of the Department of Human Resources Development, Department of Education, the Chancellor of the California Community Colleges, all working

in cooperation with the Governor and the Superintendent of Public Instruction and the county superintendents of schools of the counties named and, in particular, the regional data center in Santa Clara County; and

WHEREAS, The purpose of the pilot program is the development and demonstration of a management information system which provides realistic labor market data and measures the responsiveness of education in providing training which develops marketable skills for individuals; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Superintendent of Public Instruction, the Director of Human Resources Development and the Chancellor of the California Community Colleges report on the status and progress of the pilot program for a management information system to the Legislature; and be it further

*Resolved*, That the Superintendent of Public Instruction, the Director of Human Resources Development and the Chancellor of the California Community Colleges prepare a summary report on the pilot program by September of 1972 for presentation to the Legislature, including in such report:

(a) A complete summary of the findings of the pilot program relative to the validity of a management information system concept as tested in Vocational Planning Region No. 6;

(b) Identification of input data required, its format, source and means of acquisition;

(c) A plan for the management and design for processing of input information, description of uses to which it will be put and method of protecting its integrity;

(d) Design of output reports, identification of clients, frequency of reports and description of projected use of reports;

(e) A detailed description of those actions required to implement a management information system on both a regional and statewide basis;

(f) A summary of the findings and recommendations relative to legislative implications in implementing a management information system on a statewide basis;

(g) An itemized accounting and estimate of costs associated with statewide implementation of a management information system;

(h) Recommendations with respect to roles and responsibilities that the local, district, county and state agencies should have in implementing a management information system on a statewide basis; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the Superintendent of Public Instruction, the Director of the Department of Human Resources Development, the Chancellor of the California Community Colleges, each of the county superintendents of schools of the Counties of Monterey, San Benito, Santa Clara, and Santa Cruz, and to the regional educational data processing center in Santa Clara County.

# RESOLUTION CHAPTER 180

*Senate Concurrent Resolution No. 16—Relative to the Joint Committee for the Revision of the Elections Code.*

[Filed with Secretary of State October 5, 1971.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* as follows:

1. The Joint Committee for the Revision of the Elections Code is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the revision of the Elections Code, including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

2. The committee shall consist of three Members of the Senate, appointed by the Committee on Rules thereof, and three Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until June 30, 1973, with authority to file its first report not later than June 30, 1972.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To establish an advisory committee for the revision of the Elections Code to assist the joint committee, the committee to be composed of 13 members, four of whom shall be the chairman, or their designees, of the four major political parties which appeared on the ballot of the general election of 1970, one of whom shall be the Secretary of State or his designee, one of whom shall be the Attorney General or his designee, one of whom shall be a person between the ages of 18 and 21 and shall be appointed by the joint committee, two of whom shall be city clerks, one of each sex, to be appointed by the

joint committee, three of whom shall be county clerks, to be appointed by the joint committee, and one of whom shall be a member of the public involved in voter education, to be appointed by the joint committee.

The chairman of the advisory committee shall be appointed by the joint committee.

The joint committee may add members to the advisory committee as it deems necessary.

None of the members shall receive any compensation, but shall be reimbursed for all necessary travel expenses for which they are not otherwise compensated by the state, a county, a city, or a city and county. Any member of the advisory committee may waive his expenses if he so desires.

(d) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(e) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The Joint Rules Committee may make such money available from the Contingent Funds of the Assembly and Senate as it deems necessary for the expenses of the committee and its members. In accordance with Joint Rule 36.8, any such expenditure of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

---

## RESOLUTION CHAPTER 181

*Senate Concurrent Resolution No. 93—Relative to recreation vehicles.*

[Filed with Secretary of State October 5, 1971.]

WHEREAS, The California Outdoor Recreation League, Inc., a nonprofit, public service organization devoted to encouraging all forms of outdoor recreation and the appropriate use of all outdoor facilities, has brought to the attention of the Legislature that an increasing number of cities and counties in this state are imposing restrictions on the use and parking of recreation vehicles on the private property of the owners of such vehicles and on the public streets of this state; and

WHEREAS, The Legislature notes that some cities and counties are imposing unreasonable restrictions on the use and parking of recreation vehicles, and

WHEREAS, The Legislature is concerned that such restrictions may jeopardize the economy of the state and adversely affect the jobs and incomes of thousands of the citizens of the state who derive part or all of their incomes from the manufacture, sale, or servicing of recreation vehicles; and

WHEREAS, The Legislature is of the opinion that such restrictions may adversely affect the tourist industry, such industry being the third largest in this state, by deterring visitors who own and use such vehicles from visiting this state; and

WHEREAS, The Legislature is further concerned that the cities and counties of this state may as a result of such restrictions reduce their share of the gasoline taxes and other levies, discourage the sale of property within their districts, and impose unreasonable expenses on their residents; and

WHEREAS, The Legislature is desirous of encouraging the wholesome benefits enjoyed by families in the state who use such vehicles in pursuit of various outdoor activities; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the recreation vehicles duly licensed by the California Department of Motor Vehicles should be accorded equal parking privileges with all other duly licensed vehicles, subject to any reasonable regulations where a recreation vehicle may create a traffic hazard, and that all recreation vehicles meeting the standards of construction established by the California Department of Housing and Community Development or by the state wherein they are licensed should not be restricted as to any lawful use while so parked; and be it further

*Resolved*, That nothing in this resolution is intended to suggest limiting the authority of local government to prohibit the use of recreational vehicles for living purposes while parked on public streets in residential or commercial areas; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the Department of Motor Vehicles, the County Supervisors' Association, and the League of California Cities.

---

## RESOLUTION CHAPTER 182

*Assembly Joint Resolution No. 53—Relative to whales.*

[Filed with Secretary of State October 5, 1971.]

WHEREAS, The world population of whales has been and continues to be seriously reduced due to increasingly effective hunting methods utilizing modern technology, and

WHEREAS, The harvesting of whales is no longer necessary because adequate substitutes are now easily available for every product resulting from the processing of whales; and

WHEREAS, Several species of whale have already been so reduced in number that they are now included on the endangered species list of the Department of the Interior; and

WHEREAS, The only whales still hunted by whalers of this country are on the endangered species list of the Department of the Interior, and include, among others, the sei, finback, sperm, bowhead, blue, humpback, right, and gray whales; and

WHEREAS, On March 1, 1971, Maurice H. Stans, the Secretary of Commerce, announced his intention to ban the taking of all whales on the endangered species list of the Department of the Interior, and has fixed a final termination date of December 31, 1971, for such activities; and

WHEREAS, The International Whaling Commission has allotted a quota of 40 finback whales, 51 sei whales, and 75 sperm whales to the United States in spite of the fact that these species have been reduced in number sufficiently to result in their inclusion on the endangered species list of the Department of the Interior; and

WHEREAS, Permission has been granted for the hunting of whales until the end of this year even though such whales are endangered species, and

WHEREAS, A total of 166 whales may be taken before December 31, 1971, all of which are considered endangered species by the Department of the Interior; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California urgently requests the Secretary of Commerce, Maurice H. Stans, to immediately ban all whaling activities from the United States in order to save as many whales as possible for repropagation; and be it further

*Resolved*, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to work diligently with other nations which are still involved in whaling and within the International Whaling Commission to terminate as soon as possible the hunting of any species of whale, and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Commerce, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 183

*Assembly Concurrent Resolution No. 104—Relative to state college pilot programs.*

[Filed with Secretary of State October 6, 1971]

WHEREAS, The Chancellor of the California State Colleges has recently proposed new approaches to higher education designed to make our educational system more responsive to society's needs; and

WHEREAS, The goals of these proposals are expanding educational opportunities for students desiring additional training and education, improving academic quality, and guaranteeing greater value received to both students and taxpayers; and

WHEREAS, These goals are to be accomplished through expanding the use of "credit by challenge" examinations, developing new methods for measuring achievement in degree majors, and opening the access to a higher education by developing degree programs for off-campus students; and

WHEREAS, Plans are being made to implement these proposals through pilot programs on the California State Colleges' campuses; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the California State Colleges be encouraged to proceed with these pilot programs and that maximum flexibility and assistance be provided the California State Colleges in initiating such pilot programs; and be it further

*Resolved*, That the Trustees of the California State Colleges report to the Legislature by April 1, 1972, on the progress and the degree of success of the proposals and the pilot programs; and be it further

*Resolved*, That the Legislative Analyst be directed to provide an evaluation of the proposals and pilot programs with particular emphasis on their fiscal and budgetary implications in a report to be submitted to the Legislature by the fifth legislative day of the 1973 Regular Session of the Legislature.

---

## RESOLUTION CHAPTER 184

*Assembly Concurrent Resolution No. 127—Relative to educational goals.*

[Filed with Secretary of State October 6, 1971.]

WHEREAS, The Legislature declared its intent through the passage of the George Miller, Jr. Education Act of 1968 to provide for the development, conduct, and enforcement of educational programs in the elementary and secondary schools; and

WHEREAS, The intent was further declared to set broad minimum standards and guidelines for educational programs, and to encourage local districts to develop programs that will best fit the needs and interests of the pupils; and

WHEREAS, The Joint Committee on Educational Goals and evaluation is directed to fulfill this intent by encouraging public involvement in determining the philosophy, goals, program

objectives, and priorities of educational programs in local communities and for the state system of instruction; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That it is the intent and purpose of the Legislature that teachers, students, administrators, parents, and other community members be given the opportunity to meet together for the purpose of developing educational goals relevant to the instructional program of the schools in their district. The Legislature encourages school districts to recognize the need to meet with students, parents, and other community members in order that all people served by the schools can have a voice in determining the philosophy, goals, program objectives, and priorities for their schools; and be it further

*Resolved*, That the governing board of any school district is encouraged to grant certificated employees and students of the district time away from the regularly constituted instructional schoolday in order to meet with school administrators, parents, and other community members for the purpose of developing educational programs relevant to the needs of the community served by the schools of the district; and be it further

*Resolved*, That the governing board of any school district is encouraged to keep and maintain current records, which should be open to inspection of the public, showing the number of certificated employee and student hours involved in such meetings and the specific objectives and results of the meetings; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Superintendent of Public Instruction.

---

## RESOLUTION CHAPTER 185

*Assembly Joint Resolution No. 46—Relative to emergency task forces.*

[Filed with Secretary of State October 6, 1971.]

WHEREAS, The President is authorized to establish at major ports emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan; and

WHEREAS, These emergency task forces are to be supplementary to the national and local level strike forces; and

WHEREAS, The speed with which equipment and personnel are brought to bear to abate an oil spill is critical in arresting the disastrous effects of the oil spill; and

WHEREAS, Such task forces would be invaluable as oil spill prevention and cleanup personnel; and

WHEREAS, California has several ports in which oil tanker traffic is heavy; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President of the United States to assign such task forces to the principal ports of California; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the President of the United States.

## RESOLUTION CHAPTER 186

*Assembly Joint Resolution No. 47—Relative to an oil spill strike force.*

[Filed with Secretary of State October 6, 1971.]

WHEREAS, A nucleus national level strike force, consisting of personnel trained, prepared, and available to provide the necessary services to carry out the National Oil and Hazardous Materials Pollution Contingency Plan has been established by the United States Coast Guard; and

WHEREAS, Such a strike force is presently located on the East Coast of the United States; and

WHEREAS, The strike force is being augmented and ultimately will be sited at locations throughout the country; and

WHEREAS, The preponderance of oil vessel traffic on the West Coast of the United States and the experience of the recent San Francisco Bay spill warrant the assignment of the next trained strike force to a West Coast port; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California memorializes the President of the United States and the United States Coast Guard to assign the next nucleus national level strike force team established by the United States Coast Guard to the West Coast; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States and to the Commandant of the United States Coast Guard.

## RESOLUTION CHAPTER 187

*Assembly Concurrent Resolution No. 98—Relative to deposits paid to rest homes.*

[Filed with Secretary of State October 7, 1971.]

WHEREAS, A question has arisen as to whether proprietors of rest homes have been retaining a large proportion or the

entire amount of deposits paid to them, where an elderly person is removed immediately or within a short time from the home; and

WHEREAS, This downpayment practice may be widely used throughout the state; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Department of Social Welfare is hereby requested to conduct an investigation on the frequency of this practice among rest homes, and county welfare department supervision in this area; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of the State Department of Social Welfare.

---

## RESOLUTION CHAPTER 188

*Assembly Joint Resolution No. 37—Relative to the establishment of a national cemetery in California.*

[Filed with Secretary of State October 8, 1971.]

WHEREAS, There are presently almost 3,000,000 veterans residing in California eligible for burial in a national cemetery, yet the three existing national cemeteries in California are closed to future veteran burials because of lack of space; and

WHEREAS, Hunter Leggett Military Reservation is an example of an area readily accessible to many Californians and contains an area of many acres currently unused and not adjacent to sensitive areas of the military establishment; and

WHEREAS, Hunter Leggett Military Reservation is ideally suited for a national cemetery, and the base offers the manpower and machinery to keep the cemetery operational; and

WHEREAS, Such cemeteries would involve no cost to the federal government as far as land is concerned and the operational costs would be minimal; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to consider this together with all other potential sites for a national cemetery, and establish one or more such national cemeteries in California; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

# RESOLUTION CHAPTER 189

*Senate Concurrent Resolution No. 89—Relative to mineral resources and reclamation of mined lands.*

[Filed with Secretary of State October 8, 1971.]

WHEREAS, The mineral resources of the State of California are essential to the economy of the state, and are vitally supportive of every facet of various programs relating to housing, transportation, commerce, and industry; and

WHEREAS, At the present time, the State of California has no stated policy by which to encourage the development and utilization of the available remaining deposits of critical minerals in a manner which would gain maximum benefit from this bounty of nature and achieve maximum recreational, commercial, and industrial use benefit while protecting the environment to the greatest extent possible with respect to such operations; and

WHEREAS, The Committee on Surface Mining for the State of California, which was appointed November 26, 1968, by the Secretary of the Resources Agency to appropriately review and investigate the conditions of the surface mining industry in California, has concluded that the state currently lacks comprehensive advisory and regulatory capabilities with respect to, and has no fundamental state policy directed toward, the conservation of mineral resources, the conduct of surface mining, and the reclamation of mined lands, and emphasized the wisdom of devising appropriate statewide plans and policies well in advance of the promulgation of federal regulations; and

WHEREAS, The Congress of the United States now has before it for consideration at least eight bills regarding mined-land conservation, reclamation, or development, any one of which, if adopted, would directly affect surface mining operations within the State of California; and

WHEREAS, Twenty-two states have now adopted state plans for the operation of the mineral extractive industries within their states so as to preserve and insure sovereignty over such operations and to minimize the impact of imminent federal laws upon them which do not recognize the unique conditions existing in the several states; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members hereby request the Division of Mines and Geology of the Department of Conservation, in concert with the State Mining and Geology Board, to propose enabling legislation for the promulgation of administrative rules and regulations for the execution of a state mined lands reclamation and use plan which would be compatible with state land use policy; and be it further

*Resolved,* That the Division of Mines and Geology and the State Mining and Geology Board submit such proposed legis-

lation to the Governor and to the Legislature not later than the fifth calendar day of the 1972 Regular Session of the Legislature; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the Secretary of the Resources Agency, the Director of Conservation, the State Geologist, the Chairman of the State Mining and Geology Board, the Director of Public Works, the Director of State Planning and Research, the Chairman of the Senate Standing Committee on Natural Resources and Wildlife, and to the Chairman of the Assembly Standing Committee on Natural Resources and Conservation.

---

## RESOLUTION CHAPTER 190

*Senate Concurrent Resolution No. 104—Relative to a study of a safe driving incentive plan by extending the driver's license expiration date.*

[Filed with Secretary of State October 8, 1971.]

WHEREAS, Much may be accomplished in traffic safety and economy by a safe driving incentive plan to eliminate or vary the examination to fit the driver's need; and

WHEREAS, The qualifications of renewal applicants differ greatly, requiring varying amounts of time in examining for each renewal; and

WHEREAS, California currently is issuing 3½ million original and renewal drivers' licenses annually and this number is expected to exceed 5 million annually in 1974; and

WHEREAS, Many of these drivers may not need any examination at the time of license renewal and others may need a thorough examination; and

WHEREAS, Section 12814 of the Vehicle Code grants to the Department of Motor Vehicles discretion with respect to requiring applicants for renewal of drivers' licenses to take an examination at an office of the Department of Motor Vehicles; and

WHEREAS, Section 12816 of the Vehicle Code provides for the terms of licenses, and it may be desirable to extend the terms for safe drivers as an incentive to maintain their good driving records; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Director of Motor Vehicles is hereby requested by the Legislature to conduct a study of a safe driving incentive plan under which the driver's license expiration date for drivers with clear driving records would be extended without any examination in order to test the effect on the driving performance of such persons, but the subjects selected for the study shall be limited in number to not more than one percent of the California drivers renewing their licenses each year of the study; and be it further

*Resolved*, That the Director of Motor Vehicles is requested to submit a progress report to the Legislature on or before April 1, 1972, and to submit a final report of his findings and recommendations to the Legislature on or before the fifth calendar day of the 1974 Regular Session of the Legislature; and be it further

*Resolved*, That the Secretary of the Senate transmit a copy of this resolution to the Director of Motor Vehicles.

## RESOLUTION CHAPTER 191

*Assembly Joint Resolution No. 43—Relative to sealanes.*

[Filed with Secretary of State October 12, 1971.]

WHEREAS, Sealanes designating recommended routes for vessel traffic on the high seas presently exist, but the use of these lanes is on a voluntary basis; and

WHEREAS, The mandatory use of sealanes and the avoidance of hazardous areas by tanker traffic would greatly diminish the chances for tanker collision and subsequent oil spillage; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California urges the United States government to work to secure international agreement that would render effective the designation of sealanes for the control of all commercial vessels, to work to implement a plan for the avoidance of hazardous areas by tankers carrying oil or other dangerous substances, and to assure that once designated, sealanes and regulations governing hazardous areas are made to apply to all commercial vessels on a mandatory basis; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Chairman, United States Maritime Commission.

## RESOLUTION CHAPTER 192

*Senate Concurrent Resolution No. 73—Relative to higher education budgeting and output systems.*

[Filed with Secretary of State October 13, 1971.]

WHEREAS, The California State Colleges and the University of California have developed their own planning, budgeting and management systems completely independently of one another; and

WHEREAS, Because of the diverse systems now in operation, there is no systematic way to compare costs, programs, or out-

puts of any one of this state's educational institutions with any other or with institutions located outside of the state; and

WHEREAS, The National Center for Higher Education Management Systems is developing a system designed to provide comparable costs by academic discipline; and

WHEREAS, The Legislature must, in order to review budget proposals, have program information from the respective institutions in a form which may allow financial comparison of academic programs; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members urge the Trustees of the California State Colleges and the Regents of the University of California to make necessary changes in their respective management data systems to conform to the "Higher Education Management System" as it is being developed by the National Center for Higher Education Management Systems, with such deviations as may be necessary when, in the opinion of the Trustees of the California State Colleges or the Regents of the University of California, the products of the "Higher Education Management System" are not applicable to the mission of the California State Colleges or the University of California, and to prepare and submit to the Governor, for submission to the Legislature, the budgets for the respective institutions in a form which organizes institutional data to fit a classification of academic programs which may allow financial comparison of academic programs; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the Trustees of the California State Colleges and the Regents of the University of California.

---

## RESOLUTION CHAPTER 193

*Assembly Joint Resolution No. 48—Relative to ocean vessels.*

[Filed with Secretary of State October 13, 1971.]

WHEREAS, Vessels in the navigable waters of the United States are presently required only to use whistle signals to communicate with other vessels; and

WHEREAS, Direct radio communications would supplement and clarify information vessels are able to exchange as they maneuver in close proximity to one another; and

WHEREAS, Such communication would greatly assist the effort to prevent vessel collisions; and

WHEREAS, Legislation is now pending before Congress which would require every towing vessel over 26 feet in length and every vessel over 300 gross tons entering United States ports to be equipped with a radiotelephone so that verbal communication between pilots could be effected; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California memorializes the President and the Congress of the United States to enact legislation providing for bridge-to-bridge radiotelephone communication; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 194

*Assembly Joint Resolution No. 49—Relative to a national wildlife refuge for South San Francisco Bay.*

[Filed with Secretary of State October 13, 1971.]

WHEREAS, The establishment of a national wildlife refuge for the southern portion of the San Francisco Bay to preserve open space and recreational values in the natural environment of the bay for benefits to man and to protect endangered species and a wildlife habitat of national significance from the increasing threat of urbanization has been endorsed, after extensive studies, by the Bureau of Sport Fisheries and Wildlife of the Department of the Interior, and resolutions in support of such action have been adopted by 24 governmental agencies of the San Francisco Bay area; and

WHEREAS, House and Senate bills to establish the refuge have been introduced during 1971 in the 92nd Congress, and are presently in committee, and hearings will be held on the question of the proposed refuge after June 1, 1971; and

WHEREAS, The proposed refuge area of open water, sloughs, tidal shallows, flats, marshes, saltponds, and upland meadows is a natural habitat for more than 100 species of land birds and, as a vital part of the Pacific Flyway, is host to thousands of migratory wild birds making the long fall flight from the Arctic to Baja California and South America; and

WHEREAS, The South San Francisco Bay region provides the habitat and resting areas for several species of bird and animal life which are on the verge of extinction, and prompt acquisition of land for a national wildlife refuge is essential in view of the continuing pollution and destruction of the natural environment of the region by rapidly expanding urban development; and

WHEREAS, The proposed national refuge, carefully managed for the protection of wildlife, would also provide the people of the San Francisco Bay area and of the nation with access to the bay and its wildlife for observation and enjoyment, offering opportunity for picnicking, photography, fishing, and

other recreational activities compatible with the primary purpose of the refuge, and would enable students of all ages from elementary school to college to use the refuge as an outdoor laboratory for the study of biology, ecology, history, and sociology; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to establish a national wildlife refuge for the southern portion of San Francisco Bay; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the House Committee on Merchant Marine and Fisheries, to the Senate Committee on Commerce, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 195

*Senate Concurrent Resolution No. 32—Relative to the Antioch Bridge.*

[Filed with Secretary of State October 14, 1971.]

WHEREAS, The Antioch Bridge which crosses the San Joaquin River near the City of Antioch in Contra Costa County has been closed to the traveling public on numerous occasions as a result of accidents and natural disasters, and on September 4, 1970, was again forced to close for an extended period because of damage done to the bridge when it was rammed by a ship; and

WHEREAS, The collision severely damaged and forced the closure of the bridge from September 4, 1970, to January 18, 1971, a period of more than four months; and

WHEREAS, This latest closure of the bridge has had a disastrous effect on the economy and life of the delta communities served by the bridge and has caused serious economic damage in these areas because of the dependency of these communities on the flow of traffic along the river route corridor served by the Antioch Bridge; and

WHEREAS, Numerous businesses, including resorts, marinas, restaurants, and retail stores and shops have been affected, as has been the agriculture industry in the area; and

WHEREAS, Local sources indicate that during the latest closure retail sales were down 6 percent in the Antioch area, professional practices were disrupted, the agriculture and the marina-recreation industry was off as much as 95 percent, and truck traffic and other businesses dependent upon the river route traffic, such as restaurants and service stations, were off 25 to 40 percent; and

WHEREAS, Commuters and other frequent users of the Antioch Bridge were forced to use lengthy, circuitous detours which resulted in substantially increased transportation and commuting costs; and

WHEREAS, The collision has thus not only damaged the bridge structure itself, but has caused other damage as well; and

WHEREAS, It would be desirable to have the Department of Public Works, in addition to bringing an action for the damage to the bridge itself, to also cooperate with bridge users and property owners who are seeking damages caused by the closure of the Antioch Bridge; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members request the Department of Public Works to extend its full cooperation to all bridge users and property owners who are seeking damages caused by the closure of the Antioch Bridge on September 4, 1970; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

---

## RESOLUTION CHAPTER 196

*Assembly Concurrent Resolution No. 115—Relative to a study of reimbursement to physicians under Medi-Cal length-of-stay criteria.*

[Filed with Secretary of State October 15, 1971.]

WHEREAS, In order to control excessively and unnecessarily long stays in hospitals, the Department of Health Care Services has adopted regulations establishing length-of-stay criteria and thereby has limited Medi-Cal reimbursement for hospital services to such time periods as are specified; and

WHEREAS, No similar length-of-stay regulations have been adopted limiting reimbursement to physicians for in-hospital services so as to be able to simultaneously regulate reimbursements to both hospitals and physicians to the same time periods; and

WHEREAS, Normally only the patient's attending physician can order his discharge from a hospital, the hospital itself being without such legal authority; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Health Care Services study the feasibility of regulations which would limit Medi-Cal reimbursement for in-hospital services rendered by physicians by the same length-of-stay criteria already applicable to hospital services; and be it further

*Resolved,* That the department promptly adopt such regulations as it finds are consistent with good medical practice and more adequately recognize that the legal authority to order

a patient's discharge rests solely with the physician; and be it further

*Resolved*, That the department report its findings and actions to the Legislature not later than the fifth legislative day of the 1972 Regular Session; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Department of Health Care Services.

---

## RESOLUTION CHAPTER 197

*Assembly Concurrent Resolution No. 118—Relative to outpatient methadone detoxification of heroin addicts.*

[Filed with Secretary of State October 15, 1971.]

WHEREAS, Detoxification is an essential first step in the treatment of heroin addiction; and

WHEREAS, Detoxification enables an addict to cease using heroin and to participate in a treatment program; and

WHEREAS, Inpatient detoxification of heroin addicts with methadone, which is presently lawful, costs about one thousand four hundred dollars ($1 400) per addict, while outpatient detoxification of such addicts with methadone can be accomplished at a cost of about fifty dollars ($50) per addict; and

WHEREAS, Outpatient detoxification of heroin addicts with methadone entails obvious, significant pecuniary benefits, but such outpatient detoxification presents as yet unanswered questions relating to the effectiveness of such a program and public safety; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Research Advisory Panel created pursuant to Section 11655 5 of the Health and Safety Code is requested to encourage the development of research programs to study the use of methadone in detoxification of heroin addicts on an outpatient basis; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Research Advisory Panel.

---

## RESOLUTION CHAPTER 198

*Senate Concurrent Resolution No. 105—Relative to Higher Education.*

[Filed with Secretary of State October 15, 1971.]

WHEREAS, It is the intent of the Legislature that the policy of the state is that the public, the institutions of public higher education, and the Legislature shall be aware of the full costs of instruction of students in public higher education; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Regents of the University of California, the Trustees of the California State Colleges, and the Board of Governors of the California Community Colleges are requested to advise annually, on the date determined by the Coordinating Council for Higher Education, the Coordinating Council for Higher Education of such costs, including supportive data, as required by the Coordinating Council for Higher Education, on the report forms provided thereby; and be it further

*Resolved,* That the Coordinating Council for Higher Education is requested to submit to the Joint Legislative Budget Committee, on or before the 30th day of June of each Regular Session of the Legislature, commencing in 1972, a compilation of the required reports and a projection of the full cost of instruction for the next academic year at the University of California, the state colleges and the community colleges, respectively, which report shall set out any differences in the computations among the three segments of public higher education, the reasons for such differences, and the recommendations, if any, of the Coordinating Council for Higher Education concerning methods for cost determination; and be it further

*Resolved,* That the Coordinating Council for Higher Education shall furnish copies of the report to the Regents of the University of California, the Trustees of the California State Colleges, the Board of Governors of the California Community Colleges, and the Department of Finance.

---

## RESOLUTION CHAPTER 199

*Senate Concurrent Resolution No. 103—Relative to state highway planning in Napa County.*

[Filed with Secretary of State October 18, 1971.]

WHEREAS, The Director of Public Works, on November 25, 1970, declared a moratorium on planning associated with Route 221 in Napa County and invited a cooperative review of freeway plans in and about Napa County with both local and regional authorities; and

WHEREAS, The Napa County Board of Supervisors, in an endeavor to protect the unique agricultural nature and scenic beauty of the Napa Valley, has enacted an Agricultural Preserve Ordinance and rezoned into the Agricultural Preserve District the major part of the floor of the Napa Valley from approximately Oak Knoll Avenue just north of the City of Napa to north of the City of Calistoga; and

WHEREAS, The Agricultural Preserve District deters urbanization and encourages the continuance of agriculture and the maintenance of open space, which are economic and aesthetic

attributes and assets of the County of Napa, in that no parcel less than 20 acres in size may be created within the Agricultural Preserve District; and

WHEREAS, A full freeway through the Napa Valley would be incongruous with the nature of this prime agricultural preserve and injurious to Napa's world-famous vineyards; and

WHEREAS, The Napa County Board of Supervisors, in its resolution of December 8, 1970, requested the Division of Highways not to take any further action relative to the adopted freeway route for Route 29 north of the City of Yountville until requested by the board of supervisors; and

WHEREAS, In addition to seeking an alternate route to Route 29, there exist several serious local highway problems in the Napa Valley that demand immediate study and solution by the Department of Public Works; and

WHEREAS, The moratorium on planning for Route 221 has been interpreted by the Director of Public Works as a moratorium on all highway planning in and around Napa County; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Director of Public Works is hereby requested to rescind his action of declaring a moratorium on freeway and highway planning in Napa County; and be it further

*Resolved*, That in order to insure protection of agricultural uses in the Napa Valley, the Department of Public Works is hereby requested to study alternate routes for a highway or freeway to serve traffic to Lake County and other points north of Napa County without utilizing Route 29 in the center of the Napa Valley, and that these alternate routes shall include a route from Napa County to Lake County via Pope Valley and Butts Canyon as also requested by the Napa County Board of Supervisors in their December 8, 1970, resolution, and a route from the Cordelia area to Middletown via Lake Berryessa and Butts Canyon; and be it further

*Resolved*, That the Department of Public Works is further requested to continue freeway and expressway system planning on routes in Napa County, such as Route 121 through the City of Napa, known locally as the "East Side Freeway"; Route 221 through the City of Napa, south of Trancas Street; and Route 29 from Route 80 to a connection with the project currently under design which takes Route 29 across the Napa River south of the City of Napa; and be it further

*Resolved*, That the Department of Public Works should study and plan projects which would correct a serious traffic hazard now existing on Route 29 at the Yountville curve, relieve downtown traffic congestion in St. Helena and Calistoga, and provide a separation and interchange structure at Union Station near the City of Napa; and be it further

*Resolved*, That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

## RESOLUTION CHAPTER 200

*Assembly Concurrent Resolution No. 141—Relative to judicial bonds.*

[Filed with Secretary of State October 18, 1971.]

WHEREAS, The issue of the type and degree of recourse available under various forms of judicial bonds has been raised by several bills now pending before the Legislature, including Senate Bill 247, relating to attachment bonds, Senate Bill 618, relating to probate bonds, and Assembly Bill 1086, relating to all judicial bonds; and

WHEREAS, These measures raise serious questions regarding the manner in which judicial bonds are currently litigated in our courts, including whether or not bad faith may be involved on the part of sureties; and

WHEREAS, These measures propose a variety of approaches for dealing with this issue, including imposition of attorney's fees, expert witness fees, or interest under such judicial bonds; and

WHEREAS, It would appear that an investigation in depth into the manner in which judicial bond recourse is litigated is required before action is taken by the Legislature on this important issue; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Legislature authorizes the Judiciary Committees of the Assembly and Senate concurrently to make a study of judicial bond recourse, including the feasibility of imposing attorney's fees, expert witness fees, or interest thereunder; and be it further

*Resolved*, That a report thereon be filed with the Legislature no later than April 1, 1972.

---

## RESOLUTION CHAPTER 201

*Assembly Concurrent Resolution No. 25—Relative to the use of recreation vehicles on forested state lands.*

[Filed with Secretary of State October 18, 1971.]

WHEREAS, The United States Forest Service has undertaken the task of controlling the use of motorized recreation vehicles within the national forests; and

WHEREAS, The increasing use of such vehicles in our forests has, in too many instances, resulted in disturbance of the natural wilderness of such areas; and

WHEREAS, It is readily apparent that our state forests and forested state lands under jurisdiction of the State Lands Commission should be maintained as nearly as possible in their pristine state for the enjoyment of all; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Conservation and the State Lands Commission are hereby requested to jointly prepare and submit to the Legislature, not later than the 10th calendar day of the 1972 Regular Session of the Legislature, a report on recommended legislation necessary to control the use of motorized recreation vehicles in state forests and on other forested state lands; and be it further

*Resolved,* That it is the intent of the Legislature that if the Off-Highway Vehicle Fund proposed by Assembly Bill No. 2342 is created, the cost of preparing the report requested by this measure shall be paid from such fund; otherwise, the cost shall be paid from the General Fund; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Conservation and to the Chairman of the State Lands Commission.

---

## RESOLUTION CHAPTER 202

*Assembly Concurrent Resolution No. 22—Relative to manpower development effectiveness.*

[Filed with Secretary of State October 27, 1971]

WHEREAS, The present system of career education and manpower development is based upon agency missions which are narrowly conceived and which utilize inadequate forecasting tools; and

WHEREAS, The potential of career education as an unemployment preventative measure remains so undeveloped that costly manpower development programs cannot concentrate primarily as remedial measures; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Director of the Department of Human Resources Development, in cooperation with the Department of Education, the Board of Governors of the California Community Colleges, and the Department of Social Welfare, submit on or before the fifth calendar day of the 1973 Regular Session of the Legislature, a report giving findings and recommendations regarding, but not limited to:

a. Criteria for separating the essential missions of both preventative (career education) and remedial (manpower development) programs for human resource development;

b. Simplified estimation techniques, including a management information system, which can be made available for school and college district educators and vocational area planning bodies in carrying out preventative and remedial occupational education programs, involving both private and public agencies;

c. Planning-programming-budgeting-system criteria for use by vocational area planning bodies to measure the need for preventative programs and remedial programs on a long-range and short-range basis in connection with established state plans for career education and manpower development;

d. Planning-programming-budgeting-system criteria to measure the effectiveness of career education in detecting and eliminating structural and demand-shortage unemployment and underemployment at the earliest stages; and be it further

*Resolved,* That the Chief Clerk of the Assembly shall transmit copies of this resolution to the Superintendent of Public Instruction, the Director of the Department of Human Resources Development, the Chancellor of the California Community Colleges, the Director of the Department of Social Welfare, and the President of the State Board of Education.

---

## RESOLUTION CHAPTER 203

*Assembly Concurrent Resolution No. 55—Relative to motorist information facilities.*

[Filed with Secretary of State October 27, 1971.]

WHEREAS, Motorists, especially tourists, find convenience in learning in advance what specific motorist services lie ahead, including names of motels and brands of gasoline; and

WHEREAS, Such information is most conveniently acquired while en route; and

WHEREAS, Individual off-the-premises signs and billboards sometimes present such information incompletely, and may be hazardous for drivers to read at present freeway speed; and

WHEREAS, In recognition of the above conditions, the Bureau of Public Roads has offered formulas and specifications for information sites consistent with state and federal aesthetic and safety standards; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Department of Public Works be directed to prepare a study of the most feasible method of establishing a system of motorist information facilities to be located at intervals of approximately 30 miles along primary and interstate highways, the information of such facilities to be legible only from a position off the main traveled lanes of the highway; and be it further

*Resolved,* That it is the intent of the Legislature that in preparing such a study, the department shall consider locating information facilities not only in roadside rests, but also in other suitable locations of easy exit and reentry, such as roadside business areas served by frontage roads, and shall consider the relative advantages of constructing and operating

information facilities, or of contracting for their construction and operation under regulations which the department would establish, and shall consider costs and the possibility of levying fees for the use of motorist information facilities; and be it further

*Resolved,* That the department report to the Legislature on the study of a motorist information facility system not later than February 1, 1972; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of the State Department of Public Works.

## RESOLUTION CHAPTER 204

*Assembly Concurrent Resolution No. 110—Relative to oil spills.*

[Filed with Secretary of State October 27, 1971.]

WHEREAS, Information as to the locations, amounts spilled, and sources of oil spills is vital if the Legislature is to act knowingly in devising preventive and abatement legislation; and

WHEREAS, Some information providing such data is maintained by the Environmental Protection Agency, the United States Coast Guard, the California Department of Fish and Game, and the State Water Resources Control Board; and

WHEREAS, Those agencies do not use the same criteria in compiling data on oil spills in California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Water Resources Control Board, through the regional water quality control boards, is urged to assume responsibility as the central state depository for all data relating to oil spillage in California; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Chairman of the State Water Resources Control Board.

## RESOLUTION CHAPTER 205

*Assembly Concurrent Resolution No. 111—Relative to oil spillage.*

[Filed with Secretary of State October 27, 1971.]

WHEREAS, An undetermined amount of oil spillage occurs around oil storage and transfer facilities; and

WHEREAS, The amount of oil spilled around such facilities, although undetermined, is known to constitute a significant portion of the total oil spillage in California; and

WHEREAS, The State Water Resources Control Board has authority to review water quality requirements throughout the state; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the State Water Resources Control Board is requested to review present requirements concerning water pollution prevention measures around oil storage and transfer facilities and to report thereon to the Legislature; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Water Resources Control Board.

---

## RESOLUTION CHAPTER 206

*Assembly Concurrent Resolution No. 112—Relative to oil spills.*

[Filed with Secretary of State October 27, 1971.]

WHEREAS, The California Oil Spill Disaster Contingency Plan is designed to establish contingency operating and supporting organizations for the coordination of activities to effectively secure, contain, and abate disastrous spills of petroleum, petroleum products, and other oillike materials; and

WHEREAS, Its principal objective is to establish an integrated and effective state organization to combat massive oil spills in and about the the State of California; and

WHEREAS, The State Interagency Oil Spill Committee is responsible for coordinating state agencies and other organizations in day-to-day procedures and practices relative to the prevention and mitigation of pollution from oil discharges, and is also responsible for reviewing the plan at least once annually; and

WHEREAS, National and regional contingency plans on this subject provide for strike forces of trained personnel and equipment which can be brought to bear with maximum speed subsequent to a spill, but neither the national plan nor the regional plan has actually implemented the provision for such strike forces; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the State Interagency Oil Spill Committee is urged to investigate the feasibility of creating state level strike forces of personnel and equipment for the effective containment and abatement of oil spills; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Conservation.

# RESOLUTION CHAPTER 207

*Assembly Concurrent Resolution No. 132—Relative to the University of California.*

[Filed with Secretary of State October 27, 1971.]

WHEREAS, It is the policy of the Legislature to allow educational opportunity to all students who desire to enroll in a public institution of higher education; and

WHEREAS, Increasing enrollments in California's public institutions of higher education have created a substantial financial obligation for the state; and

WHEREAS, The University of California is charged with performing research and diverse public service functions by the Master Plan for Higher Education, in addition to teaching, thus requiring a clear delineation of the several functions performed by the university; and

WHEREAS, The Legislature, within the limited resources of the state, intends to assure educational opportunity at the University of California for the greatest number of qualified students, provide for the most effective learning experience for undergraduate and graduate students, and maintain the university's eminence as a research institution; and

WHEREAS, The state is prepared to support quality academic programs only if the university reviews basic objectives, critically examines priorities, and operates efficiently at every level; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the University of California undertake to do the following:

(1) Reorganize its priorities in the use of faculty time so as to increase significantly the time spent by the faculty in activities which involve direct association with students in teaching and learning situations.

(2) Establish effective policies of reporting which will yield information about the amounts of time devoted by the several faculty ranks to combined teaching, learning, and research activities with students enrolled at the various levels (lower division, upper division, graduate).

(3) Review its academic programs, department by department, campus by campus, and, also, in relation to the university as a whole, looking for ways to eliminate unnecessary duplication of courses and programs and possible inefficiencies, while continuing to meet the needs of students and the university's responsibilities of providing research and public service of high quality; and be it further

*Resolved,* That the University of California is requested to report to the Legislature by April 1, 1972, on the policies it has established and the measures it has taken to accomplish the foregoing objectives, such report to include, but need not be limited to, steps taken by the University of California to:

(1) Eliminate unnecessary program and course duplication.
(2) Eliminate unnecessary small classes.
(3) Assess the priority of research projects to assure that research efforts which are unrelated to teaching contribute to the solution of important contemporary problems.
(4) Ensure that a greater amount of faculty time is devoted to direct association with students in teaching and learning situations, with special consideration given to undergraduate students; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Regents of the University of California.

## RESOLUTION CHAPTER 208

*Assembly Concurrent Resolution No. 133—Relative to a study of a new state highway route from Delano to Interstate 5.*

[Filed with Secretary of State October 27, 1971.]

WHEREAS, The only interstate route to extend the length of California from the Mexican border to the Oregon border is Interstate 5; and

WHEREAS, This route traverses along the westerly side of the Central Valley, thereby bypassing certain urban areas in its southerly portion; and

WHEREAS, The urban area encompassed by the City of Delano may, therefore, be without an access to this new interstate facility; and

WHEREAS, The provision of such an access would appear to be in the best interests of both the people of that area and of the state at large; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Public Works is hereby requested to conduct a study of the feasibility of adding to the state highway system a new state highway route from the City of Delano to Interstate 5; and be it further

*Resolved,* That the department report its findings to the Legislature at the 1972 Regular Session of the Legislature as a part of its functional classification study and Section 256 Report, which are due also at that time; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

## RESOLUTION CHAPTER 209

*Assembly Concurrent Resolution No. 152—Relative to the interchange at Route 78 and El Camino Real.*

[Filed with Secretary of State October 27, 1971.]

WHEREAS, The interchange at Route 78 and El Camino Real between Carlsbad and Oceanside is a major traffic hazard and bottleneck due to the heavy traffic and insufficient number of lanes; and

WHEREAS, The traffic situation is sufficiently critical during peak hours to require the Department of the California Highway Patrol to assign two officers to direct traffic at the interchange; and

WHEREAS, The long-range permanent improvement of the interchange by widening the overcrossing, adding left-turn lanes, and relocating frontage roads to accommodate new on-and-off ramps will not be completed, according to estimates of the Division of Highways, until 1976; and

WHEREAS, Immediate relief to the hazardous traffic congestion can be obtained by the installation of traffic signals at an estimated cost of $50,000; and

WHEREAS, The installation of the traffic lights will not be completed until mid-1972, since the plans and specifications will not be presented to the California Highway Commission until June 1971; and

WHEREAS, The heavy traffic requires that facilities physically separated from the highway lanes be provided for the safety of pedestrians; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the California Highway Commission and the Department of Public Works are hereby requested to expedite the installation of traffic signals and the construction of pedestrian facilities physically separated from the highway lanes at the interchange of Route 78 and El Camino Real, and to raise the priority of the construction of the permanent improvements at the interchange so that the hazardous traffic conditions thereat may be eliminated at the earliest possible moment; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the California Highway Commission and the Director of Public Works.

---

## RESOLUTION CHAPTER 210

*Assembly Concurrent Resolution No. 157—*
*Relative to state employment.*

[Filed with Secretary of State October 27, 1971.]

WHEREAS, Equal opportunity in public service employment is a subject of public and legislative concern; and

WHEREAS, Application of the civil service merit principle can serve to promote ethnic and racial equality as it did at its inception to eliminate political discrimination in public employment; and

WHEREAS, To effectively develop, implement, and evaluate programs to bring disadvantaged and minority persons into state employment, the Legislature must have information relating to the extent to which such persons are employed; and

WHEREAS, The Career Opportunities Development (COD) program, which is currently operating in 17 state agencies under the guidance of the State Personnel Board, represents an effective concept for bringing disadvantaged and minority persons into state service and providing for upward mobility of incumbent employees; and

WHEREAS, The State of California has a moral responsibility to provide affirmative action leadership as an equal opportunity employer through its example to all employers, public and private alike; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, As follows:

1. The State Personnel Board shall establish a permanent ethnic data reporting and recording system to provide the Legislature with a periodic review of the number of blacks, Mexican-Americans, and other minorities in the employ of the State of California.

2. That, in accordance with the decision of the U.S. Supreme Court in Griggs v. Duke Power Company, 28 L.Ed. 2d 158, the State Personnel Board regularly review its examination procedures and remove or modify test items which are not specifically job related and simplify test instructions wherever possible.

3. That the State Personnel Board review the entry requirements in all entry level jobs in order to reduce or eliminate non-job-related education and credential requirements which may serve as unnecessary barriers to employment or promotion.

4. That the State Personnel Board intensify its employment recruitment efforts in communities which have a large number of disadvantaged and minority persons.

5. That the State Personnel Board seek out qualified members of minority groups and encourage them to serve as raters on qualification appraisal panels.

6. That the State Personnel Board accelerate implementation of the career opportunities development concept and expand the existing program to include as many state agencies as possible.

7. That the State Personnel Board study and report on alternatives to the "rule of three" which might be used in concert with the merit principle to expand opportunities for disadvantaged and minority persons in state employment.

8. That each state agency cooperate with the State Personnel Board in the pursuit of the aforementioned endeavors.

9. That the State Personnel Board submit an affirmative action progress report to the Legislature no later than December 1, 1971, and a second report no later than June 1, 1972,

and that such report include, in part: (a) an evaluation of affirmative action efforts in each state agency, and (b) specific legislative and budgetary recommendations which may be necessary to implement an effective affirmative action program designed to enhance equal state employment opportunities for all Californians; and be it further

*Resolved*, That the Chief Clerk of the Assembly shall transmit copies of this resolution to the State Personnel Board, each director of a state department, the Secretary of the Business and Transportation Agency, the Secretary of the Resources Agency, the Secretary of the Human Relations Agency and the Secretary of the Agriculture and Services Agency.

---

## RESOLUTION CHAPTER 211

*Assembly Concurrent Resolution No. 86—Relative to schoolbuses.*

[Filed with Secretary of State October 27, 1971.]

WHEREAS, The Members of the Legislature are vitally concerned that the highest safety standards for schoolbus transportation be provided; and

WHEREAS, The National Highway Traffic Safety Administration has developed and adopted safety standards for new tires of the passenger car type; and

WHEREAS, The National Highway Traffic Safety Administration has developed, but has not yet adopted, safety standards for new tires of the schoolbus type; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members direct the Department of Education to examine and determine the need for the development and adoption of safety standards for new tires used on schoolbuses in California and that such examination include, but not be limited to, the number of schoolbus accidents caused by defective tires, available material from schoolbus safety studies, and the scope and status of the proposed federal standards; and be it further

*Resolved,* That the State Department of Education in carrying out this study shall seek the cooperation and recommendations of local school districts and the California Highway Patrol; and be it further

*Resolved,* That the State Department of Education report its findings and recommendations to the Legislature not later than the fifth calendar day of the 1972 Regular Session; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the State Department of Education and the California Highway Patrol.

## RESOLUTION CHAPTER 212

*Assembly Concurrent Resolution No. 87—Relative to State Highway Route 157.*

[Filed with Secretary of State October 27, 1971.]

WHEREAS, Section 75.7 of the Streets and Highways Code requires that community values be considered in determining the location of a state highway; and

WHEREAS, The adopted alignment for Route 157 will divide a homogeneous area of the City of San Diego and thereby create socioeconomic problems; and

WHEREAS, Twelve individuals were precluded from obtaining private capital to finance the construction of an urgently needed medical facility in the area because of the adopted alignment for Route 157; and

WHEREAS, The need for Route 157 at its adopted location should be reconsidered in view of the present construction of Route 805; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the California Highway Commission, the Department of Public Works, and the City of San Diego are hereby requested to review the need for Route 157 at its adopted location, and to submit their recommendations to the Legislature by April 1, 1972, on alternative locations for Route 157; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the California Highway Commission, the Director of Public Works, and the City of San Diego.

---

## RESOLUTION CHAPTER 213

*Senate Concurrent Resolution No. 75—Relative to fire safety.*

[Filed with Secretary of State October 27, 1971.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members request the State Fire Marshal to create a committee, acting under his direction, to study staffing standards and ratios of patients to staff members in nursing homes, boarding homes, halfway houses, hospitals, and all out-of-home, nonmedical care facilities covered by the provisions of Article 3 (commencing with Section 13920), Chapter 6.5 of Part 3 of Division 9 of the Welfare and Institutions Code in relation to fire safety; and be it further

*Resolved,* That the committee shall consist of a private citizen and a member or representative of the following organizations:

(a) California Fire Chiefs Association
(b) California Firemans Association
(c) Federated Firefighters
(d) California Nursing Home Association
(e) California Hospital Association
(f) State Department of Social Welfare
(g) State Department of Mental Hygiene
(h) State Department of Public Health
(i) California Association of Homes for the Aging
(j) California Association for the Retarded
(k) State Department of Health Care Services
(*l*) Board and Care Operators Association
(m) Legislative Analyst
(n) State Office of Narcotics and Drug Abuse Coordination;

and be it further

*Resolved,* That the State Fire Marshal may invite any other person or representative of any other organization to participate in this study, if the State Fire Marshal determines that such person or organization has a justifiable interest in the subject matter of the study; and be it further

*Resolved,* That the committee report its findings to the Legislature by the 60th calendar day from the commencement of the 1972 Regular Session; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the State Fire Marshal.

---

## RESOLUTION CHAPTER 214

*Senate Joint Resolution No. 13—Relative to the Sacramento-San Joaquin Delta.*

[Filed with Secretary of State October 27, 1971.]

WHEREAS, The intent of Presidential Executive Order 11507, dated February 4, 1970, as stated therein, is that the federal government, in the design, operation, and maintenance of its facilities, shall provide leadership in the nationwide effort to protect and enhance the quality of our air and water resources; and

WHEREAS, It is the continuing responsibility of the federal government, as outlined in the National Environmental Policy Act of 1969 (P.L. 91-190), to use all practicable means to improve and coordinate federal plans, functions, programs, and resources to the end that the nation may attain the widest range of beneficial uses of the environment without degradation; and

WHEREAS, The report of the Senate Select Committee on Salinity Intrusion in Agricultural Soils, dated January 4, 1971, notes that the United States Bureau of Reclamation, in addition to improving delta outflow conditions during periods of low flow, for which repayment contracts are now being negotiated with local interests, has a responsibility to recognize its obligations in contributing to a loss of availability of usable quality water which accompanies a change in the regimen of fresh water outflow from the Sacramento-San Joaquin Delta to San Francisco Bay; and

WHEREAS, The Assembly Standing Committee on Water, in its findings, conclusions, and recommendations dated October 14, 1969, concerning the proposed Peripheral Canal Unit of the Central Valley Project, California, recommended that the Bureau of Reclamation be authorized to financially participate in the provisions of substitute water supplies for delta water users to the extent their historic rights are impaired as a result of Bureau of Reclamation diversions; and

WHEREAS, The Senate Standing Committee on Water Resources, in comments dated November 7, 1969, following hearings on the proposed Peripheral Canal Unit of the Central Valley Project, California, recommended federal participation in providing supplemental water supplies based on any decreases in offshore water supplies due to operation of the Central Valley Project; and

WHEREAS, Section 12202 of the California Water Code directs that the State Water Resources Development System, in coordination with the Central Valley Project, shall provide salinity control and an adequate water supply in the Sacramento-San Joaquin Delta provided that, if it is found to be in the public interest, substitute water supplies can be provided in lieu of salinity control at no additional financial burden; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California requests the United States Bureau of Reclamation of the Department of the Interior to meet its responsibilities as required by, but not limited to, the National Environmental Policy Act of 1969 (Public Law 91-190) and Presidential Executive Order No. 11507 by advising the Secretary of the Interior and the Congress concerning the nature of its obligation in operating those existing and proposed federal water projects that contribute to the loss of availability of usable quality water which accompanies a change in the regimen of fresh water outflow from the Sacramento-San Joaquin Delta to San Francisco Bay; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the United States Commissioner of Reclamation, to the Administrator of the Environmental Protection Agency, and to the Secretary of the Interior.

## RESOLUTION CHAPTER 215

*Assembly Concurrent Resolution No. 36—Relative to the San Leandro Department of Motor Vehicles office.*

[Filed with Secretary of State October 27, 1971.]

WHEREAS, The San Leandro office of the Department of Motor Vehicles services an area containing over 150,000 persons; and

WHEREAS, The San Leandro area is undergoing industrial growth and demands for services from the department's office in San Leandro will be increased; and

WHEREAS, The Department of Motor Vehicles may close this office in 1972; and

WHEREAS, The residents of San Leandro, many of them senior citizens, will be forced to travel to adjacent communities to transact their business with the Department of Motor Vehicles; and

WHEREAS, The City of San Leandro has expressed a willingness to attempt to resolve any zoning problems which may arise with regard to the location of the office; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Motor Vehicles is requested not to close the San Leandro office of the Department of Motor Vehicles; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Motor Vehicles.

---

## RESOLUTION CHAPTER 216

*Assembly Concurrent Resolution No. 109—Relative to motor vehicle thefts.*

[Filed with Secretary of State October 27, 1971.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the report to the Legislature required of the California Highway Patrol by Chapter 1015, Statutes of 1970, shall be made not later than April 1, 1972, instead of the fifth legislative day of the 1972 Regular Session; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Commissioner of the California Highway Patrol.

# RESOLUTION CHAPTER 217

*Assembly Concurrent Resolution No. 114—Relative to local contingency plans to deal with spills of oil and other hazardous material.*

[Filed with Secretary of State October 27, 1971.]

WHEREAS, Various recent oil spills which have had disastrous consequences in various areas of the state have demonstrated the need for the preparation of local contingency plans to deal with spills of oil and other hazardous materials; and

WHEREAS, The most important elements of such a plan are the predesignation of a local operating authority and an alternate to take overall charge of any local major spill abatement operations, and the providing of such person with the authority to obtain and direct the personnel and equipment needed for such operations; and

WHEREAS, A valuable item which should be provided to the local operating authority by such plan, particularly at the beginning of abatement operations, is a list of up-to-date telephone numbers of all emergency services and various other officials and organizations which will be involved in abatement operations; and

WHEREAS, The local contingency plan should enable the local coordinator to predetermine, with the technical advice of the California Regional Water Quality Control Boards or the State Department of Water Resources, the manner in which contaminants shall be disposed of and the sites at which such disposal shall occur; and

WHEREAS, It is desirable that local plans be tailored to the type of contaminant spill which is most likely to occur in that particular locality, such as tankers, barges, pipelines, oil and gas operations, or railroad tank cars or tank trucks which transport oil, gasoline or chemicals; and

WHEREAS, It is important that local contingency plans be designed to either function independently or to mesh smoothly into the state spill disaster contingency organization, if activated, or into the federal oil spill contingency organization; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature of the State of California urges every city, county, and city and county of this state to formulate contingency plans based on the aforementioned factors to deal with spills of oil and other hazardous materials; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the legislative body of each city, county, and city and county of this state.

## RESOLUTION CHAPTER 218

*Assembly Concurrent Resolution No. 82—Relative to the University of California.*

[Filed with Secretary of State October 28, 1971.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Regents of the University of California are requested to report to the Legislature by no later than the fifth calendar day of the 1972 Regular Session, information on selection criteria utilized for the Educational Opportunity Program of the university and the number of applicants for that program who display potential for successful academic performance in the university but who have been denied admission due to insufficient program funding; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to each member of the Regents of the University of California.

---

## RESOLUTION CHAPTER 219

*Assembly Concurrent Resolution No. 140—Relative to adoption of a physically handicapped symbol.*

[Filed with Secretary of State October 28, 1971.]

WHEREAS, There is an urgent need to adopt an internationally accepted symbol to indicate that buildings and facilities are accessible to the physically handicapped; and

WHEREAS, The physically handicapped symbol has been adopted for use around the world by Rehabilitation International's 11th world congress; and

WHEREAS, The physically handicapped symbol is easily recognized by those handicapped; and

WHEREAS, No such standard symbol has been officially adopted by the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State of California adopt the following figure  , which is white on a blue background, as its physically handicapped symbol which shall be prominently displayed at all entrances to public property, buildings and facilities which provide for access and use by the physically handicapped; and be it further

*Resolved,* That the private use of this symbol shall be encouraged; and be it further

*Resolved,* That the Chief Clerk of the Assembly shall prepare a suitable copy of this resolution and present it to the California Association of the Physically Handicapped and shall further dispatch a copy of this resolution and a copy of the symbol to the Director, State Department of General Services, the chairman of each county board of supervisors, the mayor of each city and municipality and the chief of the building department for each of the aforementioned.

---

## RESOLUTION CHAPTER 220

*Assembly Concurrent Resolution No. 43—Relative to the naming of bridges in memory of Vietnam veterans.*

[Filed with Secretary of State October 28, 1971.]

WHEREAS, Many fine young men of this state have given their lives in the Vietnam conflict; and

WHEREAS, The people of this state owe a debt of gratitude to the veterans of the Vietnam conflict, and to their families and friends; and

WHEREAS, It is altogether fitting and proper that the supreme sacrifice of these young men be given permanent recognition whenever this is possible; and

WHEREAS, There are presently several state highway bridges which have not been previously named and which could be named for at least some of the many Vietnam veterans; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the following state highway bridges be dedicated to and named for the serviceman whose name appears opposite the particular bridge:

| Description | Bridge No. | Route No. | Name of veteran |
|---|---|---|---|
| Rte. 20/49 Empire St. Separation | 17-49 | 20<br>49 | Bruce Allen Jensen |
| Mill Street Undercrossing | 17-83 | 20 | Ernest James Stidham |
| Grass Valley Undercrossing | 17-50 | 20 | David E. Freestone and Harry Lee Theurkauf (This bridge to be dedicated to both of these servicemen ) |
| Bank Street Undercrossing | 17-51 | 20 | Kenneth W. Scurr |
| Bennett Street Undercrossing | 17-52 | 20 | John Robert Kunkel |
| Idaho-Maryland Rd. Undercrossing | 17-79 | 20 | Douglas A. Rix |
| Dorsey Drive Overcrossing | 17-81 | 20 | Thomas W. Crawford |
| Brunswick Road Overcrossing | 17-48 | 20 | Gary Ames Miller |
| Banner Ridge Road Overcrossing | 17-77 | 20 | James F. Deeble |
| Gold Flat Road Overcrossing | 17-82 | 20 | John Stuart Seeley |
| Sacramento Street Overcrossing | 17-53 | 20 | Michael Goeller |
| Broad Street Overcrossing | 17-55 | 20 | Ronald J. Walber |
| Washington Street Overcrossing | 17-56 | 20 | Philip A. Tritsch |

and be it further

*Resolved,* That the Department of Public Works be directed to erect appropriate signs and markers showing this official dedication; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

---

## RESOLUTION CHAPTER 221

*Senate Concurrent Resolution No. 74—Relative to sick leave usage.*

[Filed with Secretary of State November 2, 1971.]

WHEREAS, The cost to the state of sick leave in all agencies is an amount which exceeds several millions of dollars annually; and

WHEREAS, The Legislative Analyst in his continuing review of state costs has recommended from time to time specific instances where agencies should be required to institute and subsequently report upon the effectiveness of steps taken to reduce unnecessary sick leave; and

WHEREAS, The Department of Mental Hygiene in response to specific such instructions from the Legislature has acted to establish sick leave controls which it reports saved over 15,000 employee-days in 1970, producing annual savings reasonably estimated to exceed $500,000 a year; and

WHEREAS, The state supports numerous programs administered by units of local government which may be able with the institution of similar controls to save even greater sums, since they represent much larger programs in public health, education, welfare, and other public service areas; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the State Superintendent of Public Instruction with respect to school districts and the Legislative Analyst with respect to other local governmental entities make inquiries as to the extent and effectiveness of programs designed to reduce excessive utilization of sick leave and report the results of such inquiries to the Legislature not later than the fifth day of the 1972 session; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the State Superintendent of Public Instruction and the Legislative Analyst.

---

## RESOLUTION CHAPTER 222

*Senate Concurrent Resolution No. 109—Relative to study of State Highway Route 150.*

[Filed with Secretary of State November 2, 1971.]

WHEREAS, State Highway Route 150 was added to the California freeway and expressway system in 1959, but no freeway route has been adopted and no freeway construction is shown in the planning program of the Department of Public Works; and

WHEREAS, Section 75.7 of the Streets and Highways Code requires that community values be considered in the determination of state highway routes; and

WHEREAS, The City Council of Ojai, at its meeting of June 10, 1971, unanimously adopted a motion requesting the removal of Route 150 through the City of Ojai from the freeway and expressway system, but retention of the route in the state highway system; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the California Highway Commission and the Department of Public Works are hereby requested to review the need for the development of State Highway Route 150 as a freeway in all or any of its segments, and to submit their findings to the Legislature by the 10th calendar day of the 1972 Regular Session of the Legislature; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the California Highway Commission, the Director of Public Works, the City of Ojai, the City of Santa Paula, the County of Ventura, and the County of Santa Barbara.

---

## RESOLUTION CHAPTER 223

*Senate Concurrent Resolution No. 120—*
*Relative to water quality.*

[Filed with Secretary of State November 2, 1971 ]

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the State Water Resources Control Board conduct a study of the effect of assessing an effluent charge or a water quality protection fee upon any person discharging into waters of the state waste water which, as a consequence of his use has undergone an increase in dissolved chemical compounds; and be it further

*Resolved*, That such study include the effect of permitting an effluent bonus to any such person who by means of treatment reduces the dissolved solids in his waste water to below the level of the water as diverted; and be it further

*Resolved*, That the State Water Resources Control Board report to the Legislature on the results of such study not later than the fifth calendar day of the 1973 Regular Session; and be it further

*Resolved*, That the Secretary of the Senate transmit a copy of this resolution to the State Water Resources Control Board.

# RESOLUTION CHAPTER 224

*Assembly Concurrent Resolution No. 65—Relative to flood control in the Tijuana River Valley.*

[Filed with Secretary of State November 2, 1971.]

WHEREAS, The Tijuana River, which originates in Baja California, Mexico, and empties into the Pacific Ocean on the United States side of the international boundary, is subject to periodic heavy flooding; and

WHEREAS, Construction of the Tijuana River Flood Control Project, which has been authorized by the California Legislature and the United States Congress and is a joint project between the United States and Mexico, is essential to the protection of land in both Mexico and the United States; and

WHEREAS, Some 5,200 acres of land in the Tijuana River Valley is situated in the United States in the State of California and the County of San Diego, and is subject to heavy inundation during extreme rain periods; and

WHEREAS, The United States, the State of California, the County of San Diego, the City of San Diego, and the City of Imperial Beach, among other public agencies, participated in a federally funded study which led to the adoption of the Border Area Plan in 1967; and

WHEREAS, The Border Area Plan included among its recommendations the development of an approximately 950-acre international border beach park facility in the Tijuana River Valley; and

WHEREAS, The federal government is in the process of making the 377-acre United States Navy border field facility available for acquisition by the State of California for park and recreation purposes; and

WHEREAS, The Border Area Plan includes among its recommendations the development of a marina in the Tijuana River Estuary; and

WHEREAS, The Resources Agency has indicated its concern for maintaining the natural resource values of the Tijuana River Estuary; and

WHEREAS, Any substantial preservation of the estuarine resource may alter the benefit cost ratio presently ascribed to the flood control project; and

WHEREAS, The United States Congress has allocated funds for the design of the Tijuana River Flood Control Channel and is now considering the appropriation of moneys for construction of the channel and the United States Corps of Engineers is completing an environmental impact study for the Tijuana River Valley; and

WHEREAS, These factors may alter the 1967 Border Area Plan, and those local agencies in whose jurisdiction the Tijuana River Flood Control Channel will be constructed have

agreed to incur any cost entailed by a review of the 1967 Border Area Plan; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Resources Agency is directed to participate with the City of San Diego, the City of Imperial Beach, and the County of San Diego in a joint review of land uses in the Tijuana River Valley based upon the designed southerly alignment of the Tijuana River Flood Control Channel; and be it further

*Resolved,* That the Resources Agency shall complete such review and report the findings and recommendations of the review to the Legislature not later than the fifth calendar day of the 1972 Regular Session; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Secretary of the Resources Agency.

---

## RESOLUTION CHAPTER 225

*Assembly Concurrent Resolution No 154—Relative to women administrators in the field of education.*

[Filed with Secretary of State November 2, 1971.]

WHEREAS, Recent national investigations have clearly shown that the potential of women is not being recognized or adequately developed at any level of higher education; and

WHEREAS, In California, not only are there few women in administrative positions in the colleges and universities, but their representation on policymaking boards and councils is extremely limited; and

WHEREAS, Only two of the 24 Regents of the University of California are women, one of the 16 appointed and five ex officio Trustees of the California State Colleges is a woman, four of the 15-member Board of Governors of the California Community Colleges are women, two of the 10-member State Board of Education are women, three of the 38 officers and staff members of the Coordinating Council for Higher Education are women, the nine members of the State Scholarship and Loan Commission include only one woman, and within the State Department of Education only 14 percent of administrative and policymaking posts are held by women; and

WHEREAS, Such disproportionate ratio of women to men in policymaking positions of higher education in California fails to make use of the full potential of women and their special contributions to society, and is a denial of the rights of a large segment of the population of the state; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Governor and the State Superintendent of Public Instruction are urged to increase the number of women appointed to policymaking boards and

councils and administrative positions in the field of higher education so that the percentage of women in such positions will more nearly reflect the percentage of women in California society; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor of the State of California and the State Superintendent of Public Instruction.

---

## RESOLUTION CHAPTER 226

*Assembly Concurrent Resolution No. 159—Relative to Indian employment.*

[Filed with Secretary of State November 2, 1971]

WHEREAS, Ethnic and racial minorities in California are seeking to develop their individual and group resources within distinctive historical and cultural frameworks in order to make their own, unique contributions within our democratic society; and

WHEREAS, In recent years, under the leadership of both parties, the State of California has made progress in creating Indian-staffed programs to assist the Indians in reaching this goal; and

WHEREAS, The Legislature, through Senate Bill No. 1397 of the 1969 Regular Session and Senate Bill No. 872 of the 1970 Regular Session, created such Indian-staffed programs in the State Department of Public Health and the State Department of Education, with Indians involved not only at the lower staff levels but also at policymaking levels; and

WHEREAS, The Department of Human Resources Development hired 15 Indian Employment Community workers in 1967 to concentrate on the Indian unemployment situation of rural California; and

WHEREAS, This component, since the inception of the program, has been involved with the various Indian organizations and has cooperated and planned programs with universities, the Department of Corrections, the Department of Education, Manpower Development programs, the Department of Public Health, the Bureau of Indian Affairs, as well as their own department; and

WHEREAS, The Indian HRD workers have more than justified their existence with the jobs developed, placements, educational and health program involvement, community involvement, and training program placement; and

WHEREAS, There is a demonstrated need for expansion of the Department of Human Resources Development's Indian component upward in the supervisory and policy-setting levels; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature respectfully requests the Department of Human Resources Development to expand its Indian-staffed unit to include two coordinators and two secretaries, one each in southern California and one each in northern California, who shall coordinate the work of the Indian field workers in their respective regions, and a program planner at the state level office; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Human Resources Development.

## RESOLUTION CHAPTER 227

*Assembly Concurrent Resolution No. 113—Relative to oil spill disasters.*

[Filed with Secretary of State November 3, 1971.]

WHEREAS, The national, regional and state oil spill contingency plans are intended to bring maximum resources to bear to contain and clean up oil spilled in a major pollution spill incident; and

WHEREAS, Each plan provides for and defines the respective roles of the polluter, and the appropriate agencies of government; and

WHEREAS, Each plan defines in detail the policy of government with respect to oil spillage and the steps required to contain and abate such spillage; and

WHEREAS, Each plan sets up special response teams with authority to participate directly in the abatement of a spill; and

WHEREAS, No contingency plan makes provision for the participation of massive numbers of citizen volunteers in containment and abatement efforts; and

WHEREAS, The experience of the San Francisco Bay spill of January 18, 1971, and the months following indicates that effective containment and abatement efforts, and rescue and treatment of affected wildlife in a major spill incident, cannot take place without the participation of citizen volunteers; and

WHEREAS, The effective use of volunteers in a major spill incident is difficult to obtain because the appropriate agencies of government have no plan that includes their participation; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That provision should be made for the participation of citizen volunteers in all oil spill contingency plans by the State Inter-Agency Oil Spill Committee; such provision should reflect the critical role that volunteer participation plays in response to a major pollution spill incident; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the Commander, Twelfth Coast Guard District; the Regional Administrator of the Environmental Protection Agency; and the Director, California Department of Conservation (the present Chairman of the State Inter-Agency Oil Spill Committee).

---

## RESOLUTION CHAPTER 228

*Senate Joint Resolution No. 38—Relative to establishment of national cemeteries.*

[Filed with Secretary of State November 4, 1971.]

WHEREAS, It has come to the attention of the Members of the California State Legislature that there are currently no spaces available in national cemeteries in California to bury the veterans of wars which were fought to preserve our freedom; and

WHEREAS, Since the Civil War, this nation has guaranteed to veterans who faithfully served in wartime the privilege of interment; and

WHEREAS, There are now over thirty million veterans who are eligible to be buried in a national cemetery, with only approximately two hundred thousand spaces available; and

WHEREAS, Every year during the Vietnam War we add over one million new veterans to the long list of those who qualify for burial in a national cemetery; and

WHEREAS, Even though the veteran and his family, if they so request, are buried at no cost to themselves, they must nevertheless pay the costs of transportation to the nearest national cemetery; and

WHEREAS, The nearest national cemeteries to California with space available are located in Portland, Oregon, and in San Antonio, Texas; and

WHEREAS, Last year the entire town of Port Chicago was condemned to provide a buffer zone for the Naval Weapons Depot and this vacant land is now serving no useful purpose; and

WHEREAS, The area of Port Chicago and the land adjacent thereto contains 2,867.82 acres, which are capable of providing over two and a half million graves, with adequate space left for landscaping and roadways; and

WHEREAS, Lands surplus to the needs of the Navy and incident to the bigger zone created for protection to the public are appropriate to a national cemetery; and

WHEREAS, The desert area near Palm Springs, California, would serve as an additional appropriate site for a national cemetery to serve the burial needs of veterans in southern California and adjacent areas; and

WHEREAS, Vandenberg Air Force Base would also serve as an additional appropriate site for a national cemetery to serve the burial needs of veterans in southern California and adjacent areas; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes the Congress of the United States and the Veterans Administration to consider for national cemeteries such sites together with all other potential sites in California, and to establish one or more national cemeteries in California; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Director of the Veterans Administration, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 229

*Assembly Joint Resolution No. 52—Relative to providing treatment for drug addiction of Vietnam veterans.*

[Filed with Secretary of State November 4, 1971.]

WHEREAS, The effects of the war in southeast Asia have led to an outbreak of an insidious epidemic of drug addiction afflicting thousands of American servicemen in Vietnam with a deadly disease they cannot control; and

WHEREAS, The veterans of this war are now returning to their homes within the United States, and suffering from the pain and horror of drug addiction without benefit of medical treatment, rehabilitation, and preventive education; and

WHEREAS, The federal government of the United States should assume responsibility for the health and welfare of those men victimized by this war; and

WHEREAS, There is within the State of California an institution administered by the state's Department of Veterans Affairs which has the physical capability to provide for the necessary medical treatment, rehabilitation, and preventive education of Vietnam veterans returning to their homes within the State of California; and

WHEREAS, The Veterans Home and Hospital located at Yountville, California, should be utilized by the federal government, in close cooperation with the government of the State of California, for the purpose of providing for the necessary medical treatment, rehabilitation, and preventive education of California residents who are returning home from Vietnam afflicted with drug addiction; and

WHEREAS, There are within the State of California many drug treatment programs in community mental health facili-

ties (including more than 20 methadone maintenance programs) and at state hospitals which are capable in assisting in the treatment of drug addiction of veterans of the Vietnam War; and

WHEREAS, There is within the State of California at DeWitt Hospital a most suitable treatment center capable of assisting in the treatment of drug addiction of Vietnam veterans; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the federal government of the United States be requested to take all actions necessary, including financial assistance, in close cooperation with the government of the State of California, directed toward the utilization of the Veterans Home and Hospital in Yountville, California, DeWitt Hospital in Auburn, California, and the community mental health facilities and state hospitals in California for the purpose of providing for the necessary medical treatment, rehabilitation, and preventive education of Vietnam veterans who are afflicted with drug addiction, and who are residents of California; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, the Administrator of Veterans Affairs, the Director of the California Department of Veterans Affairs, and the Director of Mental Hygiene.

---

## RESOLUTION CHAPTER 230

*Assembly Concurrent Resolution No. 162—Relative to venereal disease control.*

[Filed with Secretary of State November 5, 1971 ]

WHEREAS, Venereal disease continues to top the list of reportable diseases in California for the ninth consecutive year with over one-half of all afflicted persons between the ages of 15 and 25; and

WHEREAS, In California in 1970, there were reported 105,000 new cases of gonorrhea and 10,000 new cases of syphilis, including 200 new cases of infants born with syphilis; and

WHEREAS, California annually spends $5 million for venereal disease control, including $2.1 million for hospitalization and care of the syphilitic insane and $600,000 in aid to the syphilitic blind, and $7 million in public and private funds is spent for the treatment of gonorrhea; and

WHEREAS, The Special Report to the State Board of Public Health by the California Task Force for Venereal Disease Control, completed June 4, 1971, recommends increased efforts to control and prevent venereal disease; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature, recognizing the need for achieving control and prevention of venereal disease in California, strongly urges Governor Ronald Reagan, the State Department of Public Health and the Health Planning Council to implement the recommendations of the California Task Force for Venereal Disease Control, including: (1) the addition of 27 public health advisers to the syphilis control program; (2) support of programs for development of a successful syphilis vaccine; (3) an increase in staff and staff capabilities in gonorrhea casefinding; (4) an increase in educational efforts for the prevention of venereal disease; (5) support for the adoption of federal legislation pending in Congress which would fund the programs established pursuant to Public Law 91-464, the Communicable Disease Amendments of 1970, and thereby assist in implementing such recommendations of the California Task Force for Venereal Disease Control; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Ronald Reagan, the Secretary of the Human Relations Agency, the Director of Public Health, the Chairman of the Health Planning Council, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 231

*Assembly Joint Resolution No. 56—Relative to the federal-aid TOPICS program.*

[Filed with Secretary of State November 10, 1971.]

WHEREAS, The Federal-Aid Highway Act of 1968 authorized the expenditure of federal funds for an urban traffic operations program to increase capacity and safety, known as TOPICS, and this program was continued by the Federal-Aid Highway Act of 1970; and

WHEREAS, Local agencies have encountered difficulty in the administration of this program due to burdensome administrative procedures required by the federal government; and

WHEREAS, The new urban system created by the Federal-Aid Highway Act of 1970 and the TOPICS program could be combined to provide a more efficient program which would be easier to administer; and

WHEREAS, It is essential that steps be taken to simplify procedures so that federal funds can be more easily utilized by the cities and counties of California; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of Cali-

fornia respectfully memorializes the President and the Congress of the United States to take the necessary steps to remove burdensome administrative procedures from the TOPICS program and to consider the integration of programs designed for the improvement of streets and highways in urban areas; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 232

*Assembly Concurrent Resolution No. 166—Relative to the Master Plan for Higher Education.*

[Filed with Secretary of State November 10, 1971.]

WHEREAS, The Master Plan for Higher Education was developed in 1960 and partially passed into law by the Donahoe Higher Education Act; and

WHEREAS, It has become evident that there is a need for a thorough reevaluation of the 1960 master plan; and

WHEREAS, The Legislature has recognized this need by establishing the Joint Committee on the Master Plan for Higher Education; and

WHEREAS, The Coordinating Council for Higher Education has also recognized this need by establishing a Select Committee on the Master Plan for Higher Education, pursuant to its responsibilities under Section 22703 of the Education Code to provide advice relating to the delineation of functions of the segments of higher education and also on the orderly growth of higher education; and

WHEREAS, The Legislature desires to receive as many inputs as possible in its consideration of the adequacy of the present Master Plan for California Higher Education; and

WHEREAS, The Legislature has several specific concerns which it believes should be considered in detail by the Joint Committee on the Master Plan for Higher Education and the Coordinating Council for Higher Education; and

WHEREAS, The Coordinating Council for Higher Education has been making other efforts independent of its review of the master plan which will have a bearing on the future of higher education in California, particularly its reports on higher cost programs, graduate education, and the review of the academic plans and programs of the segments of higher education; and

WHEREAS, The Legislature believes it is necessary to make its concerns known substantially in advance of the completion of the various master plan reviews so as to prompt full discussion of the issues; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Joint Committee on the Master Plan for Higher Education and the Select Committee on the Master Plan for Higher Education, in addition to their general research into the needs and requirements for a new master plan for higher education in California, are requested to give specific consideration to the following questions:

1. Should standards be set for the size of campuses in terms of the minimum, optimum, and maximum number of students that will permit both efficiency and quality education and, if so, what should those standards be?

2. Should traditional campuses continue to be the primary higher education delivery system in California or should other approaches be initiated?

3. Should the role of the community colleges be expanded to include three-year terminal programs in vocational and technical fields?

4. What will be the future demands and needs for graduate and professional education at all levels?

5. Should a permanent mechanism be established to review, on an ongoing basis, the existing and proposed academic plans and programs of the institutions of higher education so as to reduce course and program proliferation and the costs associated therewith and, if so, how should this be accomplished?; and be it further

*Resolved*, That independent of its work on revising the Master Plan for Higher Education, the Coordinating Council for Higher Education is requested to continue its review of high-cost programs in higher education on a periodic basis and to continue to render advice to the Legislature on actions that should be taken to insure maximum efficiency of operation; and be it further

*Resolved*, That the Coordinating Council for Higher Education is requested to submit its report on the Master Plan for Higher Education by November 15, 1972; and be it further

*Resolved*, That the Coordinating Council for Higher Education is requested to submit a progress report on the Master Plan for Higher Education by March 1, 1972; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the Joint Committee on the Master Plan for Higher Education, the Coordinating Council for Higher Education, the Regents of the University of California, the Trustees of the California State Colleges, and the Board of Governors of the California Community Colleges.

## RESOLUTION CHAPTER 233

*Senate Concurrent Resolution No. 84—Relating to capacity of the west wing of the Capitol to withstand an earthquake.*

[Filed with Secretary of State November 11, 1971.]

WHEREAS, A question has arisen as to whether the older part of the State Capitol, known as the west wing, adequately meets today's earthquake bracing standards; and

WHEREAS, Karl V. Steinbrugge, regarded as one of the most informed experts on earthquakes, issued a report to the Joint Legislative Committee on Seismic Safety, concluding that the west wing of the Capitol Building is unsafe; and

WHEREAS, At the same meeting of the Joint Legislative Committee on Seismic Safety, Gordon B. Oakeshott, Deputy Chief of the State Division of Mines and Geology, stated that Sacramento is not exempt from another major earthquake, because of its location between one fault 70 miles east and the San Andreas fault 70 miles west; and

WHEREAS, If this situation exists as reported it could lead to substantial injuries and losses to life and property; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Joint Rules Committee is hereby directed to determine whether the State Architect or a private firm is best suited to evaluate and issue a report on the safety of the west wing of the Capitol Building and determine the means and the probable cost of rehabilitation and/or reconstruction of the west wing, including the alternatives of cost and method of eliminating the hazards, from earthquake standpoints, and shall contract with the party providing the highest quality of service at the lowest cost to the state for such evaluation, determination, and report, to be submitted to the Legislature not later than March 1, 1972; and be it further

*Resolved,* That the sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, shall be allocated from the Contingent Funds of the Assembly and Senate to the Joint Rules Committee for the purpose of contracting with the State Architect or a private firm for conducting the study requested by this measure.

---

## RESOLUTION CHAPTER 234

*Senate Joint Resolution No. 46—Relative to private industry employee retirement or pension plans.*

[Filed with Secretary of State November 11, 1971.]

WHEREAS, The growth in size, scope, and numbers of private industry employee benefit plans in recent years has been rapid and substantial, and the continued well-being and security of millions of employees and their dependents are directly affected by these plans; and

WHEREAS, Private industry employee benefit plans have become an important factor affecting the stability of employment and the successful development of industrial relations and have significantly influenced commerce because of the interstate character of their activities, and of the activities of their participants, and the employers, employee organizations, and other entities by which they are established or maintained; and

WHEREAS, Owing to the lack of employee information and adequate safeguards concerning their operation, it is desirable in the interests of employees and their beneficiaries, and to provide for the general welfare and the free flow of commerce, that disclosure be made and safeguards be provided with respect to the establishment, operation, and administration of such plans; and

WHEREAS, Such plans substantially affect the revenues of the United States because they are afforded preferential federal tax treatment; and

WHEREAS, Despite the enormous growth in such plans many employees with long years of employment are losing anticipated retirement benefits owing to the lack of vesting provisions in such plans, and because of the inadequacy of current minimum standards the soundness and stability of plans with respect to adequate funds to pay promised benefits may be endangered; and

WHEREAS, Due to the involuntary termination of plans before requisite funds have been accumulated, employees and their dependents have been deprived of anticipated benefits; and

WHEREAS, It is therefore desirable in the interests of private industry employees and their beneficiaries, for the protection of the revenue of the United States, and to provide for the free flow of commerce, that minimum standards be provided assuring the equitable character of such plans and their financial soundness; and

WHEREAS, Public employees' retirement plans have been established by various state legislative bodies, and are operated under their control and review, are subject to their direction and audit and as such are adequately controlled and should not therefore be subject to the control of federal legislation; and

WHEREAS, There are two or more bills presently under consideration by the 92nd Congress of the United States, which would implement comprehensive plans to alleviate the problems or inequities presently existing in the area of employee benefit plans; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the United States Congress be memorialized to consider legislation to implement comprehensive plans to alleviate the problems or inequities presently existing in the area of private industry employee benefit plans; and be it further

*Resolved,* That public employee retirement plans be specifically exempted from such legislation; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 235

*Senate Concurrent Resolution No. 123—Relative to sickle cell anemia.*

[Filed with Secretary of State November 12, 1971.]

WHEREAS, Sickle cell anemia is an incurable hereditary disease that afflicts a number of Americans; and

WHEREAS, This hereditary disease afflicts the young and greatly reduces fertility; and

WHEREAS, This dreaded disease has not been recognized as an important community health problem or given appropriate consideration in research and health care planning; and

WHEREAS, A number of doctors, elected officials and community organizations are in the process of becoming involved in sickle cell anemia programs to counter the effects of this disease; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the State Department of Public Health is directed to appoint an advisory committee composed of medical specialists, representatives from community sickle cell anemia organizations, and elected officials to investigate and to make recommendations relative to the control and treatment of sickle cell anemia by the State Department of Public Health; and be it further

*Resolved,* That the State Department of Public Health submit the findings and recommendations of such advisory committee to the Legislature not later than January 30, 1972; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the State Department of Public Health.

## RESOLUTION CHAPTER 236

*Assembly Joint Resolution No. 55—*
*Relative to federal grants.*

[Filed with Secretary of State November 15, 1971 ]

WHEREAS, The federal government, through its grants-in-aid, has been for many years an important fiscal force in the economics of state and local government in California; and

WHEREAS, Such fiscal assistance has had a visible impact on the social, political, and economic conditions of California; and

WHEREAS, The apparent trend in federal financial assistance is toward greater and more substantial participation, which will certainly have a further impact on the lives of all Californians; and

WHEREAS, Presently, federal assistance is based on unilateral and highly regionalized requests from both state and local governmental entities; and

WHEREAS, A continuation of the present method of federal assistance can only result in severe and perhaps irreparable damage to all modes of life in California; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to condition all aid to local or state government or to private entities in California upon the presentation of a long-range plan which will indicate the effect on California's social, political and economic environment if such aid is granted, and to establish criteria to be used by federal agencies in determining what factors and information shall be included in such long-range plans and parameters of long-range effects to be used in determining whether aid should be granted; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 237

*Assembly Concurrent Resolution No. 170—Relative to the Simi Valley-San Fernando Valley Freeway.*

[Filed with Secretary of State November 16, 1971.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the California Highway Commission is hereby requested to expedite construction on State Highway Route 118, also known as the Simi Valley-San Fer-

nando Valley Freeway, so that the route may be brought up to freeway standards along its entire length prior to present scheduled date of completion of such construction in 1979; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the California Highway Commission.

---

## RESOLUTION CHAPTER 238

*Assembly Concurrent Resolution No. 174—Relative to transfer of educational credits.*

[Filed with Secretary of State November 16, 1971]

WHEREAS, It is hereby declared to be the intent of the Legislature that each community college transfer student pursuing a recognized academic program at any state college or the University of California be advised in writing, prior to the termination of the first semester, quarter, or trimester for which such student is registered, of the particular credits he has earned at a community college which shall apply toward graduation from the college or university in which he is enrolled; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That on or before June 30, 1972, the governing board of each community college, the Trustees of the California State Colleges, and the Regents of the University of California advise the Coordinating Council for Higher Education of all actions they have taken to implement the intent of the Legislature as declared in this resolution; and be it further

*Resolved,* That on or before November 30, 1972, the Coordinating Council for Higher Education submit to the Legislature a report on the progress made in implementing this resolution, together with its findings and conclusions concerning the problems, if any, which arise relative to the acceptance by the California State Colleges and the University of California of credits earned by students in the California Community Colleges; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Trustees of the California State Colleges, the Regents of the University of California, and the Coordinating Council for Higher Education.

# RESOLUTION CHAPTER 239

*Senate Joint Resolution No. 49—Relative to the proposed move of the National Park Service's Western Service Center from San Francisco.*

[Filed with Secretary of State November 17, 1971]

WHEREAS, The National Park Service reportedly intends to close its Western Service Center in San Francisco and to move it to Denver where its services will be consolidated with those of the Eastern Service Center within the month, eliminating 90 positions and requiring a move of more than 200 employees to another location; and

WHEREAS, California is the most populous state in the nation and its parks have more visitors than other national parks in other states, therefore the most prudent move would be to consolidate the national park service centers in San Francisco; and

WHEREAS, The Department of Industrial Relations of the State of California reports a seasonally adjusted unemployment rate of 6.5 percent in the bay area at the present time, a rate which will be aggravated by such actions by federal agencies; and

WHEREAS, The move will mean a loss in payroll in San Francisco of more than one million dollars a year; and

WHEREAS, It may be expected that many good planners will leave the park service; and

WHEREAS, The cost of consolidating the service centers in Denver is over two million dollars, at a time when dollars should be conserved, and there is an additional loss that cannot be estimated, the consequences of lower morale among National Park Service and Bureau of Outdoor Recreation personnel who do many joint feasibility studies for California in order to plan for new park areas, and the impaired operation of these two agencies would be characterized by inefficiency and a lack of cooperation to the detriment of California's environment; and

WHEREAS, It may be expected that lowered morale and disruptions created by moving will result in greatly reduced services for at least a year and will impair conservation efforts by slowing down (1) the identification of new park areas; (2) the classification of wilderness areas which must be completed by 1974, and therefore especially affecting Joshua Tree and Death Valley National Monuments; and (3) the master planning and development for California parks, especially Yosemite, Redwoods, Point Reyes National

Seashore, Sequoia, and Kings Canyon; and

WHEREAS, The planning operations for the proposed Golden Gate National Recreation Area would be impaired by the removal of planners and architects to a distant locale; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Director of the National Park Service to rescind the proposed move of the National Park Service's Western Service Center from San Francisco for combination with the Eastern Service Center in another location, or, if the two centers are to be combined, then to locate the combined center in San Francisco; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Secretary of the Interior, the Director of the National Park Service, and to each Senator and Representative from California in the Congress of the United States.

---

## RESOLUTION CHAPTER 240

*Senate Constitutional Amendment No. 42—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 13 of Article I thereof, relating to criminal procedure.*

[Filed with Secretary of State November 19, 1971.]

*Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California at its 1971 Regular Session commencing on the fourth day of January, 1971, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by amending Section 13 of Article I thereof to read:

SEC. 13. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial and to have the assistance of counsel for his defense; to have the process of the court to compel the attendance of witnesses in his behalf and to be personally present with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; but in any criminal case, whether the defendant testifies or not, his failure to explain or to deny by his testimony any evidence or facts in the case against him may be commented upon by the court and by counsel, and may be

considered by the court or the jury. The Legislature shall have power to require the defendant in a felony case to have the assistance of counsel. The Legislature also shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses in criminal cases, other than cases of homicide when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

---

## RESOLUTION CHAPTER 241

*Senate Concurrent Resolution No. 117—Relative to bicycles.*

[Filed with Secretary of State November 19, 1971.]

WHEREAS, Bicycling is becoming increasingly attractive to commuters as an alternative to the automobile; and

WHEREAS, Greater utilization of bicycles will help lessen the acute air pollution problem faced in many areas of the state, and will help reduce depletion of limited petroleum reserves; and

WHEREAS, Bicycles occupy considerably less space than automobiles, and land now used for automobile parking lots could be devoted to more constructive purposes; and

WHEREAS, Employees who bicycle to work in the morning come to their jobs physically and mentally refreshed, rather than worn out and harried by automobile congestion; and

WHEREAS, The present lack of developed parking areas at state offices where bicycles are secure from theft and damage tends to discourage many state employees who otherwise would bicycle to work; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That all departmental heads are requested to reserve adequate bicycle parking space at all state offices and buildings for both employees and visitors; and be it further

*Resolved,* That all planned or incompleted state offices and buildings shall, whenever feasible, be designed and constructed to incorporate bicycle parking space; and be it further

*Resolved,* That if it is deemed appropriate and necessary, user fees may be assessed for the purpose of liquidating any costs which may result from reserving, designing, or constructing such bicycle parking spaces; and be it further

*Resolved,* That such spaces shall include anchored bicycle racks to which bicycles may be secured by lock and chain, shall be covered when possible, and shall be located where both bicycle and rider are safe from molestation; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to all departmental heads.

## RESOLUTION CHAPTER 242

*Senate Concurrent Resolution No 135—Relative to the emergency highway safety program.*

[Filed with Secretary of State November 19, 1971 ]

WHEREAS, Effective October 1, 1971, the Federal Highway Administration of the United States Department of Transportation has made available an additional amount of approximately $700 million for the remainder of the 1972 fiscal year for safety-related projects and projects in high unemployment areas; and

WHEREAS, The states are urged by the Federal Highway Administration to review their highway programs and advance to construction immediately those projects in the categories for which the $700 million is being released and reserved; and

WHEREAS, The advancement of funds for projects addressed to the safety improvement of existing highways and the elimination of existing hazards is designated as the emergency highway safety program; and

WHEREAS, Rail-highway grade crossing projects are intended to be afforded the highest priority in the use of funds under the emergency highway safety program; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of Public Works is directed to afford first priority in the expenditure of funds under the emergency highway safety program to rail-highway grade crossing projects; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

---

## RESOLUTION CHAPTER 243

*Assembly Concurrent Resolution No. 101—Relative to fair employment practices.*

[Filed with Secretary of State November 19, 1971 ]

WHEREAS, Part 4.5 (commencing with Section 1410) of Division 2 of the California Labor Code provides that the State Fair Employment Practice Commission shall receive, investigate, and resolve complaints alleging discrimination in employment because of race, religious creed, color, national origin, ancestry, or sex; and

WHEREAS, It appears that the people of this state may not be afforded adequate protection against unreasonable require-

ments by employers relating to formal education requirements and test scores in connection with applications for employment which do not bear a clear relationship to the requirements of the employment in question; and

WHEREAS, The problem of discrimination in employment by way of unreasonable education requirements and testing for aptitudes and information unrelated to the employment in question was presented to the United States Supreme Court in the case of Griggs v. Duke Power Co., 28 L. ed. 2d 158, decided March 8, 1971; and

WHEREAS, The court held that the Civil Rights Act of 1964 prohibits an employer from setting unreasonably high educational or generalized intelligence testing requirements for job applicants when neither standard is significantly related to successful job performace and results in discrimination in hiring practices; and

WHEREAS, In reaching this decision, the court declared: ". . . good intent or absence of discriminatory intent does not redeem employment procedures or testing mechanisms that operate as 'built-in headwinds' for minority groups and are unrelated to measuring job capability. . . ." (p. 165); and the court stated further: "The facts of this case demonstrate the inadequacy of broad and general testing devices as well as the infirmity of using diplomas or degrees as fixed measures of capability. History is filled with examples of men and women who rendered highly effective performance without the conventional badges of accomplishment in terms of certificates, diplomas, or degrees. Diplomas and tests are useful servants, but Congress had mandated the common-sense proposition that they are not to become masters of reality." (p. 165); now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Fair Employment Practice Commission is directed to adopt, promulgate, amend, and rescind suitable rules and regulations in order to provide for commission policy criteria pursuant to the purpose and intent of the decision of the United States Supreme Court in Griggs v. Duke Power Co.; and be it further

*Resolved,* That the State Fair Employment Practice Commission is directed to submit to the Legislature a report of its findings and recommendations with respect to the implementation of the subject of this resolution on or before the fifth calendar day of the 1972 Regular Session; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the State Fair Employment Practice Commission, the Coordinating Council for Higher Education, the State Scholarship and Loan Commission, the State Personnel Board, the California Advisory Council on Vocational Education and Technical Training, and the area vocational committees, established pursuant to Article 10.4 (commencing with Section 6268) of Chapter 6 of Division 6 of the Education Code.

## RESOLUTION CHAPTER 244

*Senate Joint Resolution No. 53—Relating to Greene-Harmer Motor Vehicle Damage Control Act.*

[Filed with Secretary of State November 22, 1971]

WHEREAS, The enactment of the Greene-Harmer Motor Vehicle Damage Control Act of the 1971 Session provided high standards for bumpers and property damage resistance on 1974 model and later year motor vehicles; and

WHEREAS, Such standards more particularly specified that all such motor vehicles must be able to withstand an impact of five miles per hour or more, front and rear, without damage to the vehicle; and

WHEREAS, Such enactment and standards were based upon an extensive and in-depth study conducted by the Legislature, the Governor's Automobile Accident Study Commission and many agencies and organizations interested in the reduction of cost of insurance and auto repairs to the consumer; and

WHEREAS, Background information and support for such measure was predicated upon the high cost of repairs and resulting insurance costs incurred in low-speed motor vehicle property damage accidents prevalent on California's congested street and highway systems; and

WHEREAS, Such measure also reflected that meaningful reduction in the cost of automobile repairs for California motorists necessitated improvement of the crashability of motor vehicles; and

WHEREAS, The final enactment of the Greene-Harmer Motor Vehicle Damage Control Act was without opposition after agreement with representatives of the automobile industry that the standard was attainable, and

WHEREAS, The enactment of this law also represented a potential savings of hundreds of millions of dollars to California motorists both in reduced insurance premiums and lower repair costs; and

WHEREAS, Major segments of the insurance industry have recognized this cost saving potential by announcements of substantial reductions on physical damage insurance premium on vehicles so equipped, and

WHEREAS, S 976, presently pending in the Congress would render null and void these potential benefits in the standards for bumpers and property damage resistance so established in California law in 1971; now, therefore, be it

*Resolved, by Senate and Assembly of the State of*

*California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to recognize and give full faith and credit to the motor vehicle property damage standards provided by California law in the Greene-Harmer Motor Vehicle Damage Control Act; and be it further

*Resolved,* The the enactment of S 976, or any other measure pending in Congress on this subject for the benefit of the citizens of the other several states, be amended to fully recognize the standards set forth in California law; and be it further

*Resolved,* That the Chief Clerk of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 245

*Assembly Concurrent Resolution No. 146—Relative to the Public Utilities Commission.*

[Filed with Secretary of State November 24, 1971.]

WHEREAS, In addition to the furnishing of water for domestic and industrial consumption, an important responsibility of water corporations under the jurisdiction of the Public Utilities Commission is furnishing water for fire protection; and

WHEREAS, The ability of a water supply system to provide water at an adequate volume and pressure for fire protection purposes is an important consideration in the cost of fire insurance protection; and

WHEREAS, There appears to be, at present, no requirement that privately owned water systems provide for more than an adequate level of service for domestic purposes and that no reserve capacity to meet the needs of adequate fire protection is required; and

WHEREAS, This situation, caused by an absence of adequate fire protection standards, is a matter seriously affecting the public health, safety and welfare; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Public Utilities Commission of the State of California is requested to study the subject of requiring that water corporations under its jurisdiction be required to undertake a program of constructing and maintaining adequate fire protection systems, including the installation of an adequate network of hydrants and the maintenance of sufficient pressure and the availability of adequate reserves of

water to meet emergency situations in accordance with the standards of fire grading and rating bureaus in this state, and to recommend necessary adjustments to the rate structures of such water corporations to permit such extensions and improvements to their systems; and be it further

*Resolved,* That the commission is requested to report to the Legislature on its findings and recommendations on the subject of this resolution on or before the fifth calendar day of the 1972 Regular Session; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Public Utilities Commission.

---

## RESOLUTION CHAPTER 246

*Senate Concurrent Resolution No 139—Relative to a recess of the Legislature*

[Filed with Secretary of State November 24, 1971.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Senate and Assembly shall be in recess from adjournment on Wednesday, November 24, 1971, until the time set by each house for reassembly on Monday, November 29, 1971; provided that this recess shall not constitute the constitutional recess specified in Section 3 of Article IV of the Constitution

---

## RESOLUTION CHAPTER 247

*Assembly Joint Resolution No. 60—Relative to the National Transportation Planning Study.*

[Filed with Secretary of State November 30, 1971.]

WHEREAS, The State Business and Transportation Agency has completed California's portion of the National Transportation Planning Study; and

WHEREAS, The California study has been transmitted to the Secretary of Transportation in Washington, D.C.; and

WHEREAS, The State Transportation Board has called attention to its finding that ". . . only the highway mode has adequate resources and planning facilities. . . ."; and

WHEREAS, The State Transportation Board has urged that ". . . the study results should be used with considerable caution by the Federal Government in its funding programs. . . ."; and

WHEREAS, Various assumptions in the study, relative to possible future state or local funding, have the effect of being prejudicial in determining the relative needs and programmed expenditures among the various modes of transportation; and

WHEREAS, The need for interurban rapid transit was omitted from this study entirely; and

WHEREAS, The final summary of needs and funding alternatives may lead federal authorities to conclude that California places a greater relative emphasis on meeting highway needs than on meeting transit needs; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States and the United States Department of Transportation to review the National Transportation Planning Study, and California's portion thereof, with the understanding that the need for new and improved transit facilities is considerably greater than the proportion programmed for funding under Federal Alternatives I, II, and III of the study; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Transportation, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 248

*Assembly Joint Resolution No. 61—Relative to park lands*

[Filed with Secretary of State November 30, 1971.]

WHEREAS, The coal mines area of eastern Contra Costa County, which contains the sites of the historic coal mining communities of Nortonville, Somersville and Stewartsville, comprises an important part of the historic and scenic heritage of the residents of the San Francisco Bay area; and

WHEREAS, This area has great recreation potential for residents of the area, while at the same time providing a series of canyons and hills which could offer an outstanding urban wilderness experience as well; and

WHEREAS, The East Bay Regional Park District and predecessor public agencies have planned with full public knowledge a major recreational regional park in this area for the past 10 years; and

WHEREAS, The establishment of this outstanding regional park has been impeded by the long-standing dispute over ownership of 360 acres of federal land between the United States of America and the Kosanke Sand Corporation; and

WHEREAS, It is in the public interest that this dispute be resolved as soon as possible, with full protection for the public interest and the environmental values of the area in question; and

WHEREAS, It is within the purview of the Secretary of the Interior to resolve the question quickly and decisively; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Secretary of the Interior to personally resolve this question and to give full consideration in his decision to the National Environmental Policy Act of 1969; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Secretary of the Interior.

---

## RESOLUTION CHAPTER 249

*Assembly Concurrent Resolution No. 173—Relative to the Pajaro River Basin.*

[Filed with Secretary of State November 30, 1971.]

WHEREAS, There is an urgent need for a water-quality–water-resource study of the Pajaro River Basin in order to insure the reasonable and beneficial development and use of the water resources of the area; and

WHEREAS, Such a study of the water quality and resources of the Pajaro River Basin could be best conducted by the State Water Resources Control Board, in cooperation with the Department of Water Resources and interested local parties, as part of the Water Quality Control Plan which is now under development for the basin; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Water Resources Control Board, in cooperation with the Department of Water Resources and interested local parties, be requested to conduct a water-quality–water-resource study of the Pajaro River Basin as part of the Water Quality Control Plan which is now under development; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the State Water Resources Control Board and the Director of Water Resources.