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Special Election, June 6, 1972,
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General Laws, Amendments to the Codes, Resolutions,
and Constitutional Amendments passed by the
California Legislature at the

1972 Regular Session

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CHAPTER 1295

An act to add Section 8254.7 to the Fish and Game Code, relating to lobsters.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 8254.7 is added to the Fish and Game Code, to read:

8254.7. When a complaint has been filed in a court of competent jurisdiction charging a holder of a commercial lobster permit with a violation of Section 8251 or 8252, and no disposition of such a complaint has occurred within 90 days after it has been filed in the court, the department may suspend the commercial lobster permit of such person. The permitholder whose permit was suspended under this section may, within 10 days after the receipt of the suspension notice from the department, request a hearing, and, within 20 days after such request has been made, a hearing shall be commenced which shall be held pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the commission shall have the powers of any agency under such provisions. A decision shall be made within a reasonable time on whether the suspension of the permit shall be terminated or continued until the disposition of the complaint by the court. In determining whether to terminate or continue the suspension of the permit, the commission shall consider whether or not the violation could have a detrimental effect on the resources and whether or not a continued suspension of such a permit is in the best public interest, and shall find whether there is sufficient evidence that a violation has occurred. A failure to make a finding that there is sufficient evidence that a violation has occurred or a finding there is insufficient evidence shall terminate the suspension of the permit under this section. If the permitholder is acquitted of the charges or the charges against him have been dismissed, any suspension of the permit is thereby terminated. No complaint shall be filed in a court charging a commercial lobster permitholder with a violation of Section 8251 or 8252 unless evidence supporting such a charge has been reviewed by the appropriate county or city prosecuting agency and a criminal complaint has been issued by such agency.

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CHAPTER 1296

An act to add Section 8306.7 to the Fish and Game Code, relating to abalones.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972]

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

SECTION 1. Section 8306.7 is added to the Fish and Game Code, to read:

8306.7. When a complaint has been filed in a court of competent jurisdiction charging a holder of a commercial abalone permit with a violation of Section 8300, 8301, or 8304, and no disposition of such a complaint has occurred within 90 days after it has been filed in the court, the department may suspend the commercial abalone permit of such person. The permitholder whose permit was suspended under this section may, within 10 days after the receipt of the suspension notice from the department, request a hearing, and, within 20 days after such request has been made, a hearing shall be commenced which shall be held pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the commission shall have the powers of any agency under such provisions. A decision shall be made within a reasonable time on whether the suspension of the permit shall be terminated or continued until the disposition of the complaint by the court. In determining whether to terminate or continue the suspension of the permit, the commission shall consider whether or not the violation could have a detrimental effect on the resources and whether or not a continued suspension of such a permit is in the best public interest, and shall find whether there is sufficient evidence that a violation has occurred. A failure to make a finding that there is sufficient evidence that a violation has occurred or a finding there is insufficient evidence shall terminate the suspension of the permit under this section. If the permitholder is acquitted of the charges or the charges against him have been dismissed, any suspension of the permit is thereby terminated. No complaint shall be filed in a court charging a commercial abalone permitholder with a violation of Section 8300, 8301 or 8304, unless evidence supporting such a charge has been reviewed by the appropriate county or city prosecuting agency and a criminal complaint has been issued by such agency.

CHAPTER 1297

An act to amend Sections 17764, 17764.4, 17765.8, 17769, 17773, and 17775 of, and to add Sections 17764.1, 17764.2, 17764.5, 17764.6, 17764.7, 17766.5, 17769.1, 17769.2, 17773.1, 17775.1, and 17775.2 to, the Business and Professions Code, relating to trading stamp companies.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 17764 of the Business and Professions Code is amended to read:

17764. An application for a license to engage in business as a trading stamp company shall be in writing and on a form supplied by the commissioner. The application shall be verified as provided in the Code of Civil Procedure for the verification of pleadings, shall be filed in the office of the commissioner and shall contain or provide all of the following:

(a) The name and principal address of the company.

(b) The state of its incorporation or origin.

(c) The names and addresses of principal officers, directors, partners, or proprietors.

(d) The address of its principal office in this state.

(e) The name and address of its principal officer, employee, or agent in this state.

(f) The addresses of its stamp redemption places in this state.

(g) Audited financial statements which shall contain or provide all of the following:

(1) A balance sheet as of the most recently completed fiscal year.

(2) A statement of income for the most recently completed fiscal year.

These audited financial statements shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by a report, certificate or opinion of an independent public accountant, or independent certified public accountant.

(h) Representative samples of its stamps, stamp collection books, stamp redemption catalogs, and stamp distribution and redemption agreement forms, currently used or to be used in this state.

(i) Bond in the principal sum as required under Section 17773.

(j) Proposed budget, setting forth the total projected financing requirements of the applicant for 12 months and a statement setting forth the sources of all of the required funds including the sale of capital stock, any proposed loans or contributions to capital.

SEC. 2. Section 17764.1 is added to the Business and Professions Code, to read:

17764.1. Each licensee shall submit to the commissioner an audit report containing audited financial statements covering its fiscal year

within 105 days after the close of such fiscal year and which shall contain or provide all of the following:

(1) A balance sheet as of the end of the fiscal year.

(2) A statement of its gross income from its business in this state as a trading stamp company during the fiscal year, unless the principal sum of the bond hereinafter required to be filed by the company is the maximum amount.

(3) A statement of income as of the end of the fiscal year.

These financial statements shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by a report, certificate or opinion of an independent public accountant, or an independent certified public accountant. The audit report shall contain a statement that the applicant maintains as a liability on its accounts an adequate reserve for stamp redemption, determined on the basis of a reasonable percentage of stamps sold less the accumulative amount of redemptions.

SEC. 3. Section 17764.2 is added to the Business and Professions Code, to read:

17764.2. The commissioner may for good cause reject any financial statement, report, certificate or opinion filed pursuant to Section 17764, Section 17764.1 and Section 17764.4 by notifying the licensee or other person required to make such filing of its rejection and the cause thereof. Within 30 days after the receipt of such notice, and after a reasonable opportunity to be heard, the licensee or other person shall correct such deficiency and the failure so to do shall be deemed a violation of this division. The commissioner shall retain a copy of all filings so rejected.

SEC. 4. Section 17764.4 of the Business and Professions Code is amended to read:

17764.4. Every trading stamp company licensed under this chapter shall file with the commissioner not more than 105 days after the close of the first six months of each fiscal year a balance sheet and a semiannual statement of income for the six months then ending. Such statements may be unaudited but shall be prepared in accordance with generally accepted accounting principles, consistent with the audited financial statements required under Section 17764.1, and need not be prepared by an independent accountant.

SEC. 5. Section 17764.5 is added to the Business and Professions Code, to read:

17764.5. The commissioner, upon investigation, for good cause may request and a licensee, after reasonable opportunity to be heard, shall submit its unaudited financial statements, prepared in accordance with generally accepted accounting principles and consisting of at least a balance sheet and statement of income as of the date and for the period specified by the commissioner. The commissioner may require the submission of such financial statements on a monthly or other periodic basis. The commissioner may require additional reports deemed necessary in the

administration of this chapter.

SEC. 6. Section 17764.6 is added to the Business and Professions Code, to read:

17764.6. Each licensee shall maintain at all times a tangible net worth not less than $2,500 including liquid assets of at least 5 percent of its stamp redemption liability but not less than $1,500. However, the liquid assets need not exceed $150,000. The term "liquid assets" means the following:

(a) Cash on hand or in bank.

(b) Cash in transit.

(c) Securities whose marketability and value are established by satisfactory proof.

(d) Direct obligations of the United States government.

(e) Bonds of state and local government units whose marketability and value are established by satisfactory proof.

(f) Investments in savings and loan association and other financial institutions upon satisfactory proof that the funds of the licensee are readily available upon demand.

SEC. 7. Section 17764.7 is added to the Business and Professions Code, to read:

17764.7. Each licensee shall file annually with the commissioner not more than 105 days after the close of its fiscal year all information required under the provisions of subdivisions (a), (b), (c), (d), (e), (f), and (h) of Section 17764.

SEC. 8. Section 17765.8 of the Business and Professions Code is amended to read:

17765.8. (a) The commissioner shall issue a license to any applicant unless upon investigation and after appropriate hearing, he finds any of the following:

(1) That the proposed applicant, its officers, or directors, lack the financial responsibility, character, experience, or general fitness to engage in the trading stamp business.

(2) That the applicant has not complied with all the applicable provisions of this chapter.

(b) Licenses shall not be transferable or assignable.

SEC. 9. Section 17766.5 is added to the Business and Professions Code, to read:

17766.5. For the purpose of discovering violations of this chapter and for securing information as may be reasonably required by him, the commissioner may at any time investigate the affairs and examine the books, accounts, records and files of any trading stamp company.

SEC. 10. Section 17769 of the Business and Professions Code is amended to read:

17769. The commissioner may suspend or revoke any license, upon notice and reasonable opportunity to be heard, if he finds any of the following:

(a) That the licensee has failed to maintain in effect the bonds required under this chapter, or to comply with any demand, ruling,

or requirement of the commissioner made pursuant to and within the authority of this chapter.

(b) That the licensee has violated any provision of this chapter or any rule or regulation made by the commissioner under and within the authority of this chapter.

(c) That any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the commissioner in refusing originally to issue the license.

SEC. 11. Section 17769.1 is added to the Business and Professions Code, to read:

17769.1. The commissioner may by order summarily suspend or revoke the license of any licensee if he fails to pay the license fee prescribed by Section 17775.1 and 17775.2 within 10 days after notice by the commissioner that such a fee is due and unpaid. If, after such an order is made, a request for a hearing is filed in writing and hearing is not held within 60 days thereafter, the order is deemed rescinded as of its effective date.

SEC. 12. Section 17769.2 is added to the Business and Professions Code, to read:

17769.2. Nothing contained in Section 17769 or Section 17769.1 shall prohibit any person who is licensed as a trading stamp company under the provisions of this chapter, but who is ordered by the commissioner to cease the transaction of any new business, from redeeming the trading stamps issued pursuant to such license, unless the commissioner specifically orders that such trading stamps are not to be redeemed.

SEC. 13. Section 17773 of the Business and Professions Code is amended to read:

17773. The principal sum of the bond required by this chapter shall be twenty-five thousand dollars ($25,000) for each one hundred thousand dollars ($100,000), or fraction thereof, of the company's gross income from the trading stamp business in this state in the company's last fiscal year as contained in its audited financial report filed pursuant to Section 17764 or Section 17764.1, except that:

(a) If the company has not previously done business as a trading stamp company in this state, or if the gross income from said business was less than sixty-five thousand dollars ($65,000) during its last fiscal year, the principal sum shall be ten thousand dollars ($10,000) except the principal sum shall be twenty-five thousand dollars ($25,000) for companies receiving an original license as a trading stamp company on or after the effective date of the amendments to this section enacted by the Legislature at the 1967 Regular Session.

(b) The maximum bond required to be filed under any circumstances shall be two hundred fifty thousand dollars ($250,000).

SEC. 14. Section 17773.1 is added to the Business and Professions Code, to read:

17773.1. The bond required by this chapter shall remain in force and effect until the bond is terminated by the surety. The surety may

relieve itself of further liability by filing a notice of termination with the commissioner and at the same time serving similar notice on the licensee. At the expiration of thirty days after the filing of notice of termination, or upon the filing and acceptance of a new bond, whichever event first occurs, the bond is terminated and the surety is relieved of all liability which otherwise thereafter would arise on its bond.

Termination of a bond pursuant to this section does not relieve the surety of liability arising prior to termination.

SEC. 15. Section 17775 of the Business and Professions Code is amended to read:

17775. At the time of filing the application for the license required by this chapter, the applicant shall pay as a license fee to the commissioner a sum equal to 2 percent of the amount of the bond required to be filed by the applicant under the provisions of this chapter, but in no event to exceed three thousand dollars ($3,000). If the application is filed in any even-numbered year after June 30th, the payment shall be three-fourths of the stated license fee; if filed in any odd-numbered year, the payment shall be one-half of the stated license fee, unless it is filed after June 30th of such year in which event the payment shall be one-fourth of the stated license fee.

SEC. 16. Section 17775.1 is added to the Business and Professions Code, to read:

17775.1. Each licensee shall pay to the commissioner on or before the 20th day of December, of each odd-numbered year, the sum equal to 2 percent of the amount of the bond required to be filed by the licensee under the provisions of this chapter, as a license fee for the next two succeeding calendar years but in no event to exceed three thousand dollars ($3,000), except as provided in Section 17775.2.

SEC. 17. Section 17775.2 is added to the Business and Professions Code, to read:

17775.2. Each licensee shall pay to the commissioner on or before the 30th day of June 1973, the sum equal to one-half of 1 percent of the amount of the bond required to be filed by the licensee under the provisions of this chapter, but in no event to exceed seven hundred fifty dollars ($750), as a license fee for the period of July 1, 1973, to December 31, 1973.

SEC. 18. (a) Except as otherwise provided in subdivision (b):

(1) Sections 1 to 9, inclusive, and Sections 13, 14, and 17 of this act shall become operative on April 1, 1973.

(2) Sections 10 to 12, inclusive, and Sections 15 and 16 of this act shall become operative on July 1, 1973.

(b) Sections 10 to 12, inclusive, and Sections 15, 16, and 17, inclusive, of this act shall become inoperative if Sections 1 to 6, inclusive, of A.B. 1931 are enacted by the Legislature at the 1972 Regular Session, and shall become inoperative on the effective date of A.B. 1931, and shall not become operative thereafter.

CHAPTER 1298

An act to amend Sections 7354 and 10053.5 of, and to amend and renumber Section 16200.5 of, the Welfare and Institutions Code, relating to mentally retarded persons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 7354 of the Welfare and Institutions Code is amended to read:

7354. Any mentally retarded, developmentally disabled, or mentally disordered person may be granted care in a licensed institution or other suitable licensed or certified facility. The Department of Mental Hygiene 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 Mental Hygiene. Such payments shall be made from funds available to the department for that purpose.

The Department of Mental Hygiene may make payments for services for mentally retarded, developmentally disabled 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 Department of Health Care Services for similar types of care. Such payments shall be made within the limitation of funds appropriated to the department for that purpose.

No payments for care or services of a mentally disordered patient shall be made by the Department of Mental Hygiene 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 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 or developmentally disabled person shall be made by the Department of Mental Hygiene 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. 2. Section 10053.5 of the Welfare and Institutions Code is amended to read:

10053.5. The department shall through contract with Department of Mental Hygiene or through the county department provide protective social services:

(a) For the care of mentally retarded and developmentally disabled patients released from state hospitals of the Department of Mental Hygiene, or to prevent the unnecessary admission of mentally retarded and developmentally disabled persons to hospitals at public expense or to facilitate the release of mentally retarded and developmentally disabled patients for whom such hospital care is no longer the appropriate treatment; provided that such services may be rendered only if requested by the regional center having jurisdiction over the mentally retarded or developmentally disabled 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 hospitals at public expense 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 Department of Mental Hygiene, to the extent funds are appropriated and available, shall pay for the cost of providing for care in a private home, certified by the Department of Mental Hygiene, for mentally disordered, mentally retarded or developmentally disabled 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 Department of Mental Hygiene 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 Department of Mental Hygiene expense, if requested by the local director of mental health services in the case of mentally disordered persons, the Department of Mental Hygiene 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 Department of Mental Hygiene for mentally retarded patients after July 1, 1971.

To avoid duplication of effort and overlapping of services, the

Department of Mental Hygiene and the Department of Public Health shall develop working agreements so that regional centers now existing or as may be hereinafter created may make fullest possible use of available resources in serving mentally retarded and developmentally disabled persons.

Any funds expended for the care of persons in a private home certified by the Department of Mental Hygiene, 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 Department of Mental Hygiene only if the Department of Mental Hygiene 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 Department of Mental Hygiene 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.

The Department of Mental Hygiene may provide services pursuant to this section directly or through contract with public or private entities.

The department may, through contract with the Department of Mental Hygiene, 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, at the request of the Department of Mental Hygiene, 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 department for that purpose or for the support of patients in state hospitals.

SEC. 3. Section 16200.5 of the Welfare and Institutions Code as added by Chapter 360 of the Statutes of 1967 is amended and renumbered to read:

7354.1. The Department of Mental Hygiene may grant certificates to private homes for family care of mentally disordered, mentally retarded, and developmentally disabled persons who have been in hospitals or to prevent unnecessary hospitalization at public expense. Such certificates shall be granted without payment of fees. Each such home may care for not more than six (6) patients and shall be regulated by standards established by the department for the care of such patients.

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

This act must take effect immediately in order for the benefits thereunder to be available for the present fiscal year.

CHAPTER 1299

An act to amend Section 65860 of the Government Code, relating to zoning, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 65860 of the Government Code, as amended by Chapter 1446, Statutes of 1971, is amended to read:

65860. (a) County or city zoning ordinances shall be consistent with the general plan of the county or city by July 1, 1973. A zoning ordinance shall be consistent with a city or county general plan only if:

(i) The city or county has officially adopted such a plan, and

(ii) The various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses and programs specified in such a plan..

(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 July 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.

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 effect immediately. The facts constituting such necessity are:

Under present law zoning ordinances must be consistent with the general plan of the county or city by January 1, 1973. Some counties and cities need additional time to complete the complicated and time-consuming process of adopting their general plans and bringing their zoning ordinances into consistency therewith. In order to extend the deadline past January 1, 1973, it is necessary that this act take effect immediately.

CHAPTER 1300

An act to amend Section 8804 of the Business and Professions Code, relating to professional engineers.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 8804 of the Business and Professions Code is amended to read:

8804. The renewal or reinstatement of any certificate of registration of a civil engineer under Chapter 7 (commencing with Section 6700) of Division 3, who is also a licensed land surveyor, shall not include the renewal or restoration of his land surveyor's license, without the payment of the surveyor's renewal fee or penalty.

CHAPTER 1301

An act to amend Section 619.1 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 619.1 of the Revenue and Taxation Code is amended to read:

619.1. (a) For properties receiving the homeowners' or veterans' exemption, the notice required by Section 619 shall be directed to the same address to which the homeowners' or veterans' exemption claim forms were sent.

(b) All other notices required by Section 619 shall be directed to the mailing address of the property owner or his designee.

CHAPTER 1302

An act to amend Section 24201 of the Education Code, and to amend Section 18105 of the Government Code, relating to state colleges.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 24201 of the Education Code is amended to read:

24201. Notwithstanding any other provision of law, the trustees shall provide by rule for the government of their appointees and employees, pursuant to the provisions of this chapter and other applicable provisions of law, including, but not limited to, appointment, classification, terms, duties, pay and overtime pay, leave of absence, tenure, vacation, layoff, dismissal, demotion, suspension, sick leave and reinstatement.

The rules adopted by the trustees relating to tenure, layoff, dismissal, demotion, suspension, and reinstatement of academic and administrative employees shall be adopted on or before February 1, 1962 and become effective on July 1, 1962, with respect to employees who are academic teaching and administrative employees as defined in subdivision (1) (e) of Section 24301, as it read on June 30, 1961.

SEC. 2. Section 18105 of the Government Code is amended to read:

18105. The appointing power of any officer or employee not a member of the civil service shall administer the sick leave authorized by this part for such officers or employees in accordance with the rules of the State Personnel Board. For each class or position for which a monthly or annual salary range is established by the Trustees of the California State University and Colleges, the trustees shall establish and adjust rules for the administration of sick leave.

CHAPTER 1303

An act to add Section 14797 to, and to repeal Section 14797 of, the Revenue and Taxation Code, relating to inheritance taxation.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 14797 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 14797 is added to the Revenue and Taxation Code, to read:

14797. The maximum commissions that may be retained by the county treasurer out of the total inheritance taxes paid to and accounted for by him in any one year are as follows:

(a) By the county treasurer of a county of the first class, eighty-five thousand dollars ($85,000).

(b) By the county treasurer of a county of the second class, fifty thousand dollars ($50,000).

(c) By the county treasurer of a county of the third class, fifty thousand dollars ($50,000).

(d) By the county treasurer of a county of the fourth class, forty thousand dollars ($40,000); provided that where the total amount of inheritance taxes paid to and accounted for by the county treasurer in the year exceeds eight million dollars ($8,000,000) the maximum commissions that may be retained by him shall be fifty thousand dollars ($50,000).

(e) By the county treasurer of a county of the sixth class, twenty-five thousand dollars ($25,000); provided that where the total amount of inheritance taxes paid to and accounted for by the county treasurer in the year exceeds eight million dollars ($8,000,000) the maximum commissions that may be retained by him shall be fifty thousand dollars ($50,000).

(f) By the county treasurer of a county of any other class, twenty thousand dollars ($20,000); provided that where the total amount of inheritance taxes paid to and accounted for by the county treasurer in the year exceeds eight million dollars ($8,000,000) the maximum commissions that may be retained by him shall be fifty thousand dollars ($50,000).

SEC. 3. The reference to the class of a county in Section 2 of this act is a reference to the classes of counties contained in Chapter 2 (commencing with Section 28020) of Part 5 of Division 2 of Title 3 of the Government Code, as the provisions thereof were amended by Chapter 1204 of the Statutes of the 1971 Regular Session.

CHAPTER 1304

An act to amend Section 8411 of, and to add Sections 8412, 8413, 8414, and 8414.2 to, the Water Code, relating to flood plain regulations.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 8411 of the Water Code is amended to read:

8411. Within any area classified "designated floodway" by the department or board after completion of a federal project report the appropriate public agency shall establish the necessary flood plain regulations within one year following notification by the department or board. The state shall not pay any of the cost of lands, easements, and rights-of-way associated with the flood control project as set forth in the project report of the federal agency unless flood plain regulations for the designated floodway are adopted in accordance with the requirements of this chapter.

SEC. 1.5. Section 8412 is added to the Water Code, to read:

8412. The department or board shall review the adequacy of flood plain regulations established by a public agency to meet the requirements of Section 8411, and shall notify the appropriate public

agency in the event the flood plain regulations are determined by the department or board to be inadequate to comply with the requirements of Section 8411. The department or board may recommend any provisions necessary to provide adequate flood plain regulations. Any such public agency shall within 180 days of receipt of the notice from the department or board, adopt new flood plain regulations. Upon their adoption a copy of such flood plain regulations shall be sent to the department or board.

SEC. 2. Section 8413 is added to the Water Code, to read:

8413. Flood plain regulations adopted pursuant to Section 8412 shall take effect 60 days from the date of adoption by the public agency and shall be deemed to meet the requirements of Section 8411 unless the department or board determines that such flood plain regulations are not adequate to comply with the requirements of Section 8411. If the department or board makes such a determination, it shall so report to the public agency and shall recommend such regulations or modifications of the regulations of the agency, which it determines are necessary.

SEC. 3. Section 8414 is added to the Water Code, to read:

8414. If a public agency fails to adopt flood plain regulations pursuant to Section 8411, or fails to adopt new flood plain regulations within 180 days of receipt of the department's or board's notice pursuant to Section 8412, or fails to adopt or modify such regulations in the manner determined as necessary by the department or board pursuant to Section 8413 within 90 days of receipt of the department's or board's notice pursuant to Section 8413, the local flood control agency having jurisdiction over the project area may adopt flood plain regulations for the designated floodway necessary to comply with the requirements of Section 8411. Such flood plain regulations adopted by the local flood control agency shall take effect 30 days from the date of their adoption and shall be enforced by the public agency and have the same force and effect as if adopted as flood plain regulations by the public agency.

SEC. 4. Section 8414.2 is added to the Water Code, to read:

8414.2. No public agency shall revise flood plain regulations established to meet the requirements of Section 8411 or shall grant a variance from such regulations without the consent of the department or board and of the local flood control agency having jurisdiction over the project area.

SEC. 5. Section 8411 of the Water Code is amended to read:

8411. Within any area classified "designated floodway" or "restrictive zone" by the department or board after completion of a federal project report the appropriate public agency shall establish the necessary flood plain regulations within one year following notification by the department or board. The state shall not pay any of the cost of lands, easements, and rights-of-way associated with the flood control project as set forth in the project report of the federal agency unless flood plain regulations for the designated floodway are adopted in accordance with the requirements of this chapter.

SEC. 6. It is the intent of the Legislature, if this bill and Senate Bill No. 603 are both chaptered and amend Section 8411 of the Water Code, and this bill is chaptered after Senate Bill No. 603, that the amendments to Section 8411 proposed by both bills be given effect and incorporated in Section 8411 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 Senate Bill No. 603 are both chaptered, both amend Section 8411, and Senate Bill No. 603 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 1305

An act to add Section 1002.7 to the Education Code, relating to governing boards of school districts.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 1002.7 is added to the Education Code, to read:

1002.7. Notwithstanding any other provision of law, if a school district governing board consists of seven (7) members and not more than two vacancies occur on the governing board, the vacant position or positions shall not be counted for purposes of determining how many members of the board constitute a majority; and, whenever any of the provisions of this code require unanimous action of all or a specific number of the members elected or appointed to the governing board, the vacant position or positions shall be excluded from determination of the total membership constituting the governing board.

CHAPTER 1306

An act to amend Section 8018 of, and to add Article 5 (commencing with Section 8040) to Chapter 13 of Division 3 of, the Business and Professions Code, relating to shorthand reporters.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 8018 of the Business and Professions Code is amended to read:

8018. Any natural person holding a valid certificate as a

shorthand reporter, as provided in this chapter, shall be styled and known as a "certified shorthand reporter." Except as provided in Section 8043, no other person, firm, or corporation shall assume or use the title "certified shorthand reporter," or the abbreviation "C.S.R.," or in any manner whatever represent that he or it is certified under this chapter.

SEC. 2. Article 5 (commencing with Section 8040) is added to Chapter 13 of Division 3 of the Business and Professions Code, to read:

Article 5. Shorthand Reporting Corporations

8040. A shorthand reporting corporation is a corporation which is registered with the Certified Shorthand Reporters Board and has a currently effective certificate of registration from the board pursuant to the Moscone-Knox Professional Corporation Act, Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code, and this article. Subject to all applicable statutes, rules and regulations, such shorthand reporting corporation is entitled to practice shorthand reporting. With respect to a shorthand reporting corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Certified Shorthand Reporters Board.

8041. An applicant for registration as a shorthand reporting corporation shall supply to the board all necessary and pertinent documents and information requested by the board concerning the applicant's plan of operation. The board may provide forms of application. If the board finds that the corporation is duly organized and existing pursuant to the general corporation law; that, except as provided in Section 13403 of the Corporations Code, each officer, director, shareholder, and, notwithstanding the provisions of Section 8016, each employee who will render professional services is a licensed person as defined by Section 13401 of the Corporations Code; and that from the application it appears that the affairs of the corporation will be conducted in compliance with law and the rules and regulations of the board, the board shall upon payment of the registration fee in such amount as it may determine issue a certificate of registration. The application shall be signed and verified by an officer of the corporation.

8042. Each shorthand reporting corporation shall file with the board at such times as the board may require a report containing such information pertaining to qualification and compliance with the statutes, rules and regulations of the board as the board may require. The fee for filing such a report shall be fixed by the board. All reports shall be signed and verified by an officer of the corporation.

8043. The name of a shorthand reporting corporation and any name or names under which it may be rendering professional services shall contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders

or of persons who were associated with a predecessor person, partnership, corporation or other organization and whose name or names appeared in the name of such predecessor organization, and shall include either (a) the words "shorthand reporting corporation;" (b) the title "certified shorthand reporter," or the abbreviation "C.S.R.," and wording or abbreviations denoting corporate existence; or (c) the words "a professional corporation."

8044. Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of a shorthand reporting corporation shall be a licensed person as defined by Section 13401 of the Corporations Code.

8045. The income of a shorthand reporting corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined by Section 13401 of the Corporations Code, shall not in any manner accrue to the benefit of such shareholder for his shares in the shorthand reporting corporation.

8046. A shorthand reporting 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 which pertains to shorthand reporters or shorthand reporting. In conducting its practice it shall observe and be bound by such statutes, rules and regulations to the same extent as a person holding a license under this chapter. The board shall have the same powers of suspension, revocation, and discipline against a shorthand reporting corporation as are now or hereafter authorized by Section 8025, or by any other statute against such individual licensees.

8047. The board may formulate and enforce rules and regulations to carry out the provisions of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of a shorthand reporting corporation shall include a provision whereby the capital stock of such corporation owned by a disqualified person, as defined by Section 13401 of the Corporations Code, or a deceased person shall be sold to the corporation or the remaining shareholders within such time as such rules and regulations may provide; and (b) that a shorthand reporting corporation as a condition of obtaining a certificate pursuant to the Moscone-Knox Professional Corporation Act and this article shall provide adequate security by insurance or otherwise for claims against it by its clients for errors and omissions arising out of the rendering of professional services.

CHAPTER 1307

An act to amend Sections 7267.8 and 7268 of the Government Code, and to add Sections 37042 and 37109.5 to the Health and Safety Code, relating to relocation assistance.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 7267.8 of the Government Code is amended to read:

7267.8. (a) All public entities shall adopt rules and regulations to implement payments and to administer relocation assistance under the provisions of this chapter. Such rules and regulations shall be in conformity with the guidelines adopted by the Commission of Housing and Community Development pursuant to Section 7268. Such rules and regulations shall, to the fullest extent possible, also be consistent as to federal and nonfederal projects.

(b) Notwithstanding the provisions of subdivision (a), with respect to a federally funded project, a public entity shall make relocation assistance payments and provide relocation advisory assistance as required under federal law.

SEC. 2. Section 7268 of the Government Code is amended to read:

7268. (a) The Commission of Housing and Community Development shall adopt guidelines for the implementation of payments under this chapter and for the uniform administration of relocation assistance by public entities carrying out the provisions of this chapter.

(b) The Commission of Housing and Community Development shall, to the fullest extent possible, conform such guidelines to the Presidential Guidelines promulgated by the executive office of the President of the United States, Office of Management and Budget, the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), and the rules and regulations promulgated pursuant thereto.

(c) Such guidelines 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 guidelines shall also provide that the payments shall be made as promptly as possible or, in hardship cases, in advance. In addition, such guidelines shall provide a reasonable mileage limitation in determining the actual and reasonable expense in moving a business for purposes of Section 7262.

(d) In adopting such guidelines the Commission of Housing and Community Development shall consult with the public entities carrying out the provisions of this chapter.

(e) The Department of Housing and Community Development

shall provide consulting and technical assistance to public entities in drafting and amending rules and regulations to implement payments and to administer relocation assistance under this chapter.

SEC. 3. Section 37042 is added to the Health and Safety Code, to read:

37042. The commission shall adopt guidelines relating to relocation assistance by public entities pursuant to the provisions of Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code.

SEC. 4. Section 37109.5 is added to the Health and Safety Code, to read:

37109.5. The department shall provide consulting and technical assistance to public entities in drafting and amending rules and regulations relating to relocation assistance pursuant to subdivision (e) of Section 7268 of the Government Code. The department may require public entities to reimburse the department for such assistance as the department provides.

SEC. 5. The Legislature intends that the provisions of this act shall aid in the uniform administration of relocation assistance by public entities throughout this state.

SEC. 6. This act shall become operative one year after its effective date.

CHAPTER 1308

An act to amend Section 107 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 107 of the Revenue and Taxation Code is amended to read:

107. "Possessory interests" means the following:

(a) Possession of, claim to, or right to the possession of land or improvements, except when coupled with ownership of the land or improvements in the same person.

(b) Taxable improvements on tax-exempt land.

All possessory interests may, in the discretion of the county board of supervisors, be considered as sufficient security for the payment of any taxes levied thereon and may be placed on the secured roll. This paragraph shall be operative only in counties having a population of 4,000,000 or more.

Leasehold estates for the production of gas, petroleum and other hydrocarbon substances from beneath the surface of the earth, and other rights relating to such substances which constitute incorporeal

hereditaments or profits a prendre, are sufficient security for the payment of taxes levied thereon. Such estates and rights shall not be classified as possessory interests, but shall be placed on the secured roll.

If the tax on any possessory interest or leasehold estate for the production of gas, petroleum and other hydrocarbon substances is unpaid when the last installment of secured taxes become delinquent, the tax collector shall use those collection procedures which are available for the collection of assessments on the unsecured roll.

If the tax on any possessory interest or leasehold estate for the production of gas, petroleum and other hydrocarbon substances remains unpaid at the time set for the sale to the state for taxes carried on the secured roll, such possessory interest tax together with such penalty and costs which may be accrued thereon while on the secured roll shall be transferred to the unsecured roll.

CHAPTER 1309

An act to amend Sections 21662, 21665, and 21666 of, and to add Section 21664.5 to, the Public Utilities Code, relating to aviation.

[Approved by Governor December 22, 1972 Filed with Secretary of State December 22, 1972]

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

SECTION 1. Section 21662 of the Public Utilities Code is amended to read:

21662. The department shall have the authority to issue airport site approval permits, amended airport site approval permits, airport permits, and amended airport permits. No charge shall be made for the issuance of any permit.

SEC. 2. Section 21664.5 is added to the Public Utilities Code, to read:

21664.5. An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of this section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.

As used in this section, "airport expansion" includes any of the following:

(a) The acquisition of clear zones or of any interest in land for the purpose of any other expansion as set forth in this section.

(b) The construction of a new runway.

(c) The extension or realignment of an existing runway.

(d) Any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to the purpose of subdivision (a), (b), or (c).

This section shall not apply to any expansion of an existing airport if the expansion commenced on or prior to the effective date of this section and the expansion met the approval on or prior to such effective date of each governmental agency which by law required such approval.

SEC. 3. Section 21665 of the Public Utilities Code is amended to read:

21665. On its own motion, the department may, or upon the request of an affected or interested person the department shall, hold a public hearing in connection with the issuance of any permit. Before the department issues any permit to use or operate an airport, all public service corporations and all persons or corporations engaged in radio or television broadcasting owning facilities in the area involved shall be notified of the application and shall have 15 days after the notice in which to demand a public hearing. Such notice shall also be given to any affected or interested person who has made written request that such notice be given. The public hearing required by this section shall be held at a location in the immediate vicinity of the airport or airport site. Such notice shall not be required when an airport permit is issued pursuant to a prior airport site approval permit.

SEC. 4. Section 21666 of the Public Utilities Code is amended to read:

21666. The department shall issue a permit if it is satisfied that all of the following requirements have been met:

(a) The site meets or exceeds the minimum airport standards specified by the department in its rules and regulations, provided, however, that the department may modify its minimum airport standards when issuing a permit if it is satisfied that the airport will conform to minimum standards of safety.

(b) Safe air traffic patterns have been established for the proposed airport and for all existing airports and approved airport sites in its vicinity.

(c) The zone of approach of the airport has been engineered in conformity with the provisions of Section 21403, the documents relating thereto are available for public inspection.

(d) The department when issuing a permit may impose reasonable conditions which it deems necessary to effectuate the purposes of this article.

(e) The advantages to the public in selection of the site outweigh the disadvantages to the environment. Environmental considerations include but are not limited to noise, air pollution, and the burden upon the surrounding area caused by the airport, including but not limited to, surface traffic and expense. The

standards by which noise considerations are weighed shall be the level of noise acceptable to a reasonable person residing in the vicinity of the airport. The regulations adopted by the department pursuant to Section 21669 may be considered in determining such level of noise.

Each permit issued by the department shall set forth any conditions imposed thereon, and any modification of the general minimum airport standards prescribed by the department relative to such airport or airport site.

The department may refuse to issue a permit under this article if it determines after notice and hearing held pursuant to this part that the requirements of this section have not been met.

CHAPTER 1310

An act to amend Sections 19060.6 and 19170 of, to add Sections 19035.35 and 19050 to, and to repeal Sections 19171, 19171.5 and 19171.6 of, the Business and Professions Code, relating to furniture and bedding.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 19035.35 is added to the Business and Professions Code, to read:

19035.35. Notwithstanding any other provision of this code, each vacancy occurring in the office of an industry member of the board after the effective date of this section shall be filled by the appointment of an industry member at large, without regard to any branch of the industry.

SEC. 2. Section 19050 is added to the Business and Professions Code, to read:

19050. To obtain a license authorized by this chapter, an applicant shall submit to the chief an application in writing.

The application shall be made on a form prescribed by the chief and shall be accompanied by the fee fixed by this chapter.

SEC. 3. Section 19060.6 of the Business and Professions Code is amended to read:

19060.6. (a) Except as provided in subdivision (b), every person who, on his own account, advertises, solicits or contracts to manufacture, repair or renovate upholstered furniture or bedding, and who either does the work himself or has others do it for him, shall obtain the particular license required by this chapter for the particular type of work that he solicits or advertises that he will do, regardless of whether he has a shop or factory.

(b) Every person who, on his own account, advertises, solicits or

contracts to repair or renovate upholstered furniture and who does not do the work himself nor have employees do it for him but does have the work done by a licensed custom upholsterer need not obtain a license as a custom upholsterer but shall obtain a license as a retail furniture dealer.

SEC. 4. Section 19170 of the Business and Professions Code is amended to read:

19170. (a) The fee imposed for the issuance and for the renewal of each license granted under this chapter shall be set by the chief, with the approval of the director, at a sum not more nor less than that shown in the following table:

	Maximum fee	Minimum fee
Furniture manufacturer's license	$120	$40
Wholesale furniture dealer's license	120	40
Bedding manufacturer's license	120	40
Wholesale bedding dealer's license	120	40
Supply dealer's license	120	40
Custom upholsterer's license	80	20
Bedding renovator's license	80	20
Sterilizer's license	80	20
Retail furniture dealer's license	20	4
Retail bedding dealer's license	20	4

(b) A person who has paid the required fee and who is duly licensed as a furniture manufacturer, a custom upholsterer, a bedding manufacturer or a bedding renovator under this chapter shall not be required to pay, in addition, the fee prescribed herein for a sterilizer's license.

(c) The fee for the initial issuance of a license shall be fixed at an amount equal to 50 percent of the initial license fee then in effect if the license is issued less than one year before the date on which it will expire. The bureau shall provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

SEC. 5. Section 19171 of the Business and Professions Code is repealed.

SEC. 6. Section 19171.5 of the Business and Professions Code is repealed.

SEC. 7. Section 19171.6 of the Business and Professions Code is repealed.

CHAPTER 1311

An act to add Section 62322.5 to the Agricultural Code, relating to milk.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 62322.5 is added to the Agricultural Code, to read:

62322.5. The director may use any money deposited in the Department of Agriculture Fund and not expended pursuant to Section 62322, for research in nutritional problems of persons from 12 through 19 years of age including the significance of milk in their diet.

The director may appoint an advisory committee, not to exceed five members, to advise him concerning the appropriate agency or institution to carry out the provisions of this section. Such committee shall be composed of milk producers who were assessed to carry out sales stimulation and consumer educational programs.

CHAPTER 1312

An act to amend Section 11010 of, and to add Section 11018.6 to, the Business and Professions Code, relating to subdivisions.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972]

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

SECTION 1. Section 11010 of the Business and Professions Code is amended to read:

11010. Prior to the time when subdivided lands are to be offered for sale or lease, the owner, his agent or subdivider shall notify the commissioner in writing of his intention to sell or lease such offering.

The notice of intention shall contain the following information:

(a) The name and address of the owner.

(b) The name and address of the subdivider.

(c) The legal description and area of lands.

(d) A true statement of the condition of the title to the land, particularly including all encumbrances thereon.

(e) A true statement of the terms and conditions on which it is intended to dispose of the land, together with copies of any contracts intended to be used.

(f) A true statement of the provisions, if any, that have been made for public utilities in the proposed subdivision, including water,

electricity, gas, telephone, and sewerage facilities.

(g) A true statement of the use or uses for which the proposed subdivision will be offered.

(h) A true statement of the provisions, if any, limiting the use or occupancy of the parcels in the subdivision.

(i) A true statement of the maximum depth of fill used, or proposed to be used on each lot, and a true statement on the soil conditions in the subdivision supported by engineering reports showing the soil has been, or will be, prepared in accordance with the recommendations of a registered civil engineer.

(j) A true statement of the amount of indebtedness which is a lien upon the subdivision or any part thereof, and which was incurred to pay for the construction of any onsite or offsite improvement, or any community or recreational facility.

(k) A true statement or reasonable estimate, if applicable, of the amount of any indebtedness which has been or is proposed to be incurred by an existing or proposed special district, entity, taxing area or assessment district, within the boundaries of which, the subdivision, or any part thereof, is located, and which is to pay for the construction or installation of any improvement or to furnish community or recreational facilities to such subdivision, and which amounts are to be obtained by ad valorem tax or assessment, or by a special assessment or tax upon the subdivision, or any part thereof.

(*l*) A statement approved or ratified by the governing board or boards of the public school district or districts serving the subdivision indicating the location and distance from the farthest lot in the tract to the nearest high school, junior high school and elementary school; whether schoolbus transportation is available to each of the aforementioned schools and, if so, at whose expense and under what conditions; and such other information concerning the availability of schools which the public school district or districts believes will be of importance to prospective purchasers of dwelling units within the subdivision.

(m) Such other information as the owner, his agent, or subdivider, may desire to present.

SEC. 2. Section 11018.6 is added to the Business and Professions Code, to read:

11018.6. Whenever the commissioner issues a public report on any subdivision wherein the lots or parcels are to be sold improved with residential structures, the occupancy of which is not restricted to adults, the commissioner shall on the first page of the report either incorporate the material information contained in the statement required by subdivision (*l*) of Section 11010 or shall set forth clearly where in the report such information may be found.

The Real Estate Commissioner shall furnish one copy of the Real Estate Commissioner's public report on the subdivision to each public school district serving the subdivision.

CHAPTER 1313

An act to amend Section 9201 of the Corporations Code, and to amend Section 12538.4 of the Government Code, relating to health plans, and making an appropriation therefor.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 9201 of the Corporations Code is amended to read:

9201. A nonprofit corporation may be formed under this part for the purposes of defraying or assuming the cost of professional services of licentiates under any chapter of Division 2 (commencing with Section 500) of the Business and Professions Code or of rendering any such services, but it may not engage directly or indirectly in the performance of the corporate purposes or objects unless all of the following requirements are met:

(a) At least one-fourth of all licentiates of the particular profession residing in California become members.

(b) Membership in the corporation and an opportunity to render professional services upon a uniform basis are available to all licensed members of the particular profession.

(c) Voting by proxy and cumulative voting are prohibited.

(d) A certificate is issued to the corporation by the particular professional board whose licentiates have become members, finding compliance with the requirements of subdivisions (a), (b), and (c).

Any such nonprofit corporation shall be subject to supervision by the particular professional board under which its members are licensed and shall also be subject to Section 9505.

SEC. 2. Section 12538.4 of the Government Code is amended to read:

12538.4. Upon registration, each health care service plan shall pay a registration fee of eight cents ($0.08) for each individual or family unit covered as of the close of its last accounting year: except that the minimum registration fee shall be one hundred dollars ($100) as it is the legislative intent that this measure be self-supporting. Any prepaid drug plan entered into by the State Department of Social Welfare for recipients of public assistance shall not be subject to such registration fee.

SEC. 3. The sum of thirty-six thousand dollars ($36,000) is appropriated from the General Fund to the Attorney General for the 1972–1973 fiscal year for the purpose of defraying the expenses of the Attorney General in carrying out and enforcing the provisions of the Knox-Mills Health Plan Act, including, but not limited to, the expense of conducting audits of health care service plans subject to that act.

CHAPTER 1314

An act to amend Sections 7000.5, 7002, 7003, and 7007 of the Business and Professions Code, relating to contractors.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 7000.5 of the Business and Professions Code is amended to read:

7000.5. There is in the Department of Consumer Affairs a Contractors' State License Board, which consists of 11 members appointed by the Governor.

SEC. 2. Section 7002 of the Business and Professions Code is amended to read:

7002. One member of the board shall be a general engineering contractor, three members shall be general building contractors, four members shall be specialty contractors, and three members shall be public members.

For the purposes of construing this article, a general engineering contractor is a contractor whose principal contracting business is in connection with fixed works for any or all of the following divisions or subjects: irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports and airways, sewerage and bridges; a general building contractor is a contractor whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, requiring in its construction the use of more than two unrelated building trades or crafts, or to do or superintend the whole or any part thereof; a specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

This does not include anyone who merely furnishes materials or supplies under Section 7045 without fabricating them into, or consuming them in the performance of the work of the general building contractor.

Each member of the board, except a public member, shall be of recognized standing in his branch of the contracting business. Each member of the board shall be at least 30 years of age and of good character.

Each member of the board shall have been a citizen and resident of the State of California for at least five years next preceding his appointment.

SEC. 3. Section 7003 of the Business and Professions Code is amended to read:

7003. The terms of the members of the board in office when this chapter takes effect shall expire as follows: one general building contractor and one specialty contractor, January 15, 1940; one general building contractor and one specialty contractor, January 15, 1941; one general building contractor and one specialty contractor, January 15, 1942; the general engineering contractor, January 15, 1943.

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, 1963.

The Governor shall, on or before January 1, 1964, appoint the specialty contractor member provided for at the 1963 Regular Session, and his term shall expire on January 15, 1966.

Except as otherwise provided, an appointment to fill a vacancy caused by the expiration of the term of office shall be for a term of four years and shall be filled, except for a vacancy in the term of a public member, by a member from the same branch of the contracting business as was the branch of the member whose term has expired. A vacancy in the term of a public member shall be filled by another public member. 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.

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

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 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 any vacancy occurring in the office of the general building contractor member of the board whose term expires January 15, 1972. An appointment to fill any vacancy on the board in that office occurring prior to January 15, 1972, shall be for a term expiring January 15, 1972. An appointment to fill any vacancy on the board in that office occurring after January 15, 1972, but prior to June 1, 1975, shall be for a term expiring June 1, 1975. An appointment to fill a vacancy on the board in that office occurring on or after June 1, 1975, shall be for a four-year term expiring on June 1 of the fourth year following the year in which the previous term expired.

The Governor shall, on or before the 30th day after the effective date of the amendment of this section at the 1972 Regular Session of the Legislature, appoint the additional general building contractor and public member provided for by the amendment of Section 7002 at the 1972 Regular Session of the Legislature. The term of the additional general building contractor shall expire on June 1, 1975. The term of the additional public member shall expire on June 1, 1974.

SEC. 4. Section 7007 of the Business and Professions Code is amended to read:

7007. Six members constitute a quorum at a board meeting.

Due notice of each meeting and the time and place thereof shall be given each member in the manner provided by the bylaws.

CHAPTER 1315

An act to amend Section 13608 of, and to repeal and add Chapter 9 (commencing with Section 13625) of Division 7 of, the Water Code, relating to water quality.

[Approved by Governor December 22, 1972 Filed with Secretary of State December 22, 1972]

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

SECTION 1. Section 13608 of the Water Code is amended to read:

13608. After the effective date of the amendment of this section by the 1972 Regular Session of the Legislature, no application for a grant under this division or under the Federal Water Pollution Control Act, or amendment thereof, or for a loan pursuant to Chapter 6 (commencing with Section 13400) of this division, shall be accepted by the state board unless such application contains assurances that supervisors and operators of the plant meet or will meet certification requirements, adopted pursuant to Chapter 9 (commencing with Section 13625) of this division, for the proposed plant, as well as the plant in current operation.

SEC. 2. Chapter 9 (commencing with Section 13625) of Division 7 of the Water Code is repealed.

SEC. 3. Chapter 9 (commencing with Section 13625) is added to Division 7 of the Water Code, to read:

CHAPTER 9. MUNICIPAL WASTE WATER TREATMENT PLANT CLASSIFICATION AND OPERATOR CERTIFICATION

13625. As used in this chapter:

(a) "Municipal waste water treatment plant" means the various facilities used in the treatment or reclamation of sewage and industrial wastes.

(b) "Supervisor" means any person who has direct responsibility for the operation of a municipal waste water treatment plant or who supervises any operators of such a plant.

(c) "Operator" means any person who operates a municipal waste water treatment plant.

(d) "Certificate" means a certificate of competency issued by the state board stating that the supervisor or operator has met the requirements for a specific classification in the certification program.

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13626. The state board shall classify types of municipal waste water treatment plants for the purpose of determining the levels of competence necessary to operate them. The state board shall adopt and promulgate regulations setting forth the types of plants and the factors on which the state board based its classification.

13627. (a) Supervisors and operators of municipal waste water treatment plants shall possess a certificate of appropriate grade in accordance with, and to the extent recommended by the advisory committee and required by, regulations adopted by the state board. The state board shall develop and specify in its regulations the training necessary to qualify a supervisor or operator for certification for each type and class of plant. The state board may accept experience in lieu of qualification training. In lieu of a properly certified waste water treatment plant operator, the board may approve use of a water treatment plant operator of appropriate grade certified by the State Board of Public Health, where water reclamation is involved.

(b) A person employed as a municipal waste water treatment plant supervisor or operator on the effective date of regulations adopted pursuant to this chapter shall be issued an appropriate certificate provided he meets the training, education, and experience requirements prescribed by regulations.

13628. Certificates issued pursuant to this chapter shall be renewed biennially, subject to compliance by applicants with renewal requirements prescribed by regulations. Fees shall be payable to the state board at the time of issuance of a certificate and at the time of renewal. The state board shall establish a fee schedule to provide revenues to cover the cost of this program.

13629. The state board may approve courses of instruction at higher educational institutions which will qualify operators for each grade of certification. The state board shall also approve courses of instruction given by professional associations, or other nonprofit private or public agencies which shall be deemed equivalent to courses of instruction given by higher educational institutions.

13630. The state board is the state agency which is authorized to represent the state and its local governmental agencies in administering any federal or state funds available for municipal waste water treatment plant operator training. The state board may provide technical and financial assistance to organizations providing operator training programs.

13631. Prior to adopting or revising any regulations or approving any courses for operator training, the state board shall appoint an advisory committee to assist it in carrying out its responsibilities under this chapter.

13632. The advisory committee appointed pursuant to Section 13631 shall consist of the following:

(a) Two persons from a statewide organization representing municipal waste water treatment plant operators and supervisors, who shall be employed in a waste water treatment plant as an

operator or supervisor.

(b) Two persons from statewide organizations representing municipalities, including counties.

(c) Two persons from statewide organizations representing local sanitation agencies, other than municipalities.

(d) One person who is a professional engineer specializing in sanitary engineering.

(e) One person from a university or a state college school or division of engineering.

13633. The advisory committee shall review all proposed regulations and make recommendations to the state board prior to adoption of any regulations or changes therein.

13634. This chapter shall not apply to nongovernmentally owned or operated facilities.

CHAPTER 1316

An act to amend Section 5710 of the Labor Code, relating to workmen's compensation.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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.

(3) A copy of the transcript of the deposition, without cost to the employee.

(4) A reasonable allowance for attorney's fees where the injured employee is represented by an attorney. Such fee shall be

discretionary with, and, if allowed, shall be set by, the appeals board, but shall be paid by the employer or his insurer.

CHAPTER 1317

An act to amend Sections 38731, 38732, 38733, 38734, 38735, 38741, and 38742 of, to amend the heading of Article 27 (commencing with Section 38731) of Chapter 5 of Part 3 of Division 15 of, to add Article 7 (commencing with Section 36991) to Chapter 2 of Part 3 of Division 15 of, and to add Article 32 (commencing with Section 38801), Article 33 (commencing with Section 38811), Article 34 (commencing with Section 38821), and Article 35 (commencing with Section 38861) to Chapter 5 of Part 3 of Division 15 of, the Agricultural Code, relating to standards for milk products.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972]

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

SECTION 1. Article 7 (commencing with Section 36991) is added to Chapter 2 of Part 3 of Division 15 of the Agricultural Code, to read:

Article 7. Frozen Yogurt Dessert

36991. Frozen yogurt dessert is a frozen product. It shall be made from milk, with or without added milk solids, flavoring, or seasoning, which has been pasteurized and afterwards fermented by one or more strains of Lactobacillus bulgaricus, including yogurt strains, Streptococcus thermophilus and Lactobacillus acidophilus. Fruits may be added before or after the mix is pasteurized and cultured. Such product may contain harmless edible stabilizers not to exceed 0.6 percent. It shall be free of molds, yeasts, and other fungi, as well as coliform, and other objectionable bacteria which may impair the quality of the product. The freezing and air incorporation shall not exceed 60 percent by volume of the product.

36992. Frozen yogurt dessert shall contain not less than 3.5 percent milk fat. Frozen low-fat yogurt dessert shall contain not more than 2 percent milk fat. Frozen nonfat yogurt dessert shall contain a maximum of 0.25 percent milk fat. Frozen fruit yogurt dessert shall contain not less than 8 percent by weight of clean, mature, sound fruit or its equivalent in other forms. The milk fat content of frozen fruit yogurt dessert may be reduced to not less than 2.8 percent milk fat and the milk fat content of frozen low-fat fruit yogurt dessert may be reduced to not less than 1.3 percent milk fat.

36993. When offered for sale frozen yogurt dessert, low-fat frozen yogurt dessert, and nonfat frozen yogurt dessert shall be labeled with the name and address of the manufacturer or distributor, and shall

be labeled, on a panel of the carton or container, with the name of the product and the name and address of the manufacturer or distributor. When the name and address of the distributor are used, the factory license number of the manufacturer shall appear on the carton or container. If fruit is added to any of the products defined in this section, the name of the fruit shall, on the label, precede the name of the product.

SEC. 2. The heading of Article 27 (commencing with Section 38731) of Chapter 5 of Part 3 of Division 15 of the Agricultural Code is amended to read:

Article 27. Yogurt, Low-Fat Yogurt, and Nonfat Yogurt

SEC. 3. Section 38731 of the Agricultural Code is amended to read:

38731. Market milk or market milk combined with nonfat milk from market milk, with or without added market milk solids, flavoring, or seasoning, which has been pasteurized and afterwards fermented by one or more strains of Lactobacillus bulgaricus (including yogurt strains), Streptococcus thermophilus and Lactobacillus acidophilus may be sold as yogurt, low-fat yogurt, nonfat yogurt, mazun, kefir or such names as may be characteristic for the product and approved by the director. Such product may contain harmless edible stabilizer not to exceed 0.6 percent. It shall be free of molds, yeasts, and other fungi, as well as coliform, and other objectionable bacteria which may impair the quality of the product.

SEC. 4. Section 38732 of the Agricultural Code is amended to read:

38732. Yogurt shall contain not less than 3.5 percent of milk fat. Low-fat yogurt shall contain not less than 1.9 percent, nor more than 2.1 percent, of milk fat. Nonfat yogurt shall contain a maximum of 0.25 percent of milk fat.

SEC. 5. Section 38733 of the Agricultural Code is amended to read:

38733. When offered for sale, yogurt, low-fat yogurt, and nonfat yogurt shall be labeled, on a principal panel of the container, with the name of the product and the name and address of the manufacturer or distributor. If the name and address of the distributor are used, the factory license number of the manufacturer shall also appear on the carton or container. Yogurt shall be labeled "Yogurt." Low-fat yogurt shall be labeled "Low-fat yogurt." Nonfat yogurt shall be labeled "Nonfat yogurt." Yogurt, low-fat yogurt, or nonfat yogurt, when sold in liquid drink form, shall be labeled as provided in this article with the word "drink" added to the label.

SEC. 6. Section 38734 of the Agricultural Code is amended to read:

38734. Yogurt, low-fat yogurt, and nonfat yogurt, may also be sold

in liquid drink form subject to compliance with all the provisions of this article.

SEC. 7. Section 38735 of the Agricultural Code is amended to read:

38735. Yogurt, low-fat yogurt, or nonfat yogurt, in liquid or nonliquid form, and with or without fruit added, shall be made from market milk and may be labeled grade A.

SEC. 8. Section 38741 of the Agricultural Code is amended to read:

38741. Fruit yogurt is yogurt, low-fat yogurt, or nonfat yogurt which contains not less than 8 percent by weight of clean, mature, sound fruit or its equivalent in other forms.

SEC. 9. Section 38742 of the Agricultural Code is amended to read:

38742. The milk fat content of fruit yogurt may be reduced to not less than 2.8 percent. The milk fat content of low-fat yogurt may be reduced to not less than 1.3 percent. When fruit is added to yogurt, low-fat yogurt, or nonfat yogurt, the name of the fruit shall appear on a panel of the carton or container immediately preceding the name of the product. The words "grade A," when used in the label of the product, shall precede the name of the fruit. Fruit yogurt in its composition and labeling shall otherwise comply with all the requirements of Article 27 (commencing with Section 38731) of this chapter.

SEC. 10. Article 32 (commencing with Section 38801) is added to Chapter 5 of Part 3 of Division 15 of the Agricultural Code, to read:

Article 32. Sour Half-and-Half or Cultured Half-and-Half

38801. Sour half-and-half or cultured half-and-half is pasteurized half-and-half which has been fermented by the addition of pure cultures of one or more strains of lactic acid bacteria so that the product contains a minimum of 0.20 percent acidity calculated as lactic acid. Harmless stabilizer may be added not to exceed six-tenths of 1 percent by weight.

38802. Sour half-and-half or cultured half-and-half shall otherwise conform to all requirements for half-and-half except those pertaining to bacteria count, other than coliform, and shall be labeled with the name of the product.

SEC. 11. Article 33 (commencing with Section 38811) is added to Chapter 5 of Part 3 of Division 15 of the Agricultural Code, to read:

Article 33. Sour Half-and-Half Dressing

38811. Sour half-and-half dressing is a pasteurized milk product made from any mixture of milk and its components to which one or more strains of lactic acid producing organisms have been added to produce a distinct lactic acid flavor. The product shall contain a

minimum of 0.20 percent acidity calculated as lactic acid. It shall contain not less than 9.4 percent milk fat.

38812. Sour half-and-half dressing shall be sold in containers of at least one-half gallon capacity except when it contains seasoning, fruit, vegetable, seafood, meat, cheese or spice which imparts a distinct flavor to the dressing, in which case it may be sold to consumers in containers of any size. It may contain a harmless edible stabilizer not to exceed six-tenths of 1 percent.

38813. Sour half-and-half dressing shall be labeled with the name of the product and the name and address of the manufacturer or distributor. If the name and address of the distributor are used, the factory license number of the manufacturer shall appear on the carton or container. The label shall clearly identify the flavoring used.

SEC. 12. Article 34 (commencing with Section 38821) is added to Chapter 5 of Part 3 of Division 15 of the Agricultural Code, to read:

Article 34. Sterilized Sour Flavored Half-and-Half

38821. Sterilized sour flavored half-and-half is a product consisting of milk, cream, and skim milk to which edible stabilizers, stabilizing salts, and acidified flavoring may be added. It shall contain not less than 9.4 percent milk fat and not more than six-tenths of 1 percent stabilizer.

38822. Sterilized sour flavored half-and-half shall be conspicuously labeled with the full name of the product and shall also be labeled with the name and address of the manufacturer or distributor. If the name and address of the distributor are used, the factory license number of the manufacturer shall appear on the carton or container. Wherever the name of the product appears on the container, the full name shall be used. Although the height, style, and color of the lettering of the name need not be uniform at all places on the carton or container, the lettering of the name, wherever it appears on the carton or container, shall be there shown in the same height, style and color. All ingredients shall be listed on the label in their order of predominance.

38823. Sterilized sour flavored half-and-half shall be subjected to a temperature high enough to sterilize the product and be packaged in hermetically sealed containers.

SEC. 13. Article 35 (commencing with Section 38861) is added to Chapter 5 of Part 3 of Division 15 of the Agricultural Code, to read:

Article 35. Milk Products Made by Acidified Processes

38861. With the exception of cream cheese and those dairy products defined in Article 27 (commencing with Section 38731) and Article 28 (commencing with Section 38741) of this chapter, any milk product for which a standard of composition is established by or pursuant to this division, and which may be processed or

manufactured with the treatment or addition of cultures, may also be processed or manufactured with the addition of food-grade acids acceptable to the director, instead of cultures, if such milk product otherwise conforms to all requirements for such product established by or pursuant to this division. If such milk product is processed or manufactured by an acidification process instead of cultures, the word "acidified" shall be a part of the name of the product, and shall be included in the label of the product.

CHAPTER 1318

An act to add Article 6 (commencing with Section 17875) to Chapter 4 of Part 3 of Division 7 of the Business and Professions Code, relating to marriage, family or child counseling corporations.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Article 6 (commencing with Section 17875) is added to Chapter 4 of Part 3 of Division 7 of the Business and Professions Code, to read:

Article 6. Marriage, Family or Child Counseling Corporations

17875. A marriage, family or child counseling corporation is a corporation which is registered with the Board of Behavioral Science Examiners and has a currently effective certificate of registration from the board pursuant to the Moscone-Knox Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code, and this article. Subject to all applicable statutes, rules and regulations, such marriage, family or child counseling corporation is entitled to practice marriage, family or child counseling. With respect to a marriage, family or child counseling corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Board of Behavioral Science Examiners.

17876. An applicant for registration as a marriage, family or child counseling corporation shall supply to the board all necessary and pertinent documents and information requested by the board concerning the applicant's plan of operation. The board may provide forms of application. If the board finds that the corporation is duly organized and existing pursuant to the General Corporation Law, that, except as provided in Section 13403 of the Corporations Code, each officer, director, shareholder and each employee who will render professional services is a licensed person as defined in the

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Moscone-Knox Professional Corporation Act, and that from the application it appears that the affairs of the corporation will be conducted in compliance with law and the rules and regulations of the board, the board shall upon payment of the registration fee in such amount as it may determine issue a certificate of registration. The application shall be signed and verified by an officer of the corporation.

17877. Each marriage, family or child counseling corporation shall file with the board annually and at such other times as the board may require a report containing such information pertaining to qualification and compliance with the statutes, rules and regulations of the board as the board may determine. The fee for filing such a report shall be fixed by the board. All reports shall be signed and verified by an officer of the corporation.

17878. The name of a marriage, family or child counseling corporation and any name or names under which it may be rendering professional services shall contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders and shall include one or more of the words "marriage," "family" and "child" together with either of the words "counseling" or "counselor" and wording or abbreviations denoting corporate existence.

17879. Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of a marriage, family or child counseling corporation shall be a licensed person as defined in the Moscone-Knox Professional Corporation Act.

17880. The income of a marriage, family or child counseling corporation attributable to professional services rendered while a shareholder is a disqualified person (as defined in the Moscone-Knox Professional Corporation Act) shall not in any manner accrue to the benefit of such shareholder or his shares in the marriage, family or child counseling corporation.

17881. A marriage, family or child counseling corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes, rules and regulations to the same extent as a person holding a license under Section 17805 of this code. The board shall have the same powers of suspension, revocation and discipline against a marriage, family or child counseling corporation as are now or hereafter authorized by Section 17820 of this code, or by any other similar statute against individual licensees, provided, however, that proceedings against a marriage, family or child counseling 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.

17882. The board may formulate and enforce rules and regulations to carry out the purposes and objectives of this article,

including rules and regulations requiring (a) that the articles of incorporation or bylaws of a marriage, family or child counseling corporation shall include a provision whereby the capital stock of such corporation owned by a disqualified person (as defined in the Moscone-Knox Professional Corporation Act), or a deceased person, shall be sold to the corporation or to the remaining shareholders of such corporation within such time as such rules and regulations may provide, and (b) that a marriage, family or child counseling corporation as a condition of obtaining a certificate pursuant to the Moscone-Knox Professional Corporation Act and this article shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

CHAPTER 1319

An act to amend Section 3262 of the Civil Code, relating to works of improvement.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 3262 of the Civil Code is amended to read:

3262. (a) Except as otherwise provided in subdivision (b), neither the owner nor original contractor by any term of their contract, or otherwise, shall waive, affect, or impair the claims and liens of other persons whether with or without notice, and any term of the contract to that effect shall be null and void.

(b) Neither the owner who is a natural person, nor the original contractor shall by any term of their contract, or otherwise, waive, affect, or impair the claims or liens of other persons whether with or without notice, except by their written consent and any term of the contract to that effect shall be null and void, if the contract is for the construction of any of the following:

(1) A single family dwelling or duplex.

(2) Improvements to a single family dwelling or duplex.

(3) Improvements to real property upon which a single family dwelling or duplex is located, or is to be located, where the improvement is related to such residential use.

CHAPTER 1320

An act to add Section 17204.5 to the Education Code, relating to school districts.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 17204.5 is added to the Education Code, to read:

17204.5. The governing board of any school district having an average daily attendance of 100,000 or more may deposit in one or more bank accounts moneys received from the temporary rental of property acquired by a school district pending construction of school facilities on such property. The moneys may be held in such accounts for a period of not to exceed three years and may be used to pay any proper costs incurred as a result of such temporary rental, provided that when such moneys are not being used to pay such costs they may be invested, along with all other moneys deposited in clearing accounts, pursuant to Section 17203 as determined by the governing board of any such school district.

CHAPTER 1321

An act to add Section 227.3 to the Labor Code, relating to labor.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 227.3 is added to the Labor Code, to read:

227.3. Unless otherwise provided by a collective bargaining agreement, whenever a contract of employment or employer policy provides for paid vacations, and an employee is terminated without having taken off his vested vacation time, all vested vacation shall be paid to him as wages at his final rate in accordance with such contract of employment or employer policy.

CHAPTER 1322

An act to amend Sections 18203, 18405.2, 18406, 18406.2, 18601, 18615, 18661, 18667, 18675, 18818, and 18964 of, to add Sections 18205, 18406.3, 18627, 18681, 18682, 18683, and 18684 to, and to repeal Sections 18203.5, 18205, 18205.5, 18668, and 18668.1 of, the Financial Code, relating to industrial loan companies.

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[Approved by Governor December 22, 1972 Filed with Secretary of State December 22, 1972]

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

SECTION 1. Section 18203 of the Financial Code is amended to read:

18203. The capital stock of any corporation incorporated under this division shall be in accordance with the following:

(a) If incorporated or commencing business on or before September 18, 1959, the capital stock shall not be less than the following amounts:

(1) Fifty thousand dollars ($50,000) when the corporation is transacting business in any city having a population of less than 50,000 inhabitants.

(2) One hundred thousand dollars ($100,000) when the corporation is transacting business in any city having 50,000 or more inhabitants.

(b) If incorporated or commencing business after September 18, 1959, but before November 23, 1970, the capital stock shall not be less than three hundred thousand dollars ($300,000).

(c) If incorporated or commencing business on or after November 23, 1970, the capital stock shall not be less than five hundred thousand dollars ($500,000).

(d) Subdivisions (b) and (c) do not apply to an industrial loan company incorporated and engaged in business under this chapter within this state on or before September 18, 1959, that desires to change, or changes, its place of business, if either:

(1) Such industrial loan company otherwise meets all of the requirements of this division with regard to such change of location, including the findings of the commissioner required by Section 18200.6.

(2) The commissioner finds either of the following:

(i) There has been no substantial change, directly or indirectly, during the one-year period immediately preceding such finding, in the ownership of such industrial loan company and no such change of ownership is then reasonably contemplated.

(ii) Such actual or reasonably contemplated change of ownership is unrelated to the proposed change in its place of business.

SEC. 2. Section 18203.5 of the Financial Code is repealed.

SEC. 3. Section 18205 of the Financial Code is repealed.

SEC. 4. Section 18205 is added to the Financial Code, to read:

18205. (a) Notwithstanding the provisions of Section 18203, any company which commenced business on or before November 22, 1970, which opens an additional branch office or place of business shall have and shall thereafter maintain paid-up capital of three hundred thousand dollars ($300,000) plus additional capital of twenty-five thousand dollars ($25,000) for each branch office opened after September 18, 1959.

(b) Any company which commenced business on or after

November 23, 1970, which opens an additional branch office or place of business shall have and shall thereafter maintain paid-up capital of five hundred thousand dollars ($500,000) plus additional capital of twenty-five thousand dollars ($25,000) for each branch office.

SEC. 5. Section 18205.5 of the Financial Code is repealed.

SEC. 7. Section 18405.2 of the Financial Code is amended to read:

18405.2. An industrial loan company may make a consumer loan that is not primarily secured by real property or other type of loan which is repayable at maturity by a single payment which includes principal and charges. In no event shall such loans have a term in excess of one year or be made for the purpose of evading or avoiding this division.

SEC. 8. Section 18406 of the Financial Code is amended to read:

18406. An industrial loan company may make loans, purchase or discount notes, mortgages, contracts or other commercial paper insured by the Federal Housing Administrator, Veterans Administration, other federal agency or an agency of the state. Loans so insured may be made for a term up to but not to exceed the maximum permitted by such agencies.

SEC. 10. Section 18406.2 of the Financial Code is amended to read:

18406.2. Any loan or other obligation made or acquired which is secured primarily by real property and has an outstanding principal balance of five thousand dollars ($5,000) or more shall be secured by real property or personal property having combined a fair market value at the time the loan or other obligation is made or acquired of at least one hundred fifteen percent (115%) of the principal amount owing on the loan or obligation and on prior encumbrances, except nondelinquent tax liens, secured by the same real property. Fair market value of the real property for the purposes of this section shall be determined by an authenticated appraisal made by a qualified real property appraiser, approved in writing by the commissioner. The personal property held as security shall be of a kind or class that has been declared eligible by regulation of the commissioner.

The principal amount of all loans or other obligations which are partially secured by real property, but not primarily secured by real property, shall in no event exceed in the aggregate 25 percent of the company's outstanding loans and obligations.

SEC. 11. Section 18406.3 is added to the Financial Code, to read:

18406.3. For purposes of Sections 18405.2 and 18406.2 a loan or other obligation shall be deemed primarily secured by real property when the fair market value of such property less prior encumbrances at the time the loan or other obligation is made or acquired is more than 50 percent of the principal amount owing on the loan or obligation.

SEC. 12. Section 18601 of the Financial Code is amended to read:

18601. At the time of filing an application for authorization to establish an industrial loan company, the applicant shall file with the commissioner a bond in the sum of one thousand dollars ($1,000), to

be approved by the commissioner, in which the applicant is the obligor, with one or more sureties approved by the commissioner, whose liability as sureties need not exceed that amount in the aggregate.

SEC. 13. Section 18615 of the Financial Code is amended to read:

18615. An industrial loan company shall not declare a dividend upon its capital stock unless not less than 10 percent of the net profits of the company for the preceding half year, or for such period as is covered by the dividend is retained. This section does not apply if the company has unimpaired paid-in surplus at least equal to 50 percent of the amount of the minimum capital stock required by Sections 18203 and 18205.

SEC. 14. Section 18627 is added to the Financial Code, to read:

18627. The commissioner may require each industrial loan company to file with the commissioner a fidelity bond indemnifying the industrial loan company against loss of money or property by act of any officer, director or employee of such company, having access to assets owned by or pledged with the company. The fidelity bond shall contain a rider which provides that the coverage of the bond extends to all officers, directors and employees of the insured whether or not such officers, directors and employees are compensated by the insured. The fidelity bond may be either a primary commercial blanket bond, a blanket position bond, or a banker's blanket bond, but shall be written by an insurer who has been licensed by the Department of Insurance of the State of California. The fidelity bond shall remain in force and effect until the surety is released from liability by the commissioner, or until canceled or amended by the surety. The surety may cancel or amend and be relieved of further liability by delivering 30 days written notice to the commissioner. Such cancellation does not affect any liability incurred or accrued on the bond prior to termination of the 30-day period. The commissioner shall by regulation prescribe the amount of fidelity coverage to be required. The sufficiency of the sureties on the bond are at all times subject to the approval of the commissioner.

SEC. 14.5. Section 18661 of the Financial Code is amended to read:

18661. (a) An industrial loan company may provide and collect the costs for credit life insurance on the life of one or more of the borrowers and credit disability insurance to provide indemnity for payments becoming due on the indebtedness, with his or her consent, the form to be approved by the commissioner and in an amount not in excess of the amount of the indebtedness. The amount charged to the borrower for such insurance shall not exceed, in the case of credit life insurance, the amount provided in (1) or (2) following, whichever is less, or, in the case of credit disability insurance, unless a regulation has been promulgated and established pursuant to Section 18661.1, in which case the amount charged shall not exceed the amount prescribed by such regulation, the amount

provided in (1) following:

(1) The premium rate filed with the Commissioner of Insurance for the coverage provided pursuant to Article 5.9 (commencing with Section 779.1), Chapter 1, Part 2, Division 1 of the Insurance Code and which has not been disapproved by him, or

(2) Fifty cents ($0.50) per year per one hundred dollars ($100) of indebtedness (and in the same proportion for longer or shorter maturities and larger or smaller amounts) or such different maximum as is fixed by the Commissioner of Insurance by a valid and effective regulation hereafter adopted.

(b) An industrial loan company may collect the costs for insurance of tangible personal or real property offered as security for a loan, reasonably insured against loss for a reasonable term considering the circumstances of the loan, when the policy of insurance is made payable to the borrower or any member of his family, even though the customary mortgagee clause is attached, and if the insurance is sold at standard rates through duly licensed insurance agents except that if title insurance is obtained in connection with a loan, the costs for such insurance may only be collected if: (1) the loan is in an amount of at least one thousand dollars ($1,000) and is secured by the lien of a deed of trust or mortgage on real property which is the subject of such policy of title insurance; (2) the policy of title insurance is made payable to the lender or jointly to such lender and the borrower as their interests may appear; (3) the amount of such insurance does not exceed the amount of the loan; (4) such insurance is placed at standard rates through a title insurance company authorized to do business in the State of California; and (5) the provisions of the loan require payment in not less than 12 months. A policy of title insurance may not be required in connection with the renewal or extension of a loan with an unpaid principal balance of less than one thousand dollars ($1,000). Such costs as herein authorized are not included in computing the maximum charges which may be made under this division.

(c) If life or disability insurance is provided pursuant to this section, and if the insured borrower dies or becomes disabled during the term of the loan contract, the insurance shall be sufficient to pay the total amount due on the loan (excluding unearned charges) outstanding on the date of his death, or all amounts which become due on the loan thereafter during the period of such disability, as the case may be, without any exception, reservation or limitation, subject, however, to the provisions of Section 18661.2. Any such life or disability insurance as is provided shall be in force as soon as the loan is made. A licensee shall not require credit life or disability insurance as a condition of making a loan.

SEC. 15. Section 18667 of the Financial Code is amended to read:

18667. Whenever the interest or charges, or interest and charges deducted in advance exceed the maximum provided by this article, by reason of subsequent repayment of the loan, a new loan, refinancing, or otherwise, or any portion thereof prior to maturity,

such excess shall be rebated to the borrower or credited on any balance owing by the borrower to the company. The rebate shall be the difference between the total of the precomputed charge, any charge for extending the first due date, plus any default or deferment charges and the charges at the contract rate computed on unpaid principal balances for the number of days actually elapsed by applying each payment first to charges and the remainder to principal.

However, if a loan is repayable in substantially equal and consecutive monthly installments of principal and charges combined, the first of which is due not less than 15 days nor more than one month and 15 days from the date the loan is made, a company may precompute charges and apply payments as follows:

(a) The total charges which would be earned if the loan contract were repaid exactly according to its terms, at the monthly rate stated in the loan contract, may be precomputed when the loan is made and added to the principal of the loan. Every payment may be applied to the combined total of principal and precomputed charges until the loan contract is fully paid. Such precomputed charges shall be subject to the following adjustments:

(1) The portion of the precomputed charge applicable to any particular monthly installment period shall bear the same ratio to the total precomputed charge, excluding any adjustment made for a first period of more than one month, as the balance scheduled to be outstanding during that monthly period bears to the sum of all monthly balances scheduled originally by the loan contract.

(2) If the loan contract is prepaid in full by cash, a new loan, refinancing or otherwise before the final installment date, the borrower shall receive a rebate of the portion of the precomputed charge applicable to the full installment periods following the installment date nearest the date of such prepayment; provided, however, that if prepayment in full occurs on or before (i) the third installment date if the loan contract provides for charges at a rate not exceeding that set forth in Section 18655, or, (ii) the ninth installment date, or such different installment date as shall have been established by rule of the commissioner adopted pursuant to Section 18800, if the loan contract provides for charges at a rate exceeding that rate set forth in Section 18655, the rebate shall be the difference between the total precomputed charge and the charges at the contract rate computed on unpaid principal balances by applying each payment first to charges and the remainder to principal. After the installment date in (i) or (ii) above, whichever is applicable, any prepayment made on or before the 15th day following an installment date shall be deemed to have been made on the installment date preceding such prepayment. The tender, by the borrower or at his request, of an amount equal to the unpaid balance less the required rebate must be accepted by the licensee in full payment of the contract.

(3) If three or more, but not all, installments are prepaid in full

at any one time either in one transaction or over a period of time a special rebate shall be made which shall be equal to the portion of precomputed charge applicable to the last installment period multiplied by the total number of full installment periods such installments and any subsequent installments are prepaid. Such special rebate shall be computed and made at the termination of the loan contract and shall be an addition to any required rebate for prepayment in full.

(4) If the payment date of all wholly unpaid installments on which no default charge has been collected is deferred one or more full months and the loan contract so provides, the company may charge and collect a deferment charge. Such deferment charge shall not exceed the portion of precomputed charge applicable, prior to deferment, to the first deferred monthly installment period multiplied by the number of months the maturity of the contract is deferred. Such number of months shall not exceed the number of full installments which are in default on the date of deferment or which may become due within 15 days of such date. When a deferment charge is made, no portion of the precomputed charge shall apply to the installment periods in which no installment payment is required by reason of the deferment. In computing any default charge or required rebate, the portion of the precomputed charge applicable to each deferred balance and installment period following the deferment period and prior to the deferred maturity shall remain the same as that applicable to such balances and periods under the original contract of loan. Such charge may be collected at the time of deferment or at any time thereafter. Any payment received at the time of deferment may be applied first to the deferment charge and the remainder, if any, applied to the unpaid balance of the loan contract; provided, however, if such payment is sufficient to pay, in addition to the appropriate deferment charge, any installment which is in default and the applicable default charge, it shall be first so applied and any such installment shall not be deferred nor subject to the deferment charge.

(5) In the event of default of more than 10 days in the payment of one-half or more of any scheduled installment, the company may charge and collect a default charge not exceeding an amount equal to the portion of the precomputed charge applicable to the final installment period. Said charge may not be collected more than once for the same default and may be collected at the time of such default or at any time thereafter. If such default charge is deducted from any payment received after default occurs, and such deduction results in the default of a subsequent installment, no charge may be made for the resulting default.

(6) A borrower and company may agree that the first installment due date may be not more than 15 days more than one month and the amount of such installment may be increased by one-thirtieth of the portion of the precomputed charge applicable to a first installment of one month for each extra day.

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(b) The statement to be given to the borrower as provided in subdivision (a) of Section 18670 and the loan contract shall disclose in addition to other required information the principal amount of the loan exclusive of charges and the basis for computing the refund of precomputed charges in case of prepayment in full or acceleration of maturity and for computing default and deferment charges. The delivery of a receipt for each payment showing the total amount of each payment is compliance with subdivision (d) of Section 18670.

(c) If the maturity of the loan contract when the charges are precomputed is accelerated for any reason, the company shall make the same refund or credit as would be required if the loan contract was paid in full on the date of acceleration and the unpaid balance shall be treated as the unpaid principal balance and thereafter the unpaid balance of the loan contract shall bear charges at the agreed rate of charge if the loan contract so provides.

SEC. 16. Section 18668 of the Financial Code is repealed.

SEC. 17. Section 18668.1 of the Financial Code is repealed.

SEC. 18. Section 18675 of the Financial Code is amended to read:

18675. No person in connection with or incidental to the making of any loan under this division, shall require the borrower to contract for, purchase, or agree to purchase anything in connection with the loan. A policy of insurance of the type specified in subdivision (b) of Section 18661 is not prohibited by this section.

SEC. 19. Section 18681 is added to the Financial Code, to read:

18681. An industrial loan company shall not make unsecured loans to or hold the unsecured obligations of any one person as primary obligor in an aggregate amount in excess of 5 percent of the unimpaired capital and surplus of the company not available for dividends as provided in Section 18614. Secured loans or obligations of any person as primary obligor made or held by a company may not, in any event, exceed in the aggregate 20 percent of the unimpaired capital and surplus of the company not available for dividends as provided in Section 18614.

SEC. 20. Section 18682 is added to the Financial Code, to read:

18682. All secured or unsecured loans or obligations which exceed ten thousand dollars ($10,000) in face amount shall in no event exceed in the aggregate 40 percent of the company's outstanding loans and obligations. The unsecured loans and obligations which exceed ten thousand dollars ($10,000) in face amount shall in no event exceed in the aggregate 20 percent of the company's outstanding loans and obligations.

SEC. 21. Section 18683 is added to the Financial Code, to read:

18683. Secured loans or obligations for purposes of Sections 18405, 18681, and 18682 must be secured by collateral of a market value of at least 115 percent of the amount owing on the loans or obligations. An obligation shall not be deemed secured by personal property or collateral unless the personal property or collateral held as security is of a kind which has not been declared ineligible by the commissioner. The commissioner may by general regulation declare

any particular kinds and classes of personal property ineligible as security.

SEC. 22. Section 18684 is added to the Financial Code, to read:

18684. Loans secured by unimproved real property shall not in the aggregate exceed 2 percent of the company's unimpaired capital and surplus not available for dividends as provided in Section 18614 unless the commissioner consents to the taking of collateral to protect an existing jeopardized obligation.

SEC. 23. Section 18818 of the Financial Code is amended to read:

18818. Whenever it appears to the commissioner that:

(a) The capital of any industrial loan company is impaired;

(b) Any industrial loan company has violated its articles of incorporation or any law of this state;

(c) Any industrial loan company is conducting its business in an unsafe or unauthorized manner;

(d) Any industrial loan company refuses to submit its books, papers, and affairs to the inspection of any examiner;

(e) Any officer of any industrial loan company refuses to be examined upon oath touching the concerns of such industrial loan company;

(f) Any industrial loan company has suspended payment of its obligations;

(g) Any industrial loan company is in such condition that it is unsound or unsafe for it to transact business;

(h) Any industrial loan company neglects or refuses to observe any order of the commissioner made pursuant to Section 18814 or 18815.1 of this code unless the enforcement of such order is restrained in a proceeding brought by the industrial loan company; or

(i) Any industrial loan company fails to participate as a member of Thrift Guaranty Corporation of California in accordance with Chapter 8 (commencing with Section 18950) of this division or fails to pay any assessment levied pursuant thereto within the time specified;

(j) Any industrial loan company has sold or issued investment certificates in violation of the provisions of this division.

(k) Any industrial loan company has failed to maintain in effect a bond required under the provisions of this division.

(*l*) That any fact or condition exists which, if it had existed at the time of the original application for authority to organize and establish a corporation to engage in the industrial loan business reasonably would have warranted the commissioner in disapproving the application; the commissioner may forthwith take possession of the property and business of such industrial loan company and retain possession until such industrial loan company resumes business or its affairs be finally liquidated as herein provided. Such industrial loan company, with the consent of the commissioner, may resume business upon such conditions as he may prescribe.

SEC. 24. Section 18964 of the Financial Code is amended to read:

18964. The following described thrift obligations will be guaranteed by Guaranty Corporation in the amounts hereinafter set forth below:

(a) Single ownership accounts.

Funds owned by an individual and invested in the manner set forth below shall be added together and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(1) Individual accounts (or accounts of the husband-wife community of which the individual is a member) and invested in one or more accounts in his own name shall be guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(2) Funds owned by a principal and invested in one or more accounts in the name or names of agents or nominees shall be added to any individual accounts of the principal and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(3) Accounts held by guardians, custodians or conservators for the benefit of his ward or for the benefit of a minor under a Uniform Gifts to Minors Act and invested in one or more accounts in the name of the guardian, custodian or conservator shall be added to any individual accounts of the ward or minor and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(b) Testamentary accounts.

(1) Funds owned by an individual and invested in a revocable trust account, tentative or "Totten" trust account, payable-on-death account or similar account evidencing an intention that on his death the funds shall belong to his spouse, child or grandchild, shall be guaranteed up to ten thousand dollars ($10,000) in the aggregate as to each such named beneficiary, separately from any other accounts of the owner.

(2) If the named beneficiary of such an account is other than the owner's spouse, child or grandchild, the funds in such account shall be added to any individual accounts of such owner and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(c) Accounts held by executors or administrators. Funds of a decedent held in the name of the decedent or in the name of the executor or administrator of his estate and invested in one or more accounts shall be guaranteed up to ten thousand dollars ($10,000) in the aggregate, separately from the individual accounts of the beneficiaries of the estate or of the executor or administrator.

(d) Corporation or partnership accounts. Accounts of a corporation or partnership engaged in any independent activity shall be guaranteed up to ten thousand dollars ($10,000) in the aggregate. An account of a corporation or partnership not engaged in an independent activity shall be deemed to be owned by the person or persons owning such corporation or comprising such partnership and, for guarantee purposes, the interest of each person in such account shall be added to any other accounts individually owned by such person and guaranteed up to ten thousand dollars ($10,000) in the aggregate. The term "independent activity" means any activity

other than one directed solely at increasing guarantee coverage under this chapter.

(e) Unincorporated associations. Accounts of an unincorporated association engaged in any independent activity shall be guaranteed up to ten thousand dollars ($10,000) in the aggregate. An account of an unincorporated association not engaged in an independent activity shall be deemed to be owned by the persons comprising such association and, for guarantee purposes, the interest of each owner in such account shall be added to any other accounts individually owned by such person and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(f) Joint accounts:

(1) Accounts owned jointly, whether as joint tenants with right of survivorship, as tenants by the entireties, as tenants in common, or by husband and wife as community property, shall be guaranteed separately from accounts individually owned by the coowners.

(2) A joint account shall be deemed to exist, for purposes of guarantee of accounts, only if each coowner has personally executed on account signature card and possesses redemption rights.

(3) An account owned jointly which does not qualify as a joint account for purposes of guarantee of accounts shall be treated as owned by the named persons as individuals and the actual ownership interest of each such person in such account shall be added to any other accounts individually owned by such person and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(4) All joint accounts owned by the same combination of individuals shall first be added together and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(5) The interest of each coowner in all joint accounts owned by different combinations of individuals shall then be added together and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(g) Trust accounts. All trust interests for the same beneficiary invested in accounts established pursuant to valid trust arrangements created by the same settlor (grantor) shall be added together and guaranteed up to ten thousand dollars ($10,000) in the aggregate, separately from other accounts of the trustee of such trust funds or the settlor or beneficiary of such trust arrangements.

(h) Thrift obligations withdrawn by checks that have not cleared a member's bank account at the time the commissioner has taken possession of the property and business of a member.

The owner of the funds represented by such a check will be recognized for all purposes of claim for guaranteed thrift obligations to the same extent as if his name and interest were disclosed on the records of the member.

SEC. 25. This act shall become operative on July 1, 1973.

CHAPTER 1323

An act to add Section 20021.9 to, the Government Code, relating to retirement.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972]

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

SECTION 1. Section 20021.9 is added to the Government Code, to read:

20021.9. "County peace officer" shall also include employees of the sheriff employed in a county jail, detention or correctional facility and having as their primary duty and responsibility the supervision and custody of persons committed to such jail or facility, whether or not such employees are deputized. It shall not include persons employed as clerks, typists, teachers, instructors, psychologists or to provide food, maintenance, health or supporting services, even though responsibility for custody and control of persons so committed may be incident to, or imposed in connection with, such service or the employees are deputized.

The provisions of this section shall not apply to the employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to the provisions of this section by amendment to its contract with the board, made as provided in Section 20461.5 or by express provision in its contract with the board.

CHAPTER 1324

An act to amend Sections 510 and 513 of the Code of Civil Procedure, relating to claim and delivery, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 22, 1972 Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 510 of the Code of Civil Procedure is amended to read:

510. (a) Where a delivery is claimed, the plaintiff, by verified complaint or by an affidavit or declaration under penalty of perjury made by plaintiff, or by someone on his behalf, filed with the court, shall show:

(1) That the plaintiff is the owner of the property claimed or is entitled to the possession thereof, and the source of such title or right; and if plaintiff's interest in such property is based upon a written

instrument, a copy thereof shall be attached;

(2) That the property is wrongfully detained by the defendant, the means by which the defendant came into possession thereof, and the cause of such detention according to his best knowledge, information, and belief;

(3) A particular description of the property, a statement of its actual value, and a statement to his best knowledge, information, and belief concerning the location of the property and of the residence and business address, if any, of the defendant;

(4) That the property has not been taken for a tax, assessment, or fine, pursuant to a statute; or seized under an execution against the property of the plaintiff; or, if so seized, that it is by statute exempt from such seizure.

(b) The court shall, without delay, examine the verified complaint or affidavit or declaration, and if it is satisfied that they meet the requirements of subdivision (a), he shall issue an order directed to the defendant to show cause why the property should not be taken from the defendant and delivered to the plaintiff. Such order shall fix the date and time for the hearing thereon, which shall be no sooner than 10 days from the issuance thereof, and shall direct the time within which service thereof shall be made upon the defendant. Such order shall inform the defendant that he may file affidavits on his behalf with the court and may appear and present testimony on his behalf at the time of such hearing, or that he may, at or prior to such hearing, file with the court a written undertaking to stay the delivery of the property, in accordance with the provisions of Section 514, and that, if he fails to appear, plaintiff will apply to the court for a writ of possession. Such order shall fix the manner in which service thereof shall be made, which shall be by personal service, or in accordance with the provisions of Section 1011, or in such manner as the judge may determine to be reasonably calculated to afford notice thereof to the defendant under the circumstances appearing from the verified complaint or affidavit or declaration.

(c) Upon examination of the verified complaint or affidavit or declaration and such other evidence or testimony as the judge may, thereupon, require, a writ of possession may be issued prior to hearing, if probable cause appears that any of the following exist:

(1) The defendant gained possession of the property by theft, as defined by any section of Title 13 (commencing with Section 447) of Part 1 of the Penal Code;

(2) The property consists of one or more negotiable instruments or credit cards;

(3) By reason of specific, competent evidence shown, by testimony within the personal knowledge of an affiant or witness, the property is perishable, and will perish before any noticed hearing can be had, or is in immediate danger of destruction, serious harm, concealment, or removal from this state, or of sale to an innocent purchaser, and that the holder of such property threatens to destroy, harm, conceal, remove it from the state, or sell it to an innocent purchaser.

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Where a writ of possession has been issued prior to hearing under the provisions of this section, the defendant or other person from whom possession of such property has been taken may apply to the court for an order shortening the time for hearing on the order to show cause, and the court may, upon such application, shorten the time for such hearing, and direct that the matter shall be heard on not less that 48 hours' notice to the plaintiff.

(d) Under any of the circumstances described in subdivision (a), or in lieu of the immediate issuance of a writ of possession under any of the circumstances described in subdivision (c), the judge may, in addition to the issuance of an order to show cause, issue such temporary restraining orders, directed to the defendant, prohibiting such acts with respect to the property, as may appear to be necessary for the preservation of rights of the parties and the status of the property.

(e) Upon the hearing on the order to show cause, the court shall consider the showing made by the parties appearing, and shall make a preliminary determination, which party, with reasonable probability, is entitled to possession, use, and disposition of the property, pending final adjudication of the claims of the parties. If the court determines that the action is one in which a prejudgment writ of possession should issue, it shall direct the issuance of such writ.

SEC. 2. Section 513 of the Code of Civil Procedure is amended to read:

513. The levying officer shall forthwith take the property, if it be in the possession of the defendant or his agent, and retain it in his custody, either by removing the property to a place of safekeeping or, upon good cause shown, by installing a keeper, provided that, when the property is used as a dwelling, such as a housetrailer, mobilehome, or boat, the same shall be taken by placing a keeper in charge of the property, at plaintiff's expense, for two days. At the expiration of such period, the officer shall remove its occupants and take the property into his immediate custody.

If the property or any part thereof is in a building or enclosure, the levying officer shall demand its delivery, announcing his identity, purpose, and the authority under which he acts. If it is not voluntarily delivered, he shall cause the building or enclosure to be broken open in such manner as he reasonably believes will cause the least damage to the building or enclosure, and take the property into his possession. He may call upon the power of the county to aid and protect him, but if he reasonably believes that entry and seizure of the property will involve a substantial risk of death or serious bodily harm to any person, he shall refrain from seizing the property, and shall forthwith make a return before the court from which the writ issued, setting forth the reasons for his belief that such risk exists. The court shall make such orders and decrees as may be appropriate.

The levying officer shall, without delay, serve upon the defendant a copy of the writ of possession and written undertaking, the verified

complaint or affidavit or declaration, by delivering the same to him personally, if he can be found, or to his agent from whose possession the property is taken; or, if neither can be found, by leaving them at the usual place of abode of either with some person of suitable age and discretion; or, if neither have any known place of abode, by mailing them to their last known address.

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:

Sections 510 and 513 of the Code of Civil Procedure, relating to claim and delivery, as added by Chapter 855 of the Statutes of 1972, an urgency statute, contains an ambiguity, and in order to avoid an unnecessary expense to the public and needless litigation, it is necessary that this act take effect at the earliest possible time.

CHAPTER 1325

An act to add Article 3.5 (commencing with Section 8574.1) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to the state oil spill contingency plan, and making an appropriation therefor.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Article 3.5 (commencing with Section 8574.1) is added to Chapter 7 of Division 1 of Title 2 of the Government Code, to read:

Article 3.5. Oil Spills

8574.1. In addition to any other authority conferred upon the Governor by this chapter, the Governor may establish a state oil spill contingency plan pursuant to the provisions of this article.

8574.2. Any plan established pursuant to this article shall provide for an integrated and effective state procedure to combat the results of major oil spills within the state. Such plan shall provide for specified state agencies to implement the plan.

8574.3. State agencies granted authority to implement a plan adopted under this article shall have the authority to use volunteer workers. Such volunteers shall be deemed employees of the state for the purpose of workmen's compensation under Article 2 (commencing with Section 3350) of Chapter 2 of Part 1 of Division 4 of the Labor Code. Any payments for workmen's compensation under this section shall be made from the account specified in Section 8574.4.

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8574.4. State agencies designated to implement the contingency plan shall account for all state expenditures made under the plan with respect to each oil spill. Expenditures accounted for under this section shall be paid for from the State Water Pollution Cleanup and Abatement Account of the State Water Quality Control Fund provided for in Article 3 (commencing with Section 13440) of Chapter 6 of Division 7 of the Water Code. If the party responsible for the spill is identified, that party shall be liable for the expenditures accounted for under this section, in addition to any other liability which may be provided for by law, in an action brought by the Attorney General. The proceeds from any such action shall be paid into the State Water Pollution Cleanup and Abatement Account of the State Water Quality Control Fund.

CHAPTER 1326

An act to amend Sections 73671, 73672, 73674, 73675, 73676, 73677, 73678, and 73679 of, and to add Sections 73672.1, 73672.2, 73672.3, and 73672.4 to, the Government Code, relating to courts.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 73671 of the Government Code is amended to read:

73671. This article applies to the municipal court established in the Fairfield-Suisun-Vacaville Judicial District, County of Solano.

SEC. 2. Section 73672 of the Government Code is amended to read:

73672. There shall be two judges in the Fairfield-Suisun-Vacaville Judicial District.

SEC. 3. Section 73672.1 is added to the Government Code, to read:

73672.1. The district shall consist of two divisions as follows:

(a) The western division shall include all of the territory within the Fairfield-Suisun Judicial District on the effective date of this section and shall be known as the western division.

(b) The eastern division shall include all of the territory within the Vacaville Judicial District on the effective date of this section and shall be known as the eastern division.

SEC. 4. Section 73672.2 is added to the Government Code, to read:

73672.2. As public convenience requires, the Board of Supervisors of the County of Solano may change the division boundaries by ordinance.

SEC. 5. Section 73672.3 is added to the Government Code, to read:

73672.3. For purposes of election and qualification of judges, each division shall be deemed a district within the meaning of subdivision (b) of Section 16 of Article VI of the California Constitution and Section 71140.

SEC. 6. Section 73672.4 is added to the Government Code, to read:

73672.4. There shall be one judge in each division who shall be the presiding judge of the division. The two presiding judges shall select one of them to be presiding judge of the district. Thereafter, the duties of the presiding judge of the district shall alternate annually between the two judges.

SEC. 7. Section 73674 of the Government Code is amended to read:

73674. The clerk may appoint: (a) one chief deputy clerk; (b) two courtroom clerks; (c) three senior deputy clerks; (d) one account clerk III; (e) 11 deputy clerks II or deputy clerks I as may be determined by the judge with the concurrence of the board of supervisors. Each of these employees shall receive the monthly salary specified in Section 73677 for his classification.

SEC. 8. Section 73675 of the Government Code is amended to read:

73675. The Sheriff of Solano County shall serve and assist the municipal court without additional compensation. He may appoint four deputies to likewise serve and assist the court, who shall also receive no additional compensation for such service and assistance.

SEC. 9. Section 73676 of the Government Code is amended to read:

73676. Whenever a reference to a salary range number is made in this article, the following schedule of monthly salaries shall apply:

Salary Schedule

Salary range number	Step 1	Step 2	Step 3	Step 4	Step 5
18	$376	$395	$415	$436	$458
18½	385	405	425	447	469
19	395	415	436	458	481
19½	405	425	447	469	493
20	415	436	458	481	505
20½	425	447	469	493	517
21	436	458	481	505	530
21½	447	469	493	517	543
22	458	481	505	530	556
22½	469	493	517	543	570
23	481	505	530	556	584
23½	493	517	543	570	598
24	505	530	556	584	613
24½	517	543	570	598	628

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25	530	556	584	613	644
25½	543	570	598	628	660
26	556	584	613	644	676
26½	570	598	628	660	693
27	584	613	644	676	710
27½	598	628	660	693	727
28	613	644	676	710	745
28½	628	660	693	727	763
29	644	676	710	745	782
29½	660	693	727	763	801
30	676	710	745	782	821
30½	693	727	763	801	841
31	710	745	782	821	862
31½	727	763	801	841	883
32	745	782	821	862	905
32½	763	801	841	883	927
33	782	821	862	905	950
33½	801	841	883	927	974
34	821	862	905	950	998
34½	841	883	927	974	1,023
35	862	905	950	998	1,048
35½	883	927	974	1,023	1,074
36	905	950	998	1,048	1,100
36½	927	974	1,023	1,074	1,127
37	950	998	1,048	1,100	1,155
37½	974	1,023	1,074	1,127	1,184
38	998	1,048	1,100	1,155	1,213
38½	1,023	1,074	1,127	1,184	1,243
39	1,048	1,100	1,155	1,213	1,274
39½	1,074	1,127	1,184	1,243	1,306
40	1,100	1,155	1,213	1,274	1,338
40½	1,127	1,184	1,243	1,306	1,371
41	1,155	1,213	1,274	1,338	1,405
41½	1,184	1,243	1,306	1,371	1,440
42	1,213	1,274	1,338	1,405	1,475
42½	1,243	1,306	1,371	1,440	1,512
43	1,274	1,338	1,405	1,475	1,549
43½	1,306	1,371	1,440	1,512	1,587
44	1,338	1,405	1,475	1,549	1,626
44½	1,371	1,440	1,512	1,587	1,666
45	1,405	1,475	1,549	1,626	1,707
45½	1,440	1,512	1,587	1,666	1,749
46	1,475	1,549	1,626	1,707	1,792
46½	1,512	1,587	1,666	1,749	1,837
47	1,549	1,626	1,707	1,792	1,882
47½	1,587	1,666	1,749	1,837	1,929
48	1,626	1,707	1,792	1,882	1,976
48½	1,666	1,749	1,837	1,929	2,025
49	1,707	1,792	1,882	1,976	2,075

49½	1,749	1,837	1,929	2,025	2,127
50	1,792	1,882	1,976	2,075	2,179
50½	1,837	1,929	2,025	2,127	2,233
51	1,882	1,976	2,075	2,179	2,288
51½	1,929	2,025	2,127	2,233	2,345
52	1,976	2,075	2,179	2,288	2,402
52½	2,025	2,127	2,233	2,345	2,462
53	2,075	2,179	2,288	2,402	2,522
53½	2,127	2,233	2,345	2,462	2,585
54	2,179	2,288	2,402	2,522	2,648
54½	2,233	2,345	2,462	2,585	2,714
55	2,288	2,402	2,522	2,648	2,780
55½	2,345	2,462	2,585	2,714	2,850
56	2,402	2,522	2,648	2,780	2,919
56½	2,462	2,585	2,714	2,850	2,993
57	2,522	2,648	2,780	2,919	3,065
57½	2,585	2,714	2,850	2,993	3,143
58	2,648	2,780	2,919	3,065	3,218
58½	2,714	2,850	2,993	3,143	3,300
59	2,780	2,919	3,065	3,218	3,379
59½	2,850	2,993	3,143	3,300	3,465
60	2,919	3,065	3,218	3,379	3,548
60½	2,993	3,143	3,300	3,465	3,638
61	3,065	3,218	3,379	3,548	3,725
61½	3,143	3,300	3,465	3,638	3,820
62	3,218	3,379	3,548	3,725	3,911
62½	3,300	3,465	3,638	3,820	4,011
63	3,379	3,548	3,725	3,911	4,107

SEC. 10. Section 73677 of the Government Code is amended to read:

73677. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set in the salary schedule contained in Section 73676.

(a) Deputy clerk I ..... Range 23½
(b) Deputy clerk II ..... Range 24½
(c) Senior deputy clerk ..... Range 26½
(d) Account clerk III ..... Range 27½
(e) Municipal courtroom clerk ..... Range 28½
(f) Chief deputy clerk ..... Range 32
(g) Clerk ..... Range 39½

Each person employed on the effective date of this section in the office of the clerk, including the clerk, shall receive credit for prior continuous service in office including service in departments superseded upon the establishment of the municipal court, and his prior service shall be deemed service in the new position, provided, however, that such credit shall be given only when the presiding

judge of the court determines that the officer or employee is entitled to receive it. Officers and employees shall be appointed at the first step for the range assigned to their classification except if it is difficult to secure qualified personnel, or if a person of unusual qualifications is appointed, the judge may appoint such person at the second step of the range assigned to that classification.

In the case of the appointment of the clerk of the municipal court, the judges shall be authorized, if they deem it necessary, to appoint the clerk at a higher step, not to exceed the fifth step of the range assigned to that classification as set forth in Section 73676, and, provided further, that if the judges are unable to secure a qualified person to fulfill the position of clerk of the municipal court for a salary as hereinabove provided, then the judges with the concurrence of the board of supervisors may establish a salary at a rate not to exceed one thousand four hundred forty dollars ($1,440) monthly.

SEC. 11. Section 73678 of the Government Code is amended to read:

73678. All increases in salary shall not be given as a matter of right but only when the presiding judge of the court determines that the officer or employee is properly entitled to receive it. Each person employed in the office of the clerk, including the clerk, shall have a merit increase eligibility date which shall be the first day of the month following completion of six months' service with the municipal court. If an employee begins his employment on the first working day of a month, it shall be considered for purposes of this section that such employment began on the first calendar day of that month. Subsequent merit increase eligibility dates shall be the first day of the month following completion of an additional six months' service, the first day of the month following completion of an additional 12 months' service, and the first day of the month following completion of an additional 18 months' service. The granting of any leave of absence without pay, other than military leave of absence, exceeding 15 consecutive calendar days shall cause the merit increase eligibility date to be extended to the first of the month following completion of the leave of absence without pay.

Notwithstanding the foregoing provisions of this section, an officer or employee who is promoted or reclassified to a position in a class with a higher salary range shall receive the recruiting salary for the higher class if it is greater than his salary prior to promotion or reclassification, or such higher amount as would constitute at least one-step increase on the salary range over the salary received prior to the promotion or reclassification, not to exceed 1½ steps or the top step of the new salary range. The effective date of all promotions shall coincide with the first working day of a pay period. A new merit increase eligibility date shall be established, which shall be the first day of the month following completion of the number of months' service which corresponds with the required period of service as is governed by the next preceding paragraph of this section.

SEC. 12. Section 73679 of the Government Code is amended to read:

73679. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 of this code 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 recommendation of the judges of the court and with the approval of the Board of Supervisors of the County of Solano, an officer or an employee of the court, whether appointed under the provisions of this article or under Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 of this code, may be paid any compensation which is within the ranges and increments set forth in this article in excess of or less than the maximum to which such officer or employee would otherwise be entitled under the salary range established for his classification as set forth in Section 73677. Any such salary adjustment shall not extend longer than 60 days after the final adjournment of the next succeeding regular session of the Legislature after such salary adjustment.

SEC. 13. Sections 1 to 12, inclusive, shall be operative only if the Board of Supervisors of the County of Solano enacts an ordinance consolidating the Fairfield-Suisun and Vacaville Judicial Districts.

CHAPTER 1327

An act to amend Sections 21250.1, 21330, and 21364.7 of, to add Sections 21263, 21263.1, 21263.2 and 21263.3 to, and to repeal Sections 21263, 21263.1, 21264, 21264.1 as added by Chapter 150 of the Statutes of 1970, 21264.1 as added by Chapter 719 of the Statutes of 1970, and 21264.5 of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 21250.1 of the Government Code is amended to read:

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

(a) His service retirement annuity.

(b) His current service pension.

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

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

SEC. 2. Section 21263 of the Government Code, as amended by Chapter 249 of the Statutes of 1971, is repealed.

SEC. 3. Section 21263 is added to the Government Code, to read:

21263. Upon the death of a patrol, warden, forestry or law enforcement member whose retirement for service or disability is effective on or after the operative date of this section, a monthly allowance derived from employer contributions equal to a percentage of the amount of his retirement allowance as it was at his death based on service credited to him as a member subject to this section but excluding any portion of the retirement allowance derived from additional contributions of the member shall be paid to the surviving spouse throughout life or until remarriage. Such percentage shall be 25 percent for an allowance based on service for which the allowance is reduced because the service was also covered under the federal system and 50 percent for an allowance based on any other service. If there be no surviving spouse, or upon death or remarriage of such spouse before every child of the deceased member attains the age of 18, such allowance shall be paid to his child or children under such age, collectively, until every such child dies or attains such age; provided, that no child shall receive any allowance after marrying or attaining such age. If at the time of the retired member's death there is no surviving spouse or children under age 18, the allowance shall be paid to a parent or collectively to parents of the deceased member dependent upon him for support. If at the effective date of his retirement the member has no surviving spouse, eligible children or dependent parents and elected an optional settlement, no allowance under this section shall be paid.

"Surviving spouse" for purposes of this section means a husband or wife who was married to the member for a continuous period beginning at least one year prior to his retirement and ending on the date of his death.

SEC. 4. Section 21263.1 of the Government Code, as amended by Chapter 249 of the Statutes of 1971, is repealed.

SEC. 5. Section 21263.1 is added to the Government Code, to read:

21263.1. "Member" for purposes of Section 21263 also includes those local miscellaneous members and local safety members who on the day preceding the operative date of this section were subject to Sections 21264 and 21264.1 as those sections read prior to their repeal on such operative date. "Member" shall not include any other local miscellaneous or local safety member or apply to any contracting agency employing such member unless and until the agency elects to be subject to the provisions of Section 21263 by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among employees shall not be required or, in the case of contracts made on or after the operative date of this

section, by express provision of such contract. Such election may be exercised separately with respect to local safety members who are firemen, local safety members who are policemen, local safety members other than policemen or firemen, and local miscellaneous members. The operative date of Section 21263 for purposes of application to that section to such local members shall be the effective date of such contract or contract amendment.

SEC. 6. Section 21263.2 is added to the Government Code, to read:

21263.2. Any member whose retirement was effective prior to the operative date of Section 21263 and who on such date or the earlier date of his death was subject to any provision of this part for continuation of one-half his allowance upon death after retirement to certain survivors and such survivors shall continue to be entitled to the payment of such allowance subject to all the terms and conditions of this part applicable thereto on the day preceding such operative date; except that Section 21364.7 shall not apply to such allowance payable with respect to such member who was a local member.

SEC. 6.5. Section 21263.3 is added to the Government Code to read:

21263.3. The allowance provided by Section 21263 shall be paid with respect to a local miscellaneous or local safety member whose retirement was effective prior to his employer's election to be subject to such section with respect to employees in his employment if at retirement he did not elect optional settlement two or three or an optional settlement involving life contingency under optional settlement four. The retirement allowance payable to such a retired member who elected any such optional settlement shall be increased by 15 percent, for time on and after such operative date and prior to the next annual adjustment under Article 1.5 (commencing with Section 21220) and the base allowance shall be increased by 15 percent for purpose of that and all subsequent annual adjustments. The amount payable to the beneficiary under such optional settlement shall be increased by the same percentage and in the same manner as the increase provided for the payment to the member. Payment to such beneficiary of such increase shall be subject to the provisions of Section 21263 with respect to termination.

SEC. 7. Section 21264 of the Government Code, as amended by Chapter 249 of the Statutes of 1971, is repealed.

SEC. 8. Section 21264.1 of the Government Code, as added by Chapter 150 of the Statutes of 1970, is repealed.

SEC. 9. Section 21264.1 of the Government Code, as added by Chapter 719 of the Statutes of 1970, is repealed.

SEC. 10. Section 21264.5 of the Government Code is repealed.

SEC. 11. Section 21330 of the Government Code is amended to read:

21330. In lieu of the retirement allowance for his life alone, a member or retired member may elect, or revoke or change a

previous election prior to the approval of the previous election, to have the actuarial equivalent of his retirement allowance as of the date of retirement applied to a lesser retirement allowance, in accordance with one of the optional settlements specified in this article. Said election or revocation or change thereof, with respect to a member subject to Section 21263 at retirement, shall apply to all of the retirement allowance, if, at the effective date of retirement for service or for industrial disability, said member has no spouse, children or dependent parents who would qualify for an allowance under Section 21263 after the death of said member; or, if at retirement there are persons who would so qualify, then said election, or revocation, or change thereof, shall apply only to the portion of the allowance which exceeds the amount of the allowance payable to the survivor.

An actuarial equivalent under this article shall be computed on the basis of the mortality tables and actuarial interest rate in effect under the system on December 1, 1970.

SEC. 12. Section 21364.7 of the Government Code is amended to read:

21364.7. The special death benefit payable if the deceased was a member who was credited with service, compensation for which was subject to contribution under the federal system, shall be reduced during such time as his survivor or survivors are entitled to receive a survivor benefit under the federal system.

The reduction shall be in the amount of the benefit to which there is entitlement under the federal system; provided, however, that it shall not exceed the amount of the benefit derived from contributions of the employer. The amount of the reduction shall not be adjusted because of changes in the amount of the benefit under the federal system or in the amount of benefit or allowance under this system derived from contributions of the employer occurring after the death of the member or retired person.

Notwithstanding the amendment to this section and the repeal of Section 21364.6 at the 1963 Regular Session of the Legislature, the special death benefit payable on the death of a member in employment in which the member was a local safety member on October 1, 1963, and which he held continuously thereafter to the date of death, and in which his compensation was on that date subject to contribution under the federal system, shall not be less than it would have been had this section not been so amended or Section 21364.6 repealed.

SEC. 13. This act shall become operative on the first of the month following the month in which statutes enacted at the 1972 Regular Session become effective.

CHAPTER 1328

An act to amend Sections 20605, 20930, 21221.5, 21250.1, 21252.6, 21295, 21330 and 21364.7 of, to add Sections 21263, 21263.1, 21263.2 and 21263.3 to, and to repeal Sections 20750.426, as added by Chapter 1035 of the Statutes of 1972, 21263, 21263.1, 21264, 21264.1 as added by Chapter 150 of the Statutes of 1970, 21264.1 as added by Chapter 719 of the Statutes of 1970, and 21264.5 of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 20605 of the Government Code is amended to read:

20605. For each member subject to Section 21252.6 of this code, effective on the operative date of this section, or the later date of entrance into this system as such a member, the normal rate of contribution shall be 7 percent of compensation paid on and after such operative date.

The normal rate of contribution as established under this section for a member whose service is included in the federal system and whose retirement allowance is reduced because of such inclusion shall be reduced by one-third as applied to compensation not exceeding four hundred dollars ($400) per month for service rendered after the date of execution of the modification of the federal-state agreement including such services in the federal system and prior to termination of his coverage under the federal system.

The operative date of this section with respect to a local safety member shall be the date upon which he becomes subject to Section 21252.6.

SEC. 2. Section 20930 of the Government Code is amended to read:

20930. "Public service" for purposes of this article means the following:

(a) Employment of the state or a contracting agency while not a member of this system, but after persons employed in the status of the member were eligible for membership in this system.

(b) Employment of the state or a contracting agency while the employee was excluded from membership because of serving on a part-time basis or because of his failure to exercise his right of election of membership under Section 20360, 20361 or 20364.

(c) Employment of the state or a contracting agency while the employee was excluded from membership in an employment in which persons since have become eligible for membership and which is not creditable to the member under other provisions of this part.

(d) Employment in the State Emergency Relief Administration or the State Relief Administration subsequent to March, 1933, regardless of the source of the compensation paid for such employment.

(e) Employment as an academic employee of the University of California prior to 1963; provided, however, that any member electing to receive credit for such public service shall in addition to other contributions required by this article contribute an amount equal to the contributions which would have been made on his behalf by the state had he been in membership during such employment, assuming that the state rate of contribution in effect at the time of election had been in effect during such employment.

(f) Employment of the state in which the person was not eligible for membership in the system if such ineligibility was solely because his compensation was paid from other than state-controlled funds; provided, however, that time spent in work as a work relief recipient under programs such as, but not limited to, the Works Progress Administration, the Civil Works Administration, the Federal Emergency Relief Administration, the National Youth Administration, and the Civilian Conservation Corps, shall not constitute public service.

(g) Employment in a function formerly performed by a public agency other than a contracting agency and assumed by a contracting agency where the employees who performed such functions are or were transferred to or employed by such contracting agency without change in occupation or position.

(h) Time prior to November 8, 1967, during which a person performed court reporting duties in connection with civil court cases in the superior court for which he was compensated by fees paid by litigants other than the county, if the person is also credited with service as a court reporter in the superior court of the same county for which he received compensation on a per diem basis; provided, however, that such time shall not constitute public service with respect to any contracting agency or its employees unless the agency so elects by amendment to its contract.

(i) Time during which a member is excused from performance of his duties on approved leave for the purpose of service of up to two years with a university, college, local, state, federal or foreign governmental agency or nonprofit organization, if he returns to the employment from which the leave was granted; provided, however, that any member electing to receive credit for such public service shall in addition to contributions otherwise required by this article contribute an amount equal to the contribution that would have been made by his employer in respect to him had he not been absent, assuming that the employer rate of contribution in effect at the time of election had been in effect during the absence.

(j) Absence from state service because of illness which arose out of and in the course of employment and for which the member received temporary disability benefits under the Labor Code during

such absence and did not receive full compensation, as distinguished from such disability benefits for the period of absence.

(k) Civilian service as an employee or officer of an agency of the government of the United States which performed functions the same as or substantially similar to those performed by this state prior to January 1, 1942, and which were transferred from the state to such agency, including military service in any branch of the armed forces of the United States performed by an individual on military leave of absence from such federal employment, if all the following conditions exist:

(1) Prior to performing such federal service he was employed by the state.

(2) He was laid off from state service or would have been so laid off if he had not been absent in military service because of the transfer of the functions of the state to an agency of the United States government.

(3) Subsequent to his layoff from state service he was employed by the United States government in an agency performing functions the same as or substantially similar to those of the state agency from which he was laid off.

(4) After his separation from federal service, he was employed by a state agency or

(5) In lieu of subparagraphs (1), (2), and (3), the United States government pays to the state or an agency of the state, funds equal to contributions which would have been made by the state had the member been in state service for the period of his public service with respect to members who were not employed by the state prior to entering such federal employment or whose state service prior to entering such federal employment was terminated for reasons other than the transfer of the function.

(*l*) Employment in a district, prior to the time the district became a subsidiary district of a city, of a person who was employed by the city following such reorganization to render service to the district and who became a member in such employment.

SEC. 2.1. Section 20750.426, as added by Chapter 1035 of the Statutes of 1972, is repealed.

SEC. 2.5. Section 21221.5 of the Government Code is amended to read:

21221.5. Notwithstanding anything to the contrary in Section 20520, monthly allowances payable to persons retired under a local system of a contracting agency at the time of contract shall be adjusted in accordance with this article; provided, however, that with respect to such retired persons under a contract effective on or after the effective date of the amendments to this section at the 1972 Regular Session, the "base year" shall be the year in which the contract is effective. Allowances payable for service to a public agency whose contract is terminated on or after the effective date of this section shall be adjusted in accordance with this article subject to reduction in accordance with Section 20564. Allowances payable

for service to a public agency whose contract was terminated prior to the effective date of the section shall not be adjusted in accordance with this article.

SEC. 3. Section 21250.1 of the Government Code is amended to read:

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

(a) His service retirement annuity.

(b) His current service pension.

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

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

SEC. 4. Section 21252.6 of the Government Code is amended to read:

21252.6. The combined prior and current service pension for a state safety member 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 state safety, police, fire, or county peace officer service which is credited to him as a state safety 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 state safety 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 paragraph shall not apply to a member who retires after the date upon which coverage under the federal system of persons in his employment terminates. It shall not apply to a local safety member employed by a contracting agency electing to be subject to this section after the effective date of the amendments to this section at the 1972 Regular Session unless such agency elects to be subject to this paragraph by amendment to its contract or by appropriate provision of a contract entered into after this provision is effective and as to any such member, the reduction in the percentage of final compensation shall apply to all local safety service to such agency, if any of such local safety service has been included in 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.

SEC. 5. Section 21263 of the Government Code, as amended by Chapter 249 of the Statutes of 1971, is repealed.

SEC. 6. Section 21263 is added to the Government Code, to read:

21263. Upon the death of a patrol or state safety member whose retirement for service or disability is effective on or after the operative date of this section, a monthly allowance derived from employer contributions equal to a percentage of the amount of his retirement allowance as it was at his death based on service credited

to him as a member subject to this section but excluding any portion of the retirement allowance derived from additional contributions of the member shall be paid to the surviving spouse throughout life or until remarriage. Such percentage shall be 25 percent for an allowance based on service for which the allowance is reduced because the service was also covered under the federal system and 50 percent for an allowance based on any other service. If there be no surviving spouse, or upon death or remarriage of such spouse before every child of the deceased member attains the age of 18, such allowance shall be paid to his child or children under such age, collectively, until every such child dies or attains such age; provided, that no child shall receive any allowance after marrying or attaining such age. If at the time of the retired member's death there is no surviving spouse or children under age 18, the allowance shall be paid to a parent or collectively to parents of the deceased member dependent upon him for support. If at the effective date of his retirement the member has no surviving spouse, eligible children or dependent parents and elected an optional settlement, no allowance under this section shall be paid.

"Surviving spouse" for purposes of this section means a husband or wife who was married to the member for a continuous period beginning at least one year prior to his retirement and ending on the date of his death.

SEC. 7. Section 21263.1 of the Government Code, as amended by Chapter 249 of the Statutes of 1971, is repealed.

SEC. 8. Section 21263.1 is added to the Government Code, to read:

21263.1. "Member" for purposes of Section 21263 also includes those local miscellaneous members and local safety members who on the day preceding the operative date of this section were subject to Sections 21264 and 21264.1 as those sections read prior to their repeal on such operative date. "Member" shall not include any other local miscellaneous or local safety member or apply to any contracting agency employing such member unless and until the agency elects to be subject to the provisions of Section 21263 by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among employees shall not be required or, in the case of contracts made on or after the operative date of this section, by express provision of such contract. Such election may be exercised separately with respect to local safety members who are firemen, local safety members who are policemen, local safety members other than policemen or firemen, and local miscellaneous members. The operative date of Section 21263 for purposes of application to that section to such local members shall be the effective date of such contract or contract amendment.

SEC. 9. Section 21263.2 is added to the Government Code, to read:

21263.2. Any member whose retirement was effective prior to the operative date of Section 21263 and who on such date or the

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earlier date of his death was subject to any provision of this part for continuation of one-half his allowance upon death after retirement to certain survivors and such survivors shall continue to be entitled to the payment of such allowance subject to all the terms and conditions of this part applicable thereto on the day preceding such operative date; except that Section 21364.7 shall not apply to such allowance payable with respect to such member who was a local member.

SEC. 10. Section 21263.3 is added to the Government Code, to read:

21263.3. The allowance provided by Section 21263 shall be paid with respect to a local miscellaneous or local safety member whose retirement was effective prior to his employer's election to be subject to such section with respect to employees in his employment if at retirement he did not elect optional settlement two or three or an optional settlement involving life contingency under optional settlement four. The retirement allowance payable to such a retired member who elected any such optional settlement shall be increased by 15 percent, for time on and after such operative date and prior to the next annual adjustment under Article 1.5 (commencing with Section 21220) and the base allowance shall be increased by 15 percent for purpose of that and all subsequent annual adjustments. The amount payable to the beneficiary under such optional settlement shall be increased by the same percentage and in the same manner as the increase provided for the payment to the member. Payment to such beneficiary of such increase shall be subject to the provisions of Section 21263 with respect to termination.

SEC. 11. Section 21264 of the Government Code, as amended by Chapter 249 of the Statutes of 1971, is repealed.

SEC. 12. Section 21264.1 of the Government Code, as added by Chapter 150 of the Statutes of 1970, is repealed.

SEC. 13. Section 21264.1 of the Government Code, as added by Chapter 719 of the Statutes of 1970, is repealed.

SEC. 14. Section 21264.5 of the Government Code is repealed.

SEC. 15. Section 21295 of the Government Code is amended, to read:

21295. Every member retired for disability for whom a different disability retirement allowance is not prescribed by any other provision of this article, including a member who is entitled to an industrial disability retirement allowance if the disability is industrial but who retires for nonindustrial disability shall receive a disability retirement allowance which shall consist of:

(a) An annuity which is the actuarial equivalent of his accumulated contributions at the time of retirement; and

(b) If, in the opinion of the board, his disability is not due to intemperence, willful misconduct or violation of law on his part, a disability retirement pension derived from the contributions of the employer.

SEC. 16. Section 21330 of the Government Code is amended to read:

21330. In lieu of the retirement allowance for his life alone, a member or retired member may elect, or revoke or change a previous election prior to the approval of the previous election, to have the actuarial equivalent of his retirement allowance as of the date of retirement applied to a lesser retirement allowance, in accordance with one of the optional settlements specified in this article. Said election or revocation or change thereof, with respect to a member subject to Section 21263 at retirement, shall apply to all of the retirement allowance, if, at the effective date of retirement for service or for industrial disability, said member has no spouse, children or dependent parents who would qualify for an allowance under Section 21263 after the death of said member; or, if at retirement there are persons who would so qualify, then said election, or revocation, or change thereof, shall apply only to the portion of the allowance which exceeds the amount of the allowance payable to the survivor..

An actuarial equivalent under this article shall be computed on the basis of the mortality tables and actuarial interest rate in effect under the system on December 1, 1970.

SEC. 17. Section 21364.7 of the Government Code is amended to read:

21364.7. The special death benefit payable if the deceased was a member who was credited with service, compensation for which was subject to contribution under the federal system, shall be reduced during such time as his survivor or survivors are entitled to receive a survivor benefit under the federal system.

The reduction shall be in the amount of the benefit to which there is entitlement under the federal system; provided, however, that it shall not exceed the amount of the benefit derived from contributions of the employer. The amount of the reduction shall not be adjusted because of changes in the amount of the benefit under the federal system or in the amount of benefit or allowance under this system derived from contributions of the employer occurring after the death of the member or retired person.

Notwithstanding the amendment to this section and the repeal of Section 21364.6 at the 1963 Regular Session of the Legislature, the special death benefit payable on the death of a member in employment in which the member was a local safety member on October 1, 1963, and which he held continuously thereafter to the date of death, and in which his compensation was on that date subject to contribution under the federal system, shall not be less than it would have been had this section not been so amended or Section 21364.6 repealed.

SEC. 18. This act shall become operative on the first of the month following the month in which statutes enacted at the 1972 Regular Session become effective.

CHAPTER 1329

An act to amend Section 14150 of the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972]

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

SECTION 1. Section 14150 of the Welfare and Institutions Code is amended to read:

14150. (a) For the 1971–72 fiscal year, the county share toward the cost of care and administration provided under this chapter shall be the amount specified for the particular county in the following table:

Alameda	$11,832,000
Alpine	5,000
Amador	156,000
Butte	952,000
Calaveras	215,000
Colusa	142,000
Contra Costa	6,018,000
Del Norte	123,000
El Dorado	359,000
Fresno	6,873,000
Glenn	187,000
Humboldt	1,200,000
Imperial	430,000
Inyo	241,000
Kern	5,233,000
Kings	740,000
Lake	132,000
Lassen	124,000
Los Angeles	99,975,000
Madera	661,000
Marin	1,120,000
Mariposa	33,000
Mendocino	550,000
Merced	1,545,000
Modoc	120,000
Mono	31,000
Monterey	2,595,000
Napa	550,000
Nevada	425,000
Orange	10,395,000
Placer	913,000
Plumas	220,000
Riverside	5,160,000

Sacramento	8,627,000
San Benito	181,000
San Bernardino	6,462,000
San Diego	8,050,000
San Francisco	15,268,000
San Joaquin	7,390,000
San Luis Obispo	1,443,000
San Mateo	5,600,000
Santa Barbara	2,470,000
Santa Clara	9,400,000
Santa Cruz	1,335,000
Shasta	660,000
Sierra	13,000
Siskiyou	390,000
Solano	796,000
Sonoma	2,250,000
Stanislaus	2,630,000
Sutter	770,000
Tehama	290,000
Trinity	107,000
Tulare	2,845,000
Tuolumne	284,000
Ventura	2,776,000
Yolo	1,050,000
Yuba	750,000

The amount payable by each county in each subsequent year beginning with the 1972–73 fiscal year shall be determined by multiplying the base-year amount by the ratio of the county's modified assessed value in the subsequent year to the county's modified assessed value in the base year. The term "modified assessed value" means the total of (a) the taxable assessed value of state-assessed property and the exempt assessed value of partially or totally exempt state-assessed property on which tax losses are reimbursed by the state and (b) the product of the factor prescribed in Section 17261 of the Education Code times the sum of (1) the taxable assessed value of county-assessed property and (2) the exempt assessed value of partially or totally exempt county-assessed property on which tax losses are reimbursed by the state.

The State Controller shall determine the amount payable by each particular county in subsequent fiscal years under this section.

(b) As used in this section, the terms "eligible" and "eligibles" mean all persons who are public assistance recipients, and all persons eligible under Sections 14005.2, 14005.3, 14005.4, and 14005.6, and all persons eligible under Section 14005.7 who are certified for Medi-Cal coverage by the department.

(c) The counties' share toward the cost of care and administration provided under this chapter shall be paid to the state monthly.

(d) Notwithstanding the provisions of Sections 5707, 5709.5, 5710,

and 5714 of the Welfare and Institutions Code, payment for the costs of health care services provided under Part 2, Division 5, of the Welfare and Institutions Code, the Short-Doyle Act, shall be made in accordance with the provisions of this section.

(e) Notwithstanding the provisions of Section 7511 of the Welfare and Institutions Code, payment for the share of costs of health care services provided under Chapter 4, Division 7, of the Welfare and Institutions Code, shall be made in accordance with the provisions of this section.

CHAPTER 1330

An act to add Section 14150.9 to the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 14150.9 is added to the Welfare and Institutions Code, to read:

14150.9. The payable share of cost specified in subdivision (a) of Section 14150 for counties which did not elect to participate in the county option under former Section 14150.1, now repealed under Chapter 577 of the Statutes of 1971, for the period July 1971, through September 1971, shall be reduced by the amount specified for each county in the following table:

Alpine	$362
Amador	12,821
Butte	49,670
Calaveras	8,984
Colusa	11,645
Del Norte	9,926
Glenn	15,348
Humboldt	74,434
Imperial	35,582
Inyo	13,135
Kings	61,685
Lassen	10,049
Mariposa	2,543
Mendocino	31,951
Modoc	10,223
Mono	2,501
Nevada	35,268
Plumas	5,850
San Benito	14,780
Shasta	54,902

Sierra	984
Siskiyou	32,697
Tehama	18,990
Trinity	8,883
Tulare	286,768
Tuolumne	23,598

The reductions specified in the above table shall not be considered in computing county shares in subsequent years under the procedure set forth in subdivision (a) of Section 14150. This section shall not be operative after July 1, 1973.

CHAPTER 1331

An act to add Section 118.6 to the Streets and Highways Code, relating to excess highway property.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 118.6 is added to the Streets and Highways Code, to read:

118.6. The department shall, to the greatest extent possible, offer to sell or exchange excess real property within one year from the date that it is determined by the department to be excess.

"Excess real property," for the purposes of this section, means all land and improvements situated outside of calculated highway right-of-way lines not needed or used for highway or other public purposes, including, but not limited to, those leased to public agencies pursuant to Section 104.15, and available for sale or exchange.

The department shall adopt rules and regulations to determine which real property outside of calculated right-of-way lines is no longer needed or used for highway or other public purposes, and which is available for sale or exchange. The department is authorized to lease all real property not presently needed or used for highway purposes pending the sale or exchange of such property.

Excess real property which consists of lands of notable environmental value, such as, but not limited to, lands of extraordinary scenic beauty, lands fronting on waterway, lakes, and marshes, lands within the boundaries of parks, recreational areas, wildlife preserves or refuges, and lands providing wildlife habitat shall first be offered for sale or exchange to public agencies operating parks and recreational areas as follows:

(a) To any park or recreation department of any city within which the land may be situated.

(b) To any park or recreation department of the county within which the land is situated.

(c) To any regional park authority having jurisdiction within the area in which the land is situated.

(d) To the State Resources Agency or any agency which may succeed to its powers.

The public agency desiring to purchase such land for park or recreation use shall notify the department within 60 days of its intent to purchase the land after receipt of the department's notification of intent to sell the land. If the public agency desiring to purchase the land and the department are unable to arrive at a mutually satisfactory sales price for the land during the 60-day period, the land may be disposed of in the normal manner.

The failure of the department to first offer excess real property which consists of lands of notable environmental value to public agencies operating parks and recreational areas shall not affect the validity of any conveyance of such excess real property to any person or entity unaware of the failure of the department do so so; however, this shall in no way be construed as releasing the department from its responsibility in offering such property to such public agencies first.

The department shall submit a report to the Legislature not later than January 30, 1974, and biennially thereafter, as to the program and procedures developed and progress made in disposing of excess real property.

CHAPTER 1332

An act to amend Section 1 of Chapter 847 of the Statutes of 1967, relating to a grant pursuant to the Davis-Grunsky Act to the San Bernardino Valley Municipal Water District in connection with the Yucaipa Project.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 1 of Chapter 847 of the Statutes of 1967 is amended to read:

Section 1. The Department of Water Resources is hereby authorized to make grants to the San Bernardino Valley Municipal Water District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding the amount of three million four hundred twenty-six thousand six hundred dollars ($3,426,600), for recreation and fish and

wildlife enhancement in connection with the construction of the Yucaipa Project.

No further legislative approval shall be required with respect to the grants authorized to be made to the district by this act, but the district shall comply with all other requirements of the Davis-Grunsky Act in effect on the date of such grants.

CHAPTER 1333

An act to amend Section 19502 of the Government Code, relating to state civil service.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972]

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

SECTION 1. Section 19502 of the Government Code is amended to read:

19502. Resignations from the state civil service are subject to board rules. A resignation, except as provided in this section, does not jeopardize any rights and privileges of the employee except those pertaining to the position from which he resigns. A written resignation may expressly waive all or any rights or privileges provided for by this act, including but not limited to, accumulated vacation, and in such event the records of the board shall be made to conform therewith. No resignation shall be set aside on the ground that it was given or obtained pursuant to or by reason of mistake, fraud, duress, undue influence or that for any other reason it was not the free, voluntary and binding act of the person resigning, unless a petition to set it aside is filed with the board within 30 days after the last date upon which services to the state are rendered or the date the resignation is tendered to the appointing power, whichever is later. In the event a resignation is set aside pursuant to this section, the person resigning shall be reinstated to his former position and paid his salary for the period he was removed from state service as the result of such resignation. From any such salary due there shall be deducted compensation that the employee earned, or might reasonably have earned, during any period commencing more than six months after the initial date of resignation.

CHAPTER 1334

An act to amend Sections 4700 and 4706 of, and to add Section 4706.5 to, the Labor Code, relating to workmen's compensation.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 4700 of the Labor Code is amended to read:

4700. The death of an injured employee does not affect the liability of the employer under Articles 2 (commencing with Section 4600) and 3 (commencing with Section 4650) of this chapter. Neither temporary nor permanent disability payments shall be made for any period of time subsequent to the death of the employee. Any accrued and unpaid compensation shall be paid to the dependents, or, if there are no dependents, to the personal representative of the deceased employee or heirs or other persons entitled thereto, without administration.

SEC. 2. Section 4706 of the Labor Code is amended to read:

4706. (a) If a dependent beneficiary of any deceased employee dies and there is no surviving dependent, the payments of the death benefit accrued and payable at the time of the death of the sole remaining dependent shall be paid upon the order of the appeals board to the heirs of the dependent or, if none, to the heirs of the deceased employee, without administration.

(b) In the event there is no surviving dependent and no surviving heir, the appeals board may order the burial expense of the deceased employee, not to exceed the amount specified in Section 4701, paid to the proper person, without administration.

SEC. 3. Section 4706.5 is added to the Labor Code, to read:

4706.5. (a) Whenever any fatal injury is suffered by an employee under such circumstances as to entitle him to compensation benefits, but for his death, and such employee does not leave surviving him any person entitled to a dependency death benefit, the employer shall pay a sum to the State Treasurer equal to the total dependency death benefit that would be payable pursuant to Section 4702 to a surviving spouse with no dependent minor children.

(b) Where the deceased employee leaves no surviving dependent, personal representative, heir, or other person entitled to the accrued and unpaid compensation referred to in Section 4700, such accrued and unpaid compensation shall be paid by the employer to the State Treasurer.

(c) Where a dependent beneficiary of any deceased employee dies and there are no persons as designated in subdivision (a) of Section 4706 to receive it, the accrued and unpaid death benefit shall be paid by the employer to the State Treasurer.

(d) Where the actual burial expense is less than the amount specified in Section 4701, the employer shall pay the difference to the State Treasurer.

(e) The payments to be made to the State Treasurer, as required by subdivisions (a), (b), (c), and (d), shall be placed in the fund for the payment of subsequent injuries specified in Article 5 (commencing with Section 4750) of this chapter. The payments so received are hereby appropriated for such purpose.

(f) Employers, or their insurance carriers, shall notify the administrative director of each employee death, the circumstances of each employee death, and the known dependents, if any, of each deceased employee, in such form as the administrative director may prescribe.

CHAPTER 1335

An act relating to state lands, and making an appropriation therefor.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972]

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

SECTION 1. The Department of Parks and Recreation is authorized to purchase surplus state lands located in Trinity County which are under the jurisdiction of the State Lands Commission at fair market value.

SEC. 2. The Department of Parks and Recreation, is authorized to exchange lands purchased pursuant to Section 1, on a fair market value basis, for privately or publicly owned lands located on Penny Island in Sonoma County and lands located in Mendocino County adjacent to Ten Mile Beach, lying westerly of State of California Highway 1, between Ten Mile River and MacKerricher State Park.

SEC. 3. The transactions authorized pursuant to Sections 1 and 2 shall not be completed until approved by the Department of General Services and State Public Works Board.

SEC. 4. The sum of seven hundred fifty thousand dollars ($750,000) is hereby appropriated from the General Fund to the Department of Parks and Recreation for the purposes of this act.

CHAPTER 1336

An act to amend Section 4227 of, and to add Section 4050.7 to, the Business and Professions Code, and to add Section 6369.1 to the Revenue and Taxation Code, relating to hemodialysis, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 22, 1972 Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 4050.7 is added to the Business and Professions Code, to read:

4050.7. Section 4050 shall not apply to a manufacturer, wholesaler, or other supplier of hemodialysis drugs and devices distributed directly to patients if the board shall find that sufficient, qualified supervision is employed by such manufacturer, wholesaler, or supplier adequately to safeguard and protect the public health. Each person so exempted shall pay to the board a fee to be set by the board not to exceed one hundred dollars ($100) per year. Failure to pay such a fee within 60 days after notice by the board shall void such exemption.

SEC. 2. Section 4227 of the Business and Professions Code is amended to read:

4227. (a) No person shall furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist or veterinarian.

(b) The provisions of this section do not apply to the furnishing of any dangerous drug by a manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, podiatrist or veterinarian or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity.

(c) A registered pharmacist, or a person exempted pursuant to Section 4050.7, may distribute dangerous drugs and devices directly to hemodialysis patients pursuant to regulations promulgated by the board. The board shall promulgate such regulations as are necessary to insure the safe distribution of such drugs and devices to hemodialysis patients without interruption of supply including, but not limited to, the following: vendor licensing, records and labeling, patient receipts, patient training, report records, specific product and quantity limitations, verification order forms, reports and supplies, adequate establishment facilities, and reports to the board. A person who violates a regulation promulgated pursuant to this subdivision shall be liable upon order of the board to surrender his personal license. These penalties shall be in addition to penalties which may be imposed pursuant to Sections 4389 and 4350.5. If the board finds any hemodialysis drugs or devices distributed pursuant to this subdivision to be ineffective or unsafe for the intended use, the board may institute immediate recall of any or all of such drugs or devices distributed to individual patients.

(d) Home hemodialysis patients who receive any drugs or devices pursuant to subdivision (c) shall have completed a full course of home training given by a renal dialysis center accredited by the State Department of Public Health. The physician and surgeon prescribing the hemodialysis products shall submit proof satisfactory

to the manufacturer or wholesaler that the patient has completed such program.

SEC. 3. Section 6369.1 is added to the Revenue and Taxation Code, to read:

6369.1. There are exempted from the taxes imposed by this part the gross receipts from the sale, and the storage, use or other consumption, in this state of hemodialysis products supplied to a patient on order of a licensed physician and surgeon pursuant to Section 4050.7 or 4227 of the Business and Professions Code and which constitute medicines as defined in Section 6369.

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 full advantage be taken of the authority granted by this act, it is necessary that it go into effect at the earliest possible date.

CHAPTER 1337

An act to amend Section 200, as amended by Section 1.7 of Chapter 1028 of the 1972 Statutes, of the Code of Civil Procedure, relating to juries.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 200 of the Code of Civil Procedure, as amended by Section 1.7 of Chapter 1028 of the Statutes of 1972, is amended to read:

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

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

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

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

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

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

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, practicing chiropractor, or practicing registered optometrist, or practicing registered pharmacist;

7. An officer, keeper or attendant of an almshouse, hospital, or

other charitable institution;

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

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

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

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or any exempt member of a duly authorized fire company; or peace officers designated pursuant to Section 830.1 and subdivision (a) of Section 830.2 of the Penal Code;

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

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

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

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

16. Employed by the Legislature, or either house thereof, or any committee thereof, including, but not limited to, a joint committee; or,

17. A city mayor, member of a city council, or person holding a position equivalent to a president or member of a legislative body of a city.

CHAPTER 1338

An act relating to air pollution, and making an appropriation therefor.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. The State Air Resources Board shall, in consultation with the Office of Planning and Research and the Office of Intergovernmental Management, prepare and submit, not later than July 1, 1973, a report to the Legislature on proposed guidelines for the preparation of an air pollution control element in general plans of counties and cities prepared pursuant to Article 5 (commencing with Section 65300), Chapter 3, Title 7 of the Government Code. The proposed guidelines shall focus local planning on abatement of air pollution through wise planning, taking into consideration at least the following: (1) federal and state ambient air quality standards and whether they are being or are likely to be exceeded within the county or city, (2) ambient air quality in other portions of the air basin in which the county or city lies and in adjacent air basins which are or may be affected by pollutants emitted within the county or city, (3) the primary and secondary effects on ambient air quality of major commercial and residential developments, particularly of developments in areas currently held substantially as open space, (4) the secondary effects of proposed freeways and mass rapid transit corridors, and (5) the effects on ambient air quality of other elements in the general plan not specifically included in the foregoing.

SEC. 2. The sum of fifty thousand dollars ($50,000) is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund to the State Air Resources Board to prepare the report required under Section 1 of this act.

CHAPTER 1339

An act to add Section 5756.5 to the Education Code, relating to public schools.

[Approved by Governor December 22, 1972 Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 5756.5 is added to the Education Code, to read:

5756.5. For the purpose of crediting attendance for apportionments from the State School Fund during the fiscal year, apprentices enrolled in any classes maintained by high schools pursuant to Section 3074 of the Labor Code shall be classified as regular students.

CHAPTER 1340

An act to amend and supplement the Budget Bill for the 1972–1973 fiscal year (enacted as the Budget Act of 1972) by adding thereto Section 2.5c, relating to the state park system, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 22, 1972 Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 2.5c is added to the Budget Bill for the 1972–73 fiscal year enacted as the Budget Act of 1972, to read:

STATE BEACH, PARK, RECREATIONAL AND HISTORICAL FACILITIES BOND ACT PROGRAM

Sec. 2.5c. The following sum of money, or so much thereof as may be necessary, is hereby appropriated for the 1972–73 fiscal year beginning July 1, 1972, and ending June 30, 1973. Such appropriation shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund in the State Treasury.

CAPITAL OUTLAY

Item	Amount
322cx—For capital outlay, Department of Parks and Recreation, for purposes set forth in Section 5096.15(a) of the Public Resources Code for expenditure during the 1972–73, 1973–74 and 1974–75 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund	500,000
Schedule:	
(a) Relocation expenses	500,000

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 1972 do not make sufficient provision for relocation expenses in connection with land acquisition for the state park system. The capital outlay 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 the greatly needed expansion of the state park system. If the appropriation is not available for expenditure at the earliest possible date, the program for expansion of the state park system will be delayed. The immediate availability of the appropriation contained in this

measure will avert any unnecessary delay. It is therefore necessary that this act go into immediate effect.

CHAPTER 1341

An act to add Section 14196.1 to the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 14196.1 is added to the Education Code, to read:

14196.1. If a member had no break in service when employed in the educational institutions of the State of California, and because of a change of employment to a California state college, was required to become a member of the Public Employees' Retirement System and subsequently died, his survivors shall be deemed eligible to receive survivor benefits as provided in Sections 14180 and 14186, as they existed on the date of the death of the member, less any benefits paid by any other California public retirement system.

This section shall apply only to survivors of members of this system who became members of Public Employees' Retirement System on July 1, 1971, and whose death occurred within 15 days following the expiration of the four-month extended coverage period in subdivision (e) of Section 14182.

This section shall cease to be operative 60 days after its effective date.

CHAPTER 1342

An act to add Sections 6812.7 and 18102.1 to the Education Code, relating to special education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 22, 1972 Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 6812.7 is added to the Education Code, to read:

6812.7. The governing board of any school district or a county superintendent of schools, with the approval of the county board of education and the Superintendent of Public Instruction, may establish and maintain an experimental program for deaf or severely

hard-of-hearing children who are at least six months of age. Not more than one such experimental program shall be established pursuant to this section. Program approval shall be given to such school district or county superintendent of schools which is presently operating such a program or which is otherwise prepared to undertake the type of program authorized by this section.

With the approval of the Superintendent of Public Instruction, this experimental program shall be permitted to operate differently from regular class programs. The Superintendent of Public Instruction may, upon application of the governing board or county superintendent of schools, as the case may be, waive such provisions of the Education Code as he deems necessary in order to provide the necessary flexibility for this experimental program.

It is the intent of the Legislature that, in connection with this experimental program, proper recognition be given to the needs of parents, through provision of parents' home training and parent counseling, the audiological needs of the child, and the purchase of necessary supplies and equipment. The Legislature also intends that proper recognition be given to the need for the promotion and initiation of early identification activities. However, for the purposes of this experimental program, it is not intended that actual identification activities be undertaken of the infant population at large.

The Superintendent of Public Instruction shall prepare and submit to the Legislature 24 months after initiation of such a program, but no later than July 1, 1974, an evaluation report of the results of the program. Authorization to conduct such an experimental program shall expire on July 30, 1975.

SEC. 2. Section 18102.1 is added to the Education Code, to read:

18102.1. Notwithstanding any provisions of this article to the contrary, special instruction of deaf or severely hard-of-hearing children enrolled in an experimental program pursuant to Section 6812.7 shall be funded in accordance with the provisions of Section 18102. Any unexpended funds shall be returned to the State School Fund at the end of each school year.

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

In order that children six months of age and older who are deaf or severely hard of hearing may, at the earliest time, be enrolled in the experimental educational program authorized by this act, thereby enabling the program to be developed to its greatest possible potential during the limited period of its existence, it is necessary that this act take immediate effect.

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CHAPTER 1343

An act to amend Sections 1091, 1096, and 8506.1 of, and to add Section 1091.1 to, the Education Code, relating to public schools.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 1091 of the Education Code is amended to read:

1091. The governing board of any school district may contract with any private firm, corporation, or other entity, approved by the Superintendent of Public Instruction, for the purpose of providing drug education and venereal disease education to the pupils of the district. The Superintendent of Public Instruction shall develop guidelines for use by the governing board in determining the qualifications of private firms, corporations, and other entities which propose to provide drug or venereal disease education in the public schools.

Nothing in this section shall be construed as prohibiting or limiting any right provided for in Section 8701.

If venereal disease education classes are offered, the parent or guardian of each pupil enrolled or to be enrolled therein shall be notified in writing by the governing board of the school district of the instructional program. Such notice shall be given at least 15 days prior to the commencement of the instructional program. The notice shall also advise the parent or guardian of his right to inspect the instructional materials to be used in such class and of his right to request the school authorities that his child not attend any such class.

Sending the required notice through the regular United States mail or any other method of delivery which the school district commonly uses to communicate individually in writing to all parents, meets the notification requirements of this section.

The parent or guardian may request that his child not participate in a venereal disease instruction program. Such request shall be in writing, but may be withdrawn by the parent or guardian at any time. No pupil may attend any class in venereal disease education, if a request that he not attend the class has been received by the school in the manner provided in this section.

The parent or guardian of any pupil enrolled or to be enrolled in any venereal disease education class shall be provided the opportunity to inspect the textbooks, audiovisual aids, and any other instructional materials to be used in such classes.

SEC. 2. Section 1091.1 is added to the Education Code, to read:

1091.1. Whenever a school district contracts with a private firm, corporation, or other entity to provide drug education in schools of the district pursuant to Section 1091:

(a) The parent or guardian of each pupil enrolled or to be

enrolled therein shall be notified in writing of the instructional program. Such notice shall be given at least 15 days prior to the commencement of the instructional program. The notice shall also advise the parent or guardian of his right to inspect the instructional materials to be used in such class and of his right to request the school authorities that his child not attend any such class. Sending the required notice through the regular United States mail or any other method of delivery which the school district commonly uses to communicate individually in writing to all parents, meets the notification requirements of this section.

(b) The parent or guardian may request that his child not participate in a drug education program. Such request shall be in writing, but may be withdrawn by the parent or guardian at any time. No pupil may attend any class in drug education, if a request that he not attend the class has been received by the school in the manner provided in this section.

(c) The parent or guardian of any pupil enrolled or to be enrolled in any drug education class shall be provided the opportunity to inspect the textbooks, audiovisual aids, and any other instructional materials to be used in such classes.

No private firm, corporation, or other entity with which a school district has contracted to provide drug education or venereal disease education shall provide instruction to any pupil of such district with respect to whom the requirements of parental notice, parental request to withdraw the pupil, or parental request to inspect textbooks, audiovisual aids, and instructional materials have not been complied with as provided in this section. The willful noncompliance with the prohibitions of this paragraph shall constitute a material breach of contract by such firm, corporation, or entity.

SEC. 3. Section 1096 of the Education Code is amended to read:

1096. No pupil may participate in instructional programs provided pursuant to this article without prior written notification having been given to his parent or guardian.

SEC. 4. Section 8506.1 of the Education Code, as added by Chapter 226 of the Statutes of 1972, is amended to read:

8506.1. The provisions of Section 8506 shall not apply to any venereal disease education classes conducted pursuant to Sections 1091 and 8507.

CHAPTER 1344

An act to add Section 14002 to the Education Code, and to amend Section 31835.1 of the Government Code, relating to retirement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972]

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

SECTION 1. Section 14002 is added to the Education Code, to read:

14002. Notwithstanding any other provisions of this article, any retirant whose qualifications for membership and service credit were as a certificated medical doctor employed as a school physician on a part-time basis, continuously, during the period commencing in 1945 and ending in 1971, and who had been employed simultaneously as a full-time city director of public health for more than 25 years may receive service credit for all the service he performed as a school physician provided he paid or pays the required employee contributions and credited interest therefor and any employer contributions that have not been fully paid, and providing such retirant files written application to have his allowance increased. Any allowable increase authorized by these provisions shall become payable from the date this act becomes effective.

This act shall cease to be operative 30 days after the effective date of statutes enacted at the 1972 Regular Session. The rights of any person who has received service credit pursuant to the provisions of this section shall be continued after this section becomes inoperative.

SEC. 2. Section 31835.1 of the Government Code is amended to read:

31835.1. Notwithstanding the provisions of Sections 31835 and 31836, a member of a retirement system established under this chapter who is eligible to retire at age 50 pursuant to Section 31672, or who is required to retire because of age while a member of the Public Employees' Retirement System or of another county having a retirement system established under this chapter, but who cannot retire concurrently from the Public Employees' Retirement System or a retirement system established under this chapter in another county, shall be entitled to have his final compensation and service determined under Sections 31835 and 31836 as if he had retired concurrently under such other system.

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

In order that the benefits conferred by this act may be realized within the shortest possible time, it is necessary that this act go into immediate effect.

CHAPTER 1345

An act to add Section 1264.2 to the Unemployment Insurance Code, relating to unemployment compensation benefits.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 1264.2 is added to the Unemployment Insurance Code, to read:

1264.2. Notwithstanding any other provision of this part to the contrary, a woman who has requested a maternity leave of absence on the advice of her physician, who is denied such leave, who then has voluntarily left her most recent employment because of pregnancy, and who is ineligible to receive unemployment compensation benefits because of such leaving, shall become eligible to receive such benefits after the birth of her child, or other termination of her pregnancy, if she is in all other respects eligible.

CHAPTER 1346

An act to amend Section 40802 of the Vehicle Code, relating to highways.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972]

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

SECTION 1. Section 40802 of the Vehicle Code is amended to read:

40802. A "speed trap" is either of the following:

(a) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.

(b) A particular section of a highway with a prima facie speed limit established pursuant to paragraph (1) of subdivision (b) of Section 22352, or Section 22354, 22358, or 22358.3, which speed limit is not justified by an engineering and traffic survey conducted within five years prior to the date of the alleged violation, and where enforcement involves the use of radar or other electronic devices which measure the speed of moving objects.

CHAPTER 1347

An act to amend Section 7314 of the Labor Code, relating to the inspection of elevators, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 7314 of the Labor Code is amended to read:

7314. The division may fix and collect such fees for the inspection of elevators as it deems necessary, but the charge for the first inspection of each new elevator installation shall not exceed sixty dollars ($60) or forty dollars ($40) for each inspection of existing elevators or subsequent inspections of new elevator installations. No charge shall be made in any one year for more than one inspection except where safety orders have not been complied with and subsequent inspections are necessary. An additional fee not to exceed forty dollars ($40) may, in the discretion of the division, be charged, for not more than one subsequent inspection annually.

SEC. 2. There is hereby appropriated from the General Fund to the Division of Industrial Safety the sum of two hundred ten thousand dollars ($210,000) to be used for purposes of elevator inspections, in addition to any funds appropriated to the division by the Budget Act of 1972.

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 Division of Industrial Safety has a large backlog of elevator inspections to perform. In order to provide funds as soon as possible to clear up such backlog, so as to promote the safety of the public using such elevators, it is necessary that this act take effect immediately.

CHAPTER 1348

An act to add Section 21157 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

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SECTION 1. Section 21157 is added to the Government Code, to read:

21157. A person retired for disability who has not attained the mandatory age for retirement applicable to persons in the employment in which he will be employed, and whom the board finds not disabled for such employment, may be employed by any employer without reinstatement from retirement in a position other than that from which he retired or a position in the same member classification. His disability retirement pension shall be reduced during such employment to an amount which, when added to the compensation received, shall equal the maximum compensation earnable by a person holding the position which he held at the time of his retirement. Any such employment shall terminate upon his attainment of the mandatory retirement age for persons in such employment.

CHAPTER 1349

An act to add Sections 4027 and 5009 to the Penal Code and Section 1705 to the Welfare and Institutions Code, relating to religious practices.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 4027 is added to the Penal Code, to read:

4027. It is the intention of the Legislature that all prisoners confined in local detention facilities shall be afforded reasonable opportunities to exercise religious freedom.

As used in this section "local detention facility" means any city, county, or regional facility used for the confinement of prisoners for more than 24 hours.

SEC. 2. Section 5009 is added to the Penal Code, to read:

5009. It is the intention of the Legislature that all prisoners shall be afforded reasonable opportunities to exercise religious freedom.

SEC. 3. Section 1705 is added to the Welfare and Institutions Code, to read:

1705. It is the intention of the Legislature that all persons in the custody of an institution under the supervision of the Department of the Youth Authority shall be afforded reasonable opportunities to exercise religious freedom.

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CHAPTER 1350

An act to add Article 18 (commencing with Section 429.70) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to health.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Article 18 (commencing with Section 429.70) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 18. Health Manpower Pilot Projects

429.70. The Legislature finds that there is a need to improve the effectiveness of health care delivery systems. One way of accomplishing that objective is to utilize health care personnel in new roles and to reallocate health tasks to better meet the health needs of the citizenry.

The Legislature finds that experimentation with new kinds and combinations of health care delivery systems is desirable, and that, for purposes of such experimentation, a select number of publicly evaluated health manpower pilot projects should be exempt from the healing arts practices acts.

The Legislature also finds that large sums of public and private funds are being spent to finance health manpower innovation projects, and that the activities of some of these projects exceed the limitations of state law. Such projects may jeopardize the public safety and the careers of persons who are trained in them.

It is the intent of the Legislature to establish the accountability of health manpower innovation projects to the requirements of the public health, safety, and welfare, and the career viability of persons trained in such programs.

Further, it is the intent of this legislation that existing healing arts licensure laws incorporate innovations developed in approved projects which are likely to improve the effectiveness of health care delivery systems.

429.71. For the purposes of this article:

(a) "Approved project" means an educational or training program approved by the state department which does any of the following on a pilot program basis:

(1) Teaches new skills to existing categories of health care personnel.

(2) Develops new categories of health care personnel.

(3) Accelerates the training of existing categories of health care personnel.

(4) Teaches new health care roles to previously untrained

persons, and which has been so designated by the department.

(b) "Trainee" means a person to be taught health care skills.

(c) "Supervisor" means a person designated by the project sponsor who already possess the skills to be taught the trainees.

(d) "Health care services" means the practice of medicine, dentistry, nursing, including, but not limited to, specialty areas of nursing such as midwifery, pharmacy, optometry, podiatry, and psychology.

429.72. The state department may designate experimental health manpower projects as approved projects where such projects are sponsored by nonprofit educational institutions or nonprofit community hospitals or clinics. Nothing in this section shall preclude approved projects from utilizing the offices of physicians, dentists, pharmacists, and other clinical settings as training sites.

429.73. Notwithstanding any other provision of law, a trainee in an approved project may perform health care services under the supervision of a supervisor where the general scope of such services has been approved by the state department.

429.74. A trainee and his supervisor shall be held to the standard of care of an individual otherwise legally qualified to perform the health care service or services performed by such trainee or supervisor.

429.75. Any patient being seen or treated by a trainee shall be apprised of that fact and shall be given the opportunity to refuse treatment. Consent to such treatment shall not constitute assumption of the risk.

429.76. Organizations requesting designation as approved projects shall provide the department with a description of the project indicating the category of person to be trained, the tasks to be taught, the numbers of trainees and supervisors, a description of the health care agency to be used for training students, and a description of the types of patients likely to be seen or treated.

429.77. (a) Pilot projects may be approved in the following fields:

(1) Expanded role medical auxiliaries.

(2) Expanded role nursing.

(3) Expanded role dental auxiliaries.

(4) Maternal child care personnel.

(5) Pharmacy personnel.

(6) Mental health personnel.

(b) Projects shall be given priority which operate in rural and central city areas.

429.78. The state department shall carry out periodic onsite visitations of each approved project and shall evaluate each project to determine the following:

(a) The new health skills taught or extent to which existing skills have been reallocated.

(b) Implication of the project for existing licensure laws with suggestions for changes in the law where appropriate.

(c) Implications of the project for health services curricula and for the health care delivery systems.

(d) Teaching methods used in the project.

(e) The quality of care and patient acceptance in the project.

(f) The extent to which persons with the new skills could find employment in the health care system, assuming laws were changed to incorporate their skill.

The state department shall report to the Legislature and appropriate licensing boards annually beginning one year after the operative date of the Governor's Reorganization Plan No. 1 of 1970 concerning the results of each evaluation.

429.79. The state department shall approve a sufficient number of projects to provide a basis for testing the validity of the experiment.

429.80. The state department shall seek the advice of professional societies prior to designating approved projects.

SEC. 2. This act shall become operative on the same date as the Governor's Reorganization Plan No. 1 of 1970 becomes operative.

CHAPTER 1351

An act to amend Section 15606 of the Government Code, and to add Section 7051.5 to the Revenue and Taxation Code, relating to the duties of the State Board of Equalization.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 15606 of the Government Code is amended to read:

15606. The State Board of Equalization shall:

(a) Prescribe rules for its own government and for the transaction of its business.

(b) Keep a record of all its proceedings.

(c) Prescribe rules and regulations to govern local boards of equalization when equalizing, and assessors when assessing.

(d) Prescribe and enforce the use of all forms for the assessment of property for taxation.

(e) Prepare and issue instructions to assessors designed to promote uniformity throughout the state and its local taxing jurisdictions in the assessment of property for the purposes of taxation. It may adapt such instructions to varying local circumstances and to differences in the character and conditions of property subject to taxation as in its judgment is necessary to attain such uniformity.

(f) Subdivisons (c), (d) and (e) in this section shall include, but

are not limited to, rules, regulations, instructions and forms relating to classifications of kinds of property and evaluation procedures. All rules and regulations adopted by the board pursuant to subdivision (c) shall be adopted, on and after January 1, 1968, pursuant to the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of this division.

(g) Prescribe rules and regulations to govern local boards of equalization when equalizing and assessors when assessing with respect to the assessment and equalization of possessory interests.

(h) Bring an action in a court of competent jurisdiction to compel an assessor or any city or county tax official to comply with any provision of law, or any rule or regulation of the board adopted in accordance with subdivision (c) of this section, governing the assessment or taxation of property. The Attorney General shall represent the board in such action. The provisions of this section are mandatory.

SEC. 2. Section 7051.5 is added to the Revenue and Taxation Code, to read:

7051.5. The board shall prescribe rules and regulations respecting retail grocers who sell both taxable items and exempt food items to provide one or more methods whereby they may report their sales tax liabilities in as simplified a manner as is consistent with law. Such rules and regulations shall be applied equally to all grocers who report their sales tax liabilities thereunder.

SEC. 3. The Legislature by adding Section 7051.5 to the Revenue and Taxation Code intends to direct the State Board of Equalization to make more specific the provisions of its regulation contained in subdivision (e) of Regulation 1602, Title 18, Chapter 2, Subchapter 4, California Administrative Code, relating to the methods authorized for the use by grocers in reporting their sales tax liabilities. The Legislature desires that the relevant regulation be simple, clear, and precise, so as to substantially restrict any area of staff interpretation at the time of audit. In the event of change in the regulation there should be adequate notice and opportunity to be heard afforded to grocers and, in the event of any substantial change in an established interpretation, it should be applied prospectively only.

CHAPTER 1352

An act to amend Sections 825, 825.2 and 825.6 of the Government Code, relating to indemnification of public employees.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972]

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

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SECTION 1. Section 825 of the Government Code is amended to read:

825. If an employee or former employee of a public entity requests the public entity to defend him against any claim or action against him for an injury arising out of an act or omission occurring within the scope of his employment as an employee of the public entity and such request is made in writing not less than 10 days before the day of trial, and the employee or former employee reasonably cooperates in good faith in the defense of the claim or action, the public entity shall pay any judgment based thereon or any compromise or settlement of the claim or action to which the public entity has agreed.

If the public entity conducts the defense of an employee or former employee against any claim or action with his reasonable good faith cooperation, the public entity shall pay any judgment based thereon or any compromise or settlement of the claim or action to which the public entity has agreed; but, where the public entity conducted such defense pursuant to an agreement with the employee or former employee reserving the rights of the public entity not to pay the judgment, compromise or settlement until it is established that the injury arose out of an act or omission occurring within the scope of his employment as an employee of the public entity, the public entity is required to pay the judgment, compromise or settlement only if it is established that the injury arose out of an act or omission occurring in the scope of his employment as an employee of the public entity.

Nothing in this section authorizes a public entity to pay such part of a claim or judgment as is for punitive or exemplary damages.

SEC. 2. Section 825.2 of the Government Code is amended to read:

825.2. (a) Subject to subdivision (b), if an employee or former employee of a public entity pays any claim or judgment against him, or any portion thereof, that the public entity is required to pay under Section 825, he is entitled to recover the amount of such payment from the public entity.

(b) If the public entity did not conduct his defense against the action or claim, or if the public entity conducted such defense pursuant to an agreement with him reserving the rights of the public entity against him, an employee or former employee of a public entity may recover from the public entity under subdivision (a) only if he establishes that the act or omission upon which the claim or judgment is based occurred within the scope of his employment as an employee of the public entity and the public entity fails to establish that he acted or failed to act because of actual fraud, corruption or actual malice or that he willfully failed or refused to conduct the defense of the claim or action in good faith or to reasonably cooperate in good faith in the defense conducted by the public entity.

SEC. 3. Section 825.6 of the Government Code is amended to read:

825.6. (a) If a public entity pays any claim or judgment, or any portion thereof, either against itself or against an employee or former employee of the public entity, for an injury arising out of an act or omission of the employee or former employee of the public entity, the public entity may recover from the employee or former employee the amount of such payment if he acted or failed to act because of actual fraud, corruption or actual malice or if he willfully failed or refused to conduct the defense of the claim or action in good faith. Except as provided in subdivision (b) or (c), a public entity may not recover any payments made upon a judgment or claim against an employee or former employee if the public entity conducted his defense against the action or claim.

(b) If a public entity pays any claim or judgment, or any portion thereof, against an employee or former employee of the public entity for an injury arising out of his act or omission, and if the public entity conducted his defense against the claim or action pursuant to an agreement with him reserving the rights of the public entity against him, the public entity may recover the amount of such payment from him unless he establishes that the act or omission upon which the claim or judgment is based occurred within the scope of his employment as an employee of the public entity and the public entity fails to establish that he acted or failed to act because of actual fraud, corruption or actual malice or that he willfully failed or refused to reasonably cooperate in good faith in the defense conducted by the public entity.

(c) If a public entity pays any claim or judgment, or any portion thereof, against an employee or former employee of the public entity for an injury arising out of his act or omission, and if the public entity conducted the defense against the claim or action in the absence of an agreement with him reserving the rights of the public entity against him, the public entity may recover the amount of such payment from him if he willfully failed or refused to reasonably cooperate in good faith in the defense conducted by the public entity.

CHAPTER 1353

An act to amend Sections 51238 and 65302 of, and to add Section 51238.5 to, the Government Code, relating to conservation.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 51238 of the Government Code is amended to read:

51238. Notwithstanding any determination of compatible uses by the county or city pursuant to this article, unless the board or council after notice and hearing makes a finding to the contrary, the erection, construction, alteration, or maintenance of gas, electric, water, or communication utility facilities are hereby determined to be compatible uses within any agricultural preserve. No land occupied by gas, electric, water, or communication utility facilities shall be excluded from an agricultural preserve by reason of such use.

The board of supervisors may impose conditions on lands to be placed within preserves to permit and encourage compatible use of the land, particularly public outdoor recreational uses.

SEC. 2. Section 51238.5 is added to the Government Code, to read:

51238.5. If an owner of land agrees to permit the use of his land for free public recreation, the board of supervisors may indemnify such owner against all claims arising from such public use. The owner's agreement that his land be used for free, public recreation shall not be construed as an implied dedication to such use.

SEC. 3. Section 65302 of the Government Code, as amended by Chapter 348, Statutes of 1972, 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.

The conservation element shall be prepared and adopted no later than June 30, 1973.

(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.

The seismic safety element shall also include an appraisal of mudslides, landslides, and slope stability as necessary geologic hazards that must be considered simultaneously with other hazards such as possible surface ruptures from faulting, ground shaking, ground failure and seismically induced waves.

(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

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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.

The requirements of this section shall apply to charter cities.

CHAPTER 1354

An act to amend Sections 660, 661, and 662 of, and to add Chapter 7.5 (commencing with Section 2621) to Division 2 of, the Public Resources Code, relating to earthquake protection, and making an appropriation therefor.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 660 of the Public Resources Code is amended to read:

660. There is in the department a State Mining and Geology Board, consisting of 11 members appointed by the Governor, subject to confirmation by the Senate, for terms of four years and until their successors are appointed and qualified. The State Mining and Geology Board shall also serve as a policy and appeals board for the purposes of Chapter 7.5 (commencing with Section 2621) of Division 2.

SEC. 2. Section 661 of the Public Resources Code is amended to read:

661. Members of the board shall be selected from citizens of this state associated with or having broad knowledge of the mineral industries of this state, of its geologic resources, or of related technical and scientific fields, to the end that the functions of the board as specified in Section 667 are conducted in the best interests of the state. Among the 11 members, two should be mining geologists, mining engineers, or mineral economists, one should be a structural engineer, one should be a geophysicist, one should be an urban or regional planner, one should be a soils engineer, two should

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be geologists, one should be a representative of county government, and at least two shall be members of the public having an interest in and knowledge of the environment.

SEC. 3. Section 662 of the Public Resources Code is amended to read:

662. The terms of the members of the board in office when this article takes effect in 1965 shall expire as follows: one member January 15, 1966; two members January 15, 1967; and two members January 15, 1968. The terms shall expire in the same relative order as to each member as the term for which he holds office before this article takes effect. The terms of the two additional members first appointed pursuant to the amendment of this section at the 1968 Regular Session of the Legislature shall commence on January 15, 1969. The terms of the two additional members first appointed pursuant to the amendment of Section 660 at the 1970 Regular Session of the Legislature shall commence on January 15, 1971, but the term of one of such additional members, who shall be designated by the Governor, shall expire on January 15, 1974. The terms of the two additional members first appointed pursuant to the amendment of Section 660 at the 1972 Regular Session of the Legislature shall commence on January 15, 1973, but the term of one of such additional members, who shall be designated by the Governor, shall expire on January 15, 1976.

SEC. 4. Chapter 7.5 (commencing with Section 2621) is added to Division 2 of the Public Resources Code, to read:

CHAPTER 7.5. HAZARD ZONES

2621. This chapter shall be known and may be cited as the Alquist-Priolo Geologic Hazard Zones Act.

2621.5. It is the purpose of this chapter to provide for the adoption and administration of zoning laws, ordinances, rules, and regulations by cities and counties, as well as to implement such general plan as may be in effect in any city or county. The Legislature declares that the provisions of this chapter are intended to provide policies and criteria to assist cities, counties, and state agencies in the exercise of their responsibility to provide for the public safety in hazardous fault zones.

2622. In order to assist cities and counties in their planning, zoning, and building-regulation functions, the State Geologist shall delineate, by December 31, 1973, appropriately wide special studies zones to encompass all potentially and recently active traces of the San Andreas, Calaveras, Hayward, and San Jacinto Faults, and such other faults, or segments thereof, as he deems sufficiently active and well-defined as to constitute a potential hazard to structures from surface faulting or fault creep. Such special studies zones shall ordinarily be one-quarter mile or less in width, except in circumstances which may require the State Geologist to designate a wider zone.

Pursuant to this section, the State Geologist shall compile maps delineating the special studies zones and shall submit such maps to all affected cities, counties, and state agencies, not later than December 31, 1973, for review and comment. Concerned jurisdictions and agencies shall submit all such comments to the State Mining and Geology Board for review and consideration within 90 days. Within 90 days of such review, the State Geologist shall provide copies of the official maps to concerned state agencies and to each city or county having jurisdiction over lands lying within any such zone.

The State Geologist shall continually review new geologic and seismic data and shall revise the special studies zones or delineate additional special studies zones when warranted by new information. The State Geologist shall submit all such revisions to all affected cities, counties, and state agencies for their review and comment. Concerned jurisdictions and agencies shall submit all such comments to the State Mining and Geology Board for review and consideration within 30 days. Within 30 days of such review, the State Geologist shall provide copies of the revised official maps to concerned state agencies and to each city or county having jurisdiction over lands lying within any such zone.

2623. Within the special studies zones delineated pursuant to Section 2622, the site of every proposed new real estate development or structure for human occupancy shall be approved by the city or county having jurisdiction over such lands in accordance with policies and criteria established by the State Mining and Geology Board and the findings of the State Geologist. Such policies and criteria shall be established by the State Mining and Geology Board not later than December 31, 1973. In the development of such policies and criteria, the State Mining and Geology Board shall seek the comment and advice of affected cities, counties, and state agencies. Cities and counties shall not approve the location of such a development or structure within a delineated special studies zone if an undue hazard would be created, and approval may be withheld pending geologic and engineering studies to more adequately define the zone of hazard. If the city or county finds that no undue hazard exists, geologic and engineering studies may be waived, with approval of the State Geologist, and the location of the proposed development or structure may be approved.

2624. Nothing in this chapter is intended to prevent cities and counties from establishing policies and criteria which are stricter than those established by the State Mining and Geology Board, nor from imposing and collecting fees in addition to those required under this chapter.

2625. Each applicant for a building permit within a delineated special studies zone shall be charged a reasonable fee according to a fee schedule established by the State Mining and Geology Board. Such fees shall be set in an amount sufficient to meet, but not to exceed, the costs to state and local government of administering and

complying with the provisions of this chapter. Such fee shall not exceed one-tenth of 1 percent of the total valuation of the proposed building construction for which the building permit is issued, as determined by the local building official. One-half of the proceeds of such fees shall be retained by the city or county having jurisdiction over the proposed development or structure for the purpose of implementing this chapter, and the remaining one-half of the proceeds shall be deposited in the General Fund.

SEC. 5. There is hereby appropriated from the General Fund in the State Treasury to the Department of Conservation the sum of one hundred thousand dollars ($100,000) for the purposes of Section 2622 of the Public Resources Code.

CHAPTER 1355

An act to add Chapter 5.3 (commencing with Section 2530) to Division 2 of, the Business and Professions Code, relating to healing arts.

[Approved by Governor December 22, 1972 Filed with Secretary of State December 22, 1972]

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

SECTION 1. Chapter 5.3 (commencing with Section 2530) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 5.3. SPEECH PATHOLOGISTS AND AUDIOLOGISTS

Article 1. General Provisions

2530. This act may be cited as the "Speech Pathologists and Audiologists Licensure Act."

2530.1. The Legislature finds and declares that the practice of speech pathology and audiology in California affects the public health, safety, and welfare and there is a necessity for such professions to be subject to regulation and control.

2530.2. As used in this chapter, unless the context otherwise requires:

(a) "Committee" means the Speech Pathology and Audiology Examining Committee.

(b) "Board" means the Board of Medical Examiners of the State of California.

(c) "Person" means any individual, organization or corporate body except that only individuals can be licensed under this chapter.

(d) A "speech pathologist" is a person who practices speech pathology.

(e) "The practice of speech pathology" means the application of

principles, methods, and procedures for measurement, testing, identification, prediction, counseling, or instruction related to the development and disorders of speech, voice, or language for the purpose of identifying, preventing, managing, habilitating or rehabilitating, ameliorating, or modifying such disorders and conditions in individuals or groups of individuals.

(f) "Speech pathology aide" means any person meeting the minimum requirements established by the committee, who works directly under the supervision of a speech pathologist.

(g) An "audiologist" is one who practices audiology.

(h) "The practice of audiology" means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, instruction and research related to hearing and disorders of hearing for the purpose of modifying communicative disorders involving speech, language, auditory behavior or other aberrant behavior related to hearing loss; and the planning, directing, conducting or participating in programs of identification, hearing conservation, habilitation, and rehabilitation, including hearing aid recommendation and evaluation procedures such as, but not limited to, specifying amplification requirements and evaluation of the results thereof,, auditory training, and speech reading.

(i) "Audiology aide" means any person, meeting the minimum requirements established by the committee, who works directly under the supervision of an audiologist.

2530.3. (a) A person represents himself to be a speech pathologist when he holds himself out to the public by any title or description of services incorporating the words "speech pathologist," "speech pathology," "speech therapy," "speech correction," "speech correctionist," "speech therapist," "speech clinic," "speech clinician," "language pathologist," "language pathology," "logopedics," "logopedist," "communicology," "communicologist," "aphasiologist," "voice therapy," "voice therapist," "voice pathology," or "voice pathologist," "language therapist," or "phoniatrist," or any similar titles; or when he purports to treat stuttering, stammering, or other disorders of speech.

(b) A person represents himself to be an audiologist when he holds himself out to the public by any title or description of services incorporating the terms "audiology," "audiologist," "audiological," "hearing clinic," "hearing clinician," "hearing therapist," or any similar titles.

2530.4. Nothing in this chapter shall be construed as authorizing a speech pathologist or audiologist to practice medicine, surgery, or any other form of healing, except that authorized by Section 2530.2.

2530.5. (a) Nothing in this chapter shall be construed as restricting hearing testing conducted by licensed physicians and surgeons or by persons conducting such tests under the direct supervision of a physician and surgeon.

(b) Nothing in this chapter shall be construed to prevent a

licensed hearing aid dispenser from engaging in testing of hearing and other practices and procedures used solely for the fitting and selling of hearing aids nor do the provisions of this chapter apply to persons practicing a licensed profession and operating within the scope of their licensed profession or employed by someone operating within the scope of their licensed professions, such as persons fitting and selling hearing aids who are properly licensed or registered under the laws of the State of California.

(c) Nothing in this chapter shall be construed as restricting or preventing activities of a speech pathology or audiology nature or the use of the official title of the position for which they were employed on the part of the following persons, if they are performing those activities as part of the duties for which they were employed, are performing such activities solely within the confines of or under the jurisdiction of the organization in which they are employed and do not offer to render speech pathology or audiology services as defined in 2530.2, to the public for compensation, over and above the salary they receive for the performance of their official duties with the organization in which they are employed:

(1) Persons who are registered as qualified school audiometrists, pursuant to Section 1685 and Section 1686 of the Health and Safety Code;

(2) Persons who hold a valid and current credential as a speech and hearing specialist or teacher of the deaf issued by the California Department of Education;

(3) Persons employed in positions as speech pathologists or audiologists by accredited colleges or universities. However, such persons may, without obtaining a license under this chapter, consult or disseminate their research findings and scientific information to other such accredited academic institutions or governmental agencies. They also may offer lectures to the public for a fee, monetary or otherwise, without being licensed under this chapter.

(4) Persons employed as speech pathologists or audiologists by federal agencies.

(d) Nothing in this chapter shall be construed as restricting the activities in services of a graduate student or speech pathology intern in speech pathology pursuing a course of study leading to a graduate degree in speech pathology at an accredited or approved college or university or an approved clinical training facility, provided that these activities and services constitute a part of his supervised course of study and that such persons are designated by such title as "speech pathology intern," "speech pathology trainee," or other such title clearly indicating the training status appropriate to his level of training.

(e) Nothing in this chapter shall be construed as restricting the activities in services of a graduate student or audiology intern in audiology pursuing a course of study leading to a graduate degree in audiology at an accredited or approved college or university or an approved clinical training facility, provided that these activities and

services constitute a part of his supervised course of study and that such persons are designated by such title as "audiology intern," "audiology trainee," or other such title clearly indicating the training status appropriate to his level of training.

(f) Nothing in this chapter shall be construed as restricting the activities and services of a speech pathologist who is obtaining his required professional experience, if such a person is under the supervision of a licensed speech pathologist or a speech pathologist holding a speech and hearing specialist credential issued by the State Board of Education pursuant to Section 13152 of the Education Code as added by Chapter 1211 of the Statutes of 1967 or qualifications deemed equivalent by the committee. The number of speech pathologists who may be supervised by a licensed speech pathologist or a speech pathologist having qualifications deemed equivalent by the committee shall be determined by the committee. The supervising speech pathologist shall register with the committee the name of each speech pathologist working under his supervision, and shall submit to the committee a description of the proposed professional responsibilities of the speech pathologists working under his supervision.

(g) Nothing in this chapter shall be construed as restricting the activities and services of an audiologist who is obtaining his required professional experience, provided that such person is under the supervision of a licensed audiologist or an audiologist having qualifications deemed equivalent by the committee. The number of audiologists who may be supervised by a licensed audiologist or an audiologist having qualifications deemed equivalent by the committee shall be determined by the committee. The supervising audiologist shall register with the committee the name of each audiologist working under his supervision, and shall submit to the committee a description of the proposed professional responsibilities of the audiologists working under his supervision.

2530.6. Speech pathologists and audiologists supervising speech pathology or audiology aides shall register with the committee the name of each aide working under his supervision. The number of aides who may be supervised by a licensee shall be determined by the committee. The supervising audiologist or speech pathologist shall be responsible for the extent, kind and quality of services performed by the aide, consistent with the committee's designated standards and requirements.

Article 2. Administration

2531. There is hereby created a Speech Pathology and Audiology Examining Committee under the jurisdiction of the Board of Medical Examiners of the State of California. The committee shall consist of nine members, appointed by the Governor, three of whom shall be public members.

2531.05. The Hearing Aid Dispensers Committee shall appoint

one of its members to serve as liaison to the Speech Pathology and Audiology Committee for the purpose of coordinating the policies of the committees regarding the fitting or dispensing of hearing aids. The Speech Pathology and Audiology Committee shall notify the Hearing Aid Dispensers Committee in advance of all committee business concerning the fitting or dispensing of hearing aids to facilitate the participation of the liaison member.

2531.1. Each member of the committee shall hold office for a term of four years, and shall serve until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. No member may serve for more than two consecutive terms.

The members first appointed shall by lot classify themselves so that the terms of three members expire June 1, 1974; three members, June 1, 1975; and three members, June 1, 1976.

2531.2. The membership of the committee shall include three speech pathologists, three audiologists, and three public members one of whom is a licensed physician and surgeon, board certified in otolaryngology, and the remaining two public members shall not be licentiates of the committee or of any board under this division or of any board referred to in the Chiropractic Act or the Osteopathic Act.

For purposes of the initial appointments to the committee, the original speech pathologists and audiologists appointed shall meet all requirements of Section 2532.2 except those relating to examination. Subsequent appointees shall be fully licensed speech pathologists or audiologists.

2531.25. The committee shall from time to time adopt such rules and regulations as may be necessary to effectuate the provisions of this chapter. In adopting rules and regulations the committee shall comply with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

2531.3. The committee shall examine every applicant for a speech pathology license or an audiology license at the time and place designated by the committee in its discretion, but at least once in each year; and for that purpose may appoint qualified persons to give the whole or any portion of the examination, who shall be designated as commissioners on examination. A commissioner on examination need not be a member of the committee, but shall be subject to the same rules and regulations and shall be entitled to the same fee as if he were a member of the committee.

The committee shall perform all examination functions, including but not limited to, participation in uniform examination systems.

2531.4. The committee shall have full authority, subject to rules and regulations adopted by the board, to investigate and to evaluate each and every applicant applying for a license to practice speech pathology or a license to practice audiology and to recommend to the board for final determination the admission of the applicant to the

examination, or for the issuance of a license, in conformance with the provisions and qualifications required by this chapter.

2531.5. (a) The committee shall hear all matters assigned to it by the board, including but not limited to, any contested case or any petition for reinstatement, restoration or modification of probation. Except as otherwise provided in this chapter, all such hearings shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. If a contested case is heard by the committee, the hearing officer who presided at the hearing shall be present during the committee's consideration of the case and, if requested, shall assist and advise the committee.

(b) At the conclusion of the hearing, the committee shall prepare a proposed decision in such form that it may be adopted by the board as the decision in the case, and shall transmit it to the board. The proposed decision shall be subject to the same procedure as a proposed decision of a hearing officer under subdivisions (b) and (c) of Section 11517 of the Government Code.

2531.6. The Governor has power to remove from office any member of the committee for neglect of any duty required by this chapter, for incompetency, or for unprofessional conduct.

2531.7. The committee shall elect annually a chairman and vice chairman from among its members. The committee shall hold at least one regular meeting each year. Additional meetings may be held upon call of the chairman or at the written request of any two members of the committee.

2531.8. Five members of the committee shall at all times constitute a quorum.

2531.9. Each member of the committee shall receive a per diem and expenses as provided in Section 103.

Article 3. Licenses

2532. (a) On and after July 1, 1973, no person shall engage in the practice of speech pathology or audiology or represent himself as a speech pathologist or audiologist unless he is licensed in accordance with the provisions of this chapter.

(b) A speech pathologist or audiologist licensed in another state and who has made application to the committee for a license in this state may perform activities and services of a speech pathology or audiological nature without a valid license for a period not to exceed 90 days from the time of submitting his application.

2532.1. (a) Each person desiring to obtain a license shall make application to the committee, upon such a form prescribed by the committee.

(b) A separate license shall be granted in both speech pathology and audiology. An applicant may be granted both licenses upon successful completion of the requirements for both licenses.

2532.2. To be eligible for licensure by the committee as a speech

pathologist or audiologist, the applicant shall possess all of the following qualifications:

(a) Possess at least a master's degree in speech pathology or audiology from an educational institution approved by the committee, or a speech and hearing specialist credential issued by the State Board of Education pursuant to Section 13152 of the Education Code as added by Chapter 1211 of the 1967 Statutes, or qualifications deemed equivalent by the committee.

(b) Submit transcripts from an educational institution approved by the committee evidencing the successful completion of at least 60 semester hours of courses related to the normal development, function, and use of speech, hearing, and language; and courses that provide information about, and training in, the management of speech, hearing, and language disorders, including the legal, professional, and ethical practices of speech pathology and audiology. At least 24 semester units, not including credits for thesis or dissertation, shall be in the field for which the license is sought.

(c) An applicant shall submit evidence of the completion of 275 clock hours of supervised clinical experience with individuals representative of a wide spectrum of ages and communication disorders.

(d) An applicant shall submit evidence of no less than nine months of supervised full-time experience or 18 months of part-time experience obtained under the supervision of a licensed speech pathologist or audiologist or a speech pathologist or audiologist having qualifications deemed equivalent by the committee. This experience shall follow completion of requirements listed in paragraphs (a), (b), and (c). Full time is defined as at least nine months in a calendar year and a minimum of 30 hours per week. Part time is defined as a minimum of 18 months and a minimum of 15 hours per week.

(e) Pass an examination or examinations approved by the committee. The committee shall determine the subject matter and scope of such examinations and may waive the examination upon evidence that the applicant has successfully completed an examination approved by the committee. Written examinations may be supplemented by such oral examinations as the committee shall determine. An applicant who fails his examination may be reexamined at a subsequent examination upon payment of the reexamination fee required by this chapter.

2532.3. The committee may waive the educational and experiential requirements for those applicants who, on the effective date of this chapter, are actively engaged in the practice of speech pathology or audiology. This experience shall be documented to the committee in the manner prescribed by the board's regulations. Such proof of experience shall be filed within one year from the effective date of this chapter.

2532.4. (a) The committee may direct applicants to be examined for knowledge in whatever theoretical or applied fields in speech

pathology or audiology as it deems appropriate. It may examine the candidate with regard to his professional skills and his judgment in the utilization of speech pathology or audiology techniques and methods.

(b) The examination may be written or oral or both. The examination shall be given at least once a year at the time and place and under such supervision as the committee may determine. The committee shall determine what shall constitute a passing grade.

(c) The committee shall keep an accurate transcript of any oral examination and keep such transcripts as well as any written examination as part of its records for at least one year following the date of examination.

Article 4. Denial, Suspension and Revocation

2533. The board may refuse to issue a license, or may suspend or revoke the license of any licensee if he has been guilty of unprofessional conduct, which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include actions corresponding to those enumerated in Section 17867.

2533.1. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this article. The board may order a license be suspended or revoked, or may decline to issue a license when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the acquisition, information or indictment.

2533.2. 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.

2533.3. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars ($1,000), or both.

2533.4. Whenever any person other than a licensed speech pathologist or audiologist has engaged in any act or practice which constitutes an offense against this chapter, a superior court of any county, on application of the committee, may issue an injunction or other appropriate order restraining such conduct. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7, Part 2 of the Code of Civil Procedure. The committee may commence action in the superior court under the provisions of this section on its own motion.

Article 5. Revenue

2534. The committee shall report to the State Controller at the beginning of each month for the month preceding the amount and source of all revenue received by it pursuant to this chapter, and shall pay the entire amount thereof to the State Treasurer for deposit in the Speech Pathology and Audiology Examining Committee Fund, which fund is hereby created and is continuously appropriated to carry out the purposes of this chapter.

2534.1. The committee shall keep such records as will reasonably insure that funds expended in the administration of each licensing or registration category shall bear a reasonable relation to the revenue derived from each category.

2534.2. The amount of the fees prescribed by the provisions of this chapter is that fixed by the following schedule:

(1) The application fee and renewal fee shall be fixed by the board in an amount which does not exceed one hundred fifty dollars ($150) but is sufficient to support the functions of the committee which relate to the functions authorized by this chapter.

(2) The delinquency fee shall be ten dollars ($10).

(3) The reexamination fee shall be fixed by the board in an amount which does not exceed seventy-five dollars ($75).

Article 6. License Renewal

2535. Licenses issued pursuant to this chapter shall expire on December 31st of each odd-numbered year, if not renewed.

2535.1. To renew an unexpired license, the holder, on or before December 31st of each odd-numbered year, shall apply for renewal on a form prescribed by the committee, and pay the renewal fee prescribed by this chapter.

2535.2. Except as provided in 2535.3, a license which has expired may be renewed at any time within two years after its expiration on filing of application for renewal on a form prescribed by the committee and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is not renewed within 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the prescribed delinquency fee. 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 expiration date provided in Section 2535, after the effective date of the renewal, when it shall expire and become invalid if it is not again renewed.

2535.3. A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended, and until it is reinstated, to engage in the licensed activity, or in any other activity

or conduct in violation of the order or judgment by which the license was suspended. A license revoked on disciplinary grounds is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition to reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

2535.4. A person who fails to renew his license within the five years after its expiration may not renew it, and it may not be restored, reissued or reinstated thereafter, but such person may apply for and obtain a new license if he meets the requirements of this chapter.

CHAPTER 1356

An act to amend Sections 203, 455, 456.5, 456.6, 459, 14660, 14662, 14665, 14666, 14667, and 14801 of, and to add Sections 282.5 and 10012.4 to, the Elections Code, relating to elections.

[Approved by Governor December 22, 1972 Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 203 of the Elections Code is amended to read:

203. Registration of electors shall be in progress at all times except during the 29 days immediately preceding any election, when registration shall cease for that election as to electors residing in the territory within which the election is to be held. Transfers of registration for an election may be made from one precinct to another precinct in the same county at any time when registration is in progress in the precinct to which the elector seeks to transfer.

SEC. 2. Section 282.5 is added to the Elections Code, to read:

282.5. All deputies and registration clerks shall return all affidavits of registration and all books or pads in their possession containing stubs and spoiled or unused affidavit blanks on the 53rd day before an election, and may apply for new registration materials for use until the close of registration.

SEC. 3. Section 455 of the Elections Code is amended to read:

455. Upon written demand of the chairman or vice chairman of a party state central committee or of the chairman of a party county central committee, the county clerk shall furnish to the committee, without charge therefor, no more than two copies of the printed indexes of registration for the primary and general elections or for any special election at which a partisan office is to be filled. The copies of the printed indexes of registration shall be furnished to the

committee demanding the same not less than 25 days prior to the day of the primary, general, or special election for which they are provided. Upon written demand, the county clerk shall also furnish to the committee not less than seven days prior to the above specified elections, two copies of the printed indexes of registration of voters who registered after the 54th day before the election, which shall be compiled and prepared by Assembly districts. In counties with a population of less than 5,000,000, the county clerk shall furnish to the committee, without charge therefor, no more than four copies of the printed index of registration for the primary and general elections.

SEC. 4. Section 456.5 of the Elections Code is amended to read:

456.5. If the county clerk maintains tabulating cards containing the information set forth in the affidavits of registration of voters, or sets forth that information on electronic data-processing tape, he shall forward to the Secretary of State one copy of a data-processing tape file setting forth the information contained on such cards or tape, together with a statement of the format of such tape file, at each of the following times:

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

(b) Not less than seven days prior to the primary election, with respect to voters who registered after the 54th day before the election.

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

(d) Not less than seven days prior to the general election, with respect to voters who registered after the 54th day before the election.

(e) On or before May 1 of each odd-numbered year.

(f) On or before October 1 of each odd-numbered year.

(g) On the 135th day before each presidential primary and before each direct primary.

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

SEC. 5. Section 456.6 of the Elections Code is amended to read:

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

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

(b) Not less than seven days prior to the primary election, with respect to voters who registered after the 54th day before the election.

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

(d) Not less than seven days prior to the general election, with respect to voters who registered after the 54th day before the election.

(e) On or before May 1 of each odd-numbered year.

(f) On or before October 1 of each odd-numbered year.

(g) On the 135th day before each presidential primary and before each direct primary.

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

SEC. 6. Section 459 of the Elections Code is amended to read:

459. If the county clerk maintains tabulating cards containing the information set forth in the affidavits of registration of voters, or sets forth that information on electronic data-processing tape, he shall provide, not less than 30 days prior to each direct primary election and general election, one set of those cards or a copy of the tape to the county central committee of a party for all voters allowed to participate in the subsequent direct primary election or general election, if the committee has requested the same at least six months prior to the close of registration for the direct primary election or the general election. The county clerk shall also furnish to the county central committee, not less than seven days prior to each direct primary election and general election, one set of those cards or a copy of the tape of those voters who registered after the 54th day before the election. The cards or tape shall be provided without charge, except that the county central committee shall provide a replacement for the tape.

SEC. 7. Section 10012.4 is added to the Elections Code, to read:

10012.4. Notwithstanding the provisions of Sections 10009, 10010, 10012 and 10012.5, sample ballots and statements of qualifications need not be mailed to voters who registered after the 54th day before an election, but all such voters shall receive polling place notices and state ballot pamphlets. Each such voter shall receive a notice in bold print that states: "Because you are a late registrant, you are not receiving a sample ballot or candidates' statements of qualifications."

SEC. 8. Section 14660 of the Elections Code is amended to read:

14660. Any voter applying for and receiving an absent voter's ballot may, prior to the close of the polls on the day of the election for which the ballot is to be voted, appear at the office of the clerk of the county, city or district in which he resides and stamp or mark the ballot with pen or pencil and seal it under the scrutiny of that officer. The following procedure shall be followed:

(a) The voter shall first display the ballot to the clerk as evidence that it is not marked, and shall then proceed to mark the ballot in the presence of the clerk, but in such manner that the clerk is unable to see how it is being marked. The voter shall then fold the ballot and enclose it in the identification envelope.

(b) The voter shall then make out or cause to be made out and sign the declaration printed on the face of the envelope and deliver it properly sealed to the officer before whom the ballot is marked.

(c) Upon receipt of the envelope the clerk shall deposit the envelope in a safe place in his office, to be kept by him until the time

prescribed for processing and counting absent voter ballots.

SEC. 9. Section 14662 of the Elections Code is amended to read:

14662. An absent voter, regardless of whether he is within or without the territorial limits of the United States, may mark his ballot and transmit it to the clerk by mail or return it in person to the precinct board of any polling place in the county, in sufficient time to permit the ballot to be received by the clerk or the precinct board not later than the close of the polls on the day of the election, if:

(a) In the case of any election conducted by the county clerk he is absent from his election precinct, or

(b) In the case of any other election, he is absent from the city or district of his residence, or

(c) He is unable because of disability to go to his polling place, or

(d) He is unable to go to his polling place on election day by reason of the fact that the tenets of his religion require his attendance at church or religious services on that day or otherwise prevent him from attending the polls throughout that day, or

(e) He resides more than 10 miles from the nearest polling place by the most direct route for public travel.

After marking his ballot the absent voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope and mail it to the office of the clerk of the locality in which he resides.

Upon receipt of the return envelope, on or before the close of the polls on election day, containing the identification envelope, the clerk shall compare the voter's signature on the identification envelope with that appearing on his duplicate affidavit of registration or on his application for his ballot and, if they compare, shall deposit the identification envelope in a safe place in his office to be kept by him until the time prescribed for processing and counting absent voter ballots. An identification envelope shall in no event be opened before the time for canvassing absent voter ballots.

If an absent voter returns his marked ballot to any precinct board of the county, the ballot shall be processed in accordance with procedures established by the clerk to insure the secrecy of the ballot and to prevent the absent voter from voting more than once.

SEC. 10. Section 14665 of the Elections Code is amended to read:

14665. If any war voter returns to the county of his residence after the final day for making application for an absent voter ballot, he may appear before the clerk and make application for registration, absent voter ballot, or both. The clerk shall register the voter, if he is not registered, and deliver to him an absent voter ballot which may be voted in the clerk's office or voted outside the clerk's office on or before the close of the polls on the day of election and returned as are other absent voter ballots.

SEC. 11. Section 14666 of the Elections Code is amended to read:

14666. If a registered war voter is unable to appear at his polling place because of being recalled to service after the final day for making application for an absent voter's ballot, but before 5 o'clock

p.m. on the day before the day of election, he may appear before the clerk and make application for an absent voter's ballot. The clerk shall deliver to him an absent voter's ballot which may be voted in the clerk's office or voted outside the clerk's office on or before the close of the polls on the day of election and returned as are other absent voter's ballots.

SEC. 12. Section 14667 of the Elections Code is amended to read:

14667. All ballots cast under the provisions of this chapter shall, in order that they may be counted, be received by the clerk from whom they were received or by the precinct board of any polling place in the county not later than the close of the polls on the day of the election in which they are to be counted.

SEC. 13. Section 14801 of the Elections Code is amended to read:

14801. Any voter unable to go to the polls because of conditions arising after the closing date for absent voter ballot applications, which will result in his absence from the precinct on election day, may apply at the office of the county clerk for an absent voter ballot. Upon receipt of an affidavit signed by the voter, on a form provided by the clerk, and attesting to the fact that the voter will be compelled to be absent from his precinct on election day because of conditions arising after the closing date for absent voter ballot applications, the clerk shall provide the voter with an absent voter ballot. The ballot may be voted in the clerk's office or voted outside the clerk's office and returned to the clerk or any precinct board in the county on or before the close of the polls on the day of election.

SEC. 14. 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 1357

An act to amend Section 463 of, and to add Article 2.9 (commencing with Section 295) to Chapter 2 of Part 1 of Division 1 of, the Health and Safety Code, relating to determination of pregnancy.

[Approved by Governor December 22, 1972 Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Article 2.9 (commencing with Section 295) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 2.9. Determination of Pregnancy

295. (a) Except as otherwise provided in subdivision (b), no person shall sell, offer for sale, give away, distribute, or otherwise furnish materials intended to determine the presence of pregnancy, unless such person has obtained a certificate of acceptability from the state department declaring that such materials have been approved as to efficacy and safety by the state department.

(b) Subdivision (a) shall not apply to materials intended to determine the presence of pregnancy, which are sold, offered for sale, given away, distributed, or otherwise furnished to a physician and surgeon licensed to practice in this state, a pharmacist licensed to practice in this state, or a public health agency.

(c) Any person other than a person described in subdivision (b) who intends to sell, offer for sale, give away, distribute or otherwise furnish materials intended to determine the presence of pregnancy shall first make application to the state department for certification of such materials. The state department shall also require that an application for certification shall be accompanied by samples of any materials which are the subject of the application as the state department may reasonably require.

Any violation of this section is a misdemeanor.

295.1. Local public health agencies shall make pregnancy testing services available free or at cost to the person using such services. The results of any pregnancy test shall be confidential.

295.2. It is the intent of the Legislature that the program authorized pursuant to this article be entirely self-supporting, and for this purpose the state department is authorized to establish a schedule of fees for applications for certificates of acceptability which shall provide revenues which shall not exceed the amount necessary, but shall be sufficient to cover all costs incurred in the administration of this article.

SEC. 2. Section 463 of the Health and Safety Code is amended to read:

463. The county health officer shall prepare a list of family planning and birth control clinics located in the county for distribution by the county clerk pursuant to Section 26808 of the Government Code. Such list shall include information as to the availability of pregnancy testing services provided pursuant to Section 295.1.

CHAPTER 1358

An act to add Section 11056.1 to the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor December 22, 1972 Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 11056.1 is added to the Welfare and Institutions Code, to read:

11056.1. Notwithstanding the effective dates provided for in Section 11056, when an applicant applies for assistance under the aid to the needy disabled program and the determination whether the applicant is eligible for assistance is delayed due to necessary verification of one or more eligibility factors or any other matter particularly required under the aid to the needy disabled program, the county department shall, in addition, determine whether the applicant qualifies for county general assistance according to the county's established standards. If the county grants general assistance to such applicant and the applicant's eligibility for assistance under the aid to the needy disabled program is subsequently verified, the applicant shall be entitled to receive aid from the date of his application. In such event the aid grant to which the applicant is entitled shall be reduced by the amount he received from the county from the date of his application, which amount shall be considered as the balance of his aid grant. The county shall be reimbursed pursuant to this section as follows:

(a) Where the county department does not forward the application to the state within 30 days from the date of the initial application, the county shall absorb the entire nonfederal cost of the advanced payment to the applicant by the county.

(b) Where the state does not act upon the application within 30 days from the date it is forwarded by the county, the state shall absorb the entire nonfederal cost of the advanced payment to the applicant by the county.

To the extent permitted by federal law, general assistance paid by the county under this section shall be treated as an advance payment under the aid to the needy disabled program if the recipient's eligibility is subsequently verified.

CHAPTER 1359

An act to amend Section 17146 of, and to add Sections 17146.7 and 17146.8 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 17146 of the Revenue and Taxation Code, as amended by Chapter 1 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended to read:

17146. Gross income does not include the salary, wages, bonuses, allowances, and other compensation received by an individual for his services on extended active duty as a member of the armed forces of the United States, including any auxiliary branch thereof, up to and including one thousand dollars ($1,000) per annum in the aggregate. For the purposes of this section and Section 17146.8, the term "extended active duty" means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

SEC. 2. Section 17146.7 is added to the Revenue and Taxation Code, to read:

17146.7. Gross income does not include pensions and retirement pay received by an individual for his services as a member of the armed forces of the United States, including any auxiliary branch thereof, up to and including one thousand dollars ($1,000) per annum in the aggregate. In the case of a taxpayer whose adjusted gross income (determined without regard to the income exclusion provided in the preceding sentence) for the taxable year exceeds fifteen thousand dollars ($15,000), the amount of the exclusion allowed by this section shall be reduced by fifty cents ($0.50) for each one dollar ($1) of such income in excess of fifteen thousand dollars ($15,000). For purposes of this section, if the taxpayer is married during any period of the taxable year, there shall be taken into account the combined adjusted gross income of the taxpayer and his wife for such period. However, in the case where a taxpayer and his spouse each are qualified to claim the income exemption provided by this section, half of their combined adjusted gross income shall be attributable to each spouse.

SEC. 3. Section 17146.8 is added to the Revenue and Taxation Code, to read:

17146.8. Gross income does not include salary, wages, bonuses, allowances, and other compensation received by an individual for his services on other than extended active duty as a member of the armed forces of the United States, including any auxiliary branch thereof, up to and including one thousand dollars ($1,000) per annum in the aggregate. In the case of a taxpayer whose adjusted gross income (determined without regard to the income exclusion provided in the preceding sentence) for the taxable year exceeds fifteen thousand dollars ($15,000), the amount of the exclusion allowed by this section shall be reduced by fifty cents ($0.50) for each one dollar ($1) of such income in excess of fifteen thousand dollars ($15,000). For purposes of this section, if the taxpayer is married during any period of the taxable year, there shall be taken into account the combined adjusted gross income of the taxpayer and his wife for such period. However, in the case where a taxpayer and his spouse each are qualified to claim the income exemption provided by this section, half of their combined adjusted gross income shall be attributable to each spouse.

SEC. 4. 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 in the computation of taxes for taxable years commencing after December 31, 1972.

CHAPTER 1360

An act to add Section 3212.3 to the Labor Code, relating to the California State Police.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 3212.3 is added to the Labor Code, to read:

3212.3. In the case of a member of the California State Police who has graduated from an academy certified by the Commission on Peace Officer Standards and Training, when any such member is employed upon a regular, full-time salary, the term "injury", as used in this division, includes heart trouble and pneumonia which develops or manifests itself during a period while such member is in the service of the California State Police. The compensation which is awarded for such heart trouble or pneumonia shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

Such heart trouble or pneumonia so developing or manifesting itself shall be presumed to arise out of and in the course of the employment. However, the member of the California State Police shall have served five years or more in such capacity before the presumption shall arise as to the compensability of heart trouble so developing or manifesting itself. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it.

Such heart trouble or pneumonia so developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.

The term "members" as used herein shall be limited to those employees of the California State Police who are defined as peace officers in Section 830.2 of the Penal Code.

CHAPTER 1361

An act to amend Section 651 of the Business and Professions Code, relating to healing arts.

[Approved by Governor December 22, 1972 Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 651 of the Business and Professions Code is amended to read:

651. It is unlawful for any person licensed (a) under this division, except a person licensed under Chapter 7.5 (commencing with Section 3300); or (b) under any initiative act referred to in this division to offer for sale or to sell any commodity or to offer to render or to render any service under the representation that the price or fee which is to be, or is, charged for such commodity or service, or both, is at a discount, or under the representation that the price or fee which is to be, or is, charged for such commodity or service, or both, is at a percentage or otherwise less than the average fee or price then regularly charged under like conditions by the person so licensed or by other persons for such commodity or service or commodity and service. The provisions of this section shall not be construed to modify or establish prices or fees or to modify or affect in any manner any other provision of this division. Any person licensed under Chapter 7.5 (commencing with Section 3300) of this division who offers for sale or sells any commodity or offers to render or renders any service under the representation that the price or fee for such commodity or service is at a discount or at a percentage or otherwise less than the average price or fee than regularly charged under like conditions by the person so licensed or by other persons shall include in such representation a statement of the average price or fee then regularly charged by the person so licensed or by other persons.

The provisions of this section pertaining to persons licensed under Chapter 7.5 (commencing with Section 3300) of this division shall not apply to the sale of any ophthalmic materials.

CHAPTER 1362

An act to add Sections 3406 and 4023.6 to the Penal Code and Sections 521 and 1774 to the Welfare and Institutions Code, relating to female prisoners.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 3406 is added to the Penal Code, to read:

3406. Any female prisoner shall have the right to summon and receive the services of any physician and surgeon of her choice in order to determine whether she is pregnant. The superintendent may adopt reasonable rules and regulations with regard to the conduct of examinations to effectuate such determination.

If the prisoner is found to be pregnant, she is entitled to a determination of the extent of the medical services needed by her and to the receipt of such services from the physician and surgeon of her choice. Any expenses occasioned by the services of a physician and surgeon whose services are not provided by the institution shall be borne by the prisoner.

Any physician providing services pursuant to this section shall possess a current, valid, and unrevoked certificate to engage in the practice of medicine issued pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

The rights provided for prisoners by this section shall be posted in at least one conspicuous place to which all female prisoners have access.

SEC. 2. Section 4023.6 is added to the Penal Code, to read:

4023.6. Any female prisoner in any local detention facility shall have the right to summon and receive the services of any physician and surgeon of her choice in order to determine whether she is pregnant. The superintendent of such facility may adopt reasonable rules and regulations with regard to the conduct of examinations to effectuate such determination.

If the prisoner is found to be pregnant, she is entitled to a determination of the extent of the medical services needed by her and to the receipt of such services from the physician and surgeon of her choice. Any expenses occasioned by the services of a physician and surgeon whose services are not provided by the facility shall be borne by the prisoner.

For the purposes of this section, "local detention facility" means any city, county, or regional facility used for the confinement of any female prisoner for more than 24 hours.

Any physician providing services pursuant to this section shall possess a current, valid, and unrevoked certificate to engage in the practice of medicine issued pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

The rights provided for prisoners by this section shall be posted in at least one conspicuous place to which all female prisoners have access.

SEC. 3. Section 521 is added to the Welfare and Institutions Code, to read:

521. Any female in the custody of a local juvenile facility shall have the right to summon and receive the services of any physician and surgeon of her choice in order to determine whether she is pregnant. If she is found to be pregnant, she is entitled to a determination of the extent of the medical services needed by her and to the receipt of such services from the physician and surgeon of her choice. Any expenses occasioned by the services of a physician and surgeon whose services are not provided by the facility shall be borne by such female.

For the purpose of this section "local juvenile facility" means any city, county, or regional facility used for the confinement of juveniles

for more than 24 hours.

The rights provided for females by this section shall be posted in at least one conspicuous place to which all female wards have access.

SEC. 4. Section 1774 is added to the Welfare and Institutions Code, to read:

1774. Any female who has been committed to the authority shall have the right to summon and receive the services of any physician and surgeon of her choice in order to determine whether she is pregnant. The director may adopt reasonable rules and regulations with regard to the conduct of examinations to effectuate such determination.

If she is found to be pregnant, such female is entitled to a determination of the extent of the medical services needed by her and to the receipt of such services from the physician and surgeon of her choice. Any expenses occasioned by the services of a physician and surgeon whose services are not provided by the facility shall be borne by such female.

Any physician providing services pursuant to this section shall possess a current, valid, and unrevoked certificate to engage in the practice of medicine issued pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

The rights provided for females by this section shall be posted in at least one conspicuous place to which all female wards have access.

CHAPTER 1363

An act to add and repeal Sections 3405 and 4028 to the Penal Code, and to add and repeal Sections 519 and 1773 to the Welfare and Institutions Code, relating to abortions.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 3405 is added to the Penal Code, to read:

3405. No condition or restriction upon the obtaining of an abortion by a prisoner, pursuant to the Therapeutic Abortion Act (Chapter 11 (commencing with Section 25950), Division 20 of the Health and Safety Code), other than those contained in that act, shall be imposed. Prisoners found to be pregnant and desiring abortions, shall be permitted to determine their eligibility for an abortion pursuant to law, and if determined to be eligible, shall be permitted to obtain an abortion.

The rights provided for females by this section shall be posted in at least one conspicuous place to which all female prisoners have access.

If Assembly Bill No. 2087 of the 1972 Regular Session of the

Legislature is chaptered, 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 4028 is added to the Penal Code, to read:

4028. No condition or restriction upon the obtaining of an abortion by a female detained in any local detention facility, pursuant to the Therapeutic Abortion Act (Chapter 11 (commencing with Section 25950), Division 20 of the Health and Safety Code), other than those contained in that act, shall be imposed. Females found to be pregnant and desiring abortions shall be permitted to determine their eligibility for an abortion pursuant to law, and if determined to be eligible, shall be permitted to obtain an abortion.

For the purposes of this section, "local detention facility" means any city, county, or regional facility used for the confinement of any female person for more than 24 hours.

The rights provided for females by this section shall be posted in at least one conspicuous place to which all female prisoners have access.

If Assembly Bill No. 2087 of the 1972 Regular Session of the Legislature is chaptered, 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. 3. Section 519 is added to the Welfare and Institutions Code, to read:

519. No condition or restriction upon the obtaining of an abortion by a female detained in any local juvenile facility, pursuant to the Therapeutic Abortion Act (Chapter 11 (commencing with Section 25950), Division 20 of the Health and Safety Code), other than those contained in that act, shall be imposed. Females found to be pregnant and desiring abortions, shall be permitted to determine their eligibility for an abortion pursuant to law, and if determined to be eligible, shall be permitted to obtain an abortion.

For the purposes of this section, "local juvenile facility" means any city, county, or regional facility used for the confinement of female juveniles for more than 24 hours.

The rights provided for females by this section shall be posted in at least one conspicuous place to which all females have access.

If Assembly Bill No. 2087 of the 1972 Regular Session of the Legislature is chaptered, 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. 4. Section 1773 is added to the Welfare and Institutions Code, to read:

1773. No condition or restriction upon the obtaining of an abortion by a female committed to the authority, pursuant to the Therapeutic Abortion Act (Chapter 11 (commencing with Section 25950), Division 20 of the Health and Safety Code), other than those contained in that act, shall be imposed. Females found to be

pregnant and desiring abortions, shall be permitted to determine their eligibility for an abortion pursuant to law, and if determined to be eligible, shall be permitted to obtain an abortion.

The rights provided for females by this section shall be posted in at least one conspicuous place to which all females have access.

If Assembly Bill No. 2087 of the 1972 Regular Session of the Legislature is chaptered, 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.

CHAPTER 1364

An act to add Article 7 (commencing with Section 26595) to Chapter 5 of Division 21 of the Health and Safety Code, relating to food.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Article 7 (commencing with Section 26595) is added to Chapter 5 of Division 21 of the Health and Safety Code, to read:

Article 7. Hamburger and Imitation Hamburger

26595. As used in this article, the following definitions shall apply:

(a) "Hamburger" means chopped fresh or frozen beef, or a combination of both fresh or frozen beef, with or without the addition of beef fat as such, and with or without the addition of seasoning. Hamburger shall not contain more than 30-percent fat, and shall not contain added water, binders, or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of hamburger to the extent of 25 percent, and if in excess of natural proportions, its presence shall be declared on the label in the ingredient statement, if any, and otherwise contiguous to the name of the product.

(b) "Imitation hamburger" means chopped fresh or frozen beef, or a combination of both fresh or frozen beef, with or without the addition of beef fat as such, and with or without the addition of seasoning. Imitation hamburger may contain binders and extenders, with or without the addition of partially defatted beef tissue, without added water or with added water only in amounts that the products' characteristics are essentially that of a meat pattie.

(c) "Restaurant" means restaurants, itinerant restaurants, vehicles, vending machines, or institutions including hospitals, schools, asylums, eleemosynaries, and all other places where food is served to the public for consumption on the premises of sale which are not included within the definitions of the terms restaurants,

itinerant restaurants, vehicles, and vending machines.

26596. (a) If imitation hamburger is sold or served in restaurant a list of ingredients thereof shall appear on the menu, or, if there is no menu, such information shall be posted as state department shall by rules and regulations require. No list of ingredients, however, shall be required for imitation hamburger which contains not more than 10 percent added protein and water, and which does not contain binders and extenders.

(b) No restaurant shall use the terms "hamburger," "burger," or any other cognate thereof in any advertisement, or menu to refer to any meat food product which is not hamburger. A restaurant selling or serving imitation hamburger may refer to such product as imitation hamburger or by any other term which accurately informs the customer of the nature of the food product which he is sold or served.

26597. It is unlawful and constitutes misbranding for any person to advertise, offer for sale, sell, or serve as hamburger or imitation hamburger in any restaurant any product which does not come within the definitions of those terms contained in Section 26595. It is unlawful and constitutes misbranding for any person to violate any provision of this article or any regulation promulgated pursuant to such provisions.

26598. It is the public policy of this state to require restaurants selling hamburger and imitation hamburger to accurately inform the consumer public of the contents of such foods.

26599. The provisions of this article shall be enforced by the same persons and in the same manner as provided in Article 7 (commencing with Section 28690) of Chapter 11 of Division 22.

SEC. 2. This act shall become operative on July 8, 1974.

CHAPTER 1365

An act to amend Section 20017.77 of the Government Code, to amend Section 6053 of the Penal Code, and to amend Section 1752 of the Welfare and Institutions Code, relating to correctional counselors.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972]

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

SECTION 1. Section 20017.77 of the Government Code, as amended by Chapter 1331 of the Statutes of 1971, 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; all classes of correctional counselor, 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; all classes of correctional counselor.

SEC. 1.5. Section 6053 of the Penal Code is amended to read:

6053. All persons other than temporary appointees heretofore serving in the state civil service and engaged in the performance of a function transferred to the department or engaged in the administration of a law, the administration of which is transferred to the department, shall remain in the state civil service and are hereby transferred to the department on the effective date of this section, and their status, positions and rights shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act. The director, pursuant to the State Civil Service Act, shall be the appointing authority for the department for all civil service positions except those civil service positions in the Youth Authority and the parole employees of the California Women's Board of Terms and Parole. Positions not heretofore established, which are exclusively for the California Institution for Women or exclusively for the Youth Authority, shall be filled pursuant to the State Civil Service Act.

Notwithstanding Section 18932 of the Government Code, the maximum age shall be 35 years for any open examination for the position of correctional officer, women's correctional supervisor I,

parole agent I, correctional counselor I, and other custodial and parole positions which normally afford entry into the Department of Corrections service, unless the applicant is already a "state safety" member for the purpose of retirement and disability benefits.

SEC. 2. Section 1752 of the Welfare and Institutions Code is amended to read:

1752. To the extent that necessary funds are available for the purposes, the director may

(a) Establish and operate a treatment and training service and such other services as are proper for the discharge of his duties;

(b) Create administrative districts suitable to the performance of his duties;

(c) Employ and discharge all such persons as may be needed for the proper execution of the duties of the authority. Such employment and discharge shall be in accord with the civil service laws of this state.

Notwithstanding Section 18932 of the Government Code, the maximum age shall be 35 years for any open examination for the position of parole agent I, group supervisor, youth counselor, and other custodial and parole positions which normally afford entry into the Youth Authority service, unless the applicant is already a "state safety" member for the purposes of retirement and disability benefits.

SEC. 3. Section 20017.77 of the Government Code, as amended by Chapter 1331 of the Statutes of 1971, is amended to read:

20017.77. "State safety 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; all classes of correctional counselor, 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; all classes of correctional counselor.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 383 are both chaptered and amend Section 20017.77 of the Government Code, that the amendments to Section 20017.77 proposed by both bills be given effect and incorporated in Section 20017.77 in the form set forth in Section 3 of this act. Therefore, if Assembly Bill No. 383 is chaptered and amends Section 20017.77, Section 1 of this act shall not become operative.

CHAPTER 1366

An act to amend Sections 14000, 14105 and 14118 of, to add Chapter 8 (commencing with Section 14200) to Part 3 of Division 9 of, to repeal Sections 14057, 14058, 14104, 14106, 14106.5 and 14114 of, and to repeal Article 4.4 (commencing with Section 14140) of Chapter 7 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 14000 of the Welfare and Institutions Code, as amended by Chapter 577 of the Statutes of 1971, is amended to read:

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

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

(a) The means employed shall be such as to allow, to the extent practicable, eligible persons to secure health care in the same

manner employed by the public generally, and without discrimination or segregation based purely on their economic disability.

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

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

SEC. 1.5. Section 14057 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 14058 of the Welfare and Institutions Code is repealed.

SEC. 3. Section 14104 of the Welfare and Institutions Code, as amended by Chapter 577 of the Statutes of 1971, is repealed.

SEC. 4. Section 14105 of the Welfare and Institutions Code, as amended by Chapter 577 of the Statutes of 1971, is amended to read:

14105. The director shall prescribe the policies to be followed in the administration of this chapter, may limit the rates of payment for health care 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 Chapter 8 (commencing with Section 14200) of this part. Standards for costs shall be based on payments of the reasonable cost for such services. Amounts paid for services provided to Medi-Cal beneficiaries shall be audited by the department in the manner and form prescribed by the department. The department shall maintain adequate controls to insure responsibility and accountability for the expenditure of federal and state funds. 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 or reviewed 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 benefits.

If, in the judgment of the director, the actions taken by the director under subdivision (c) of Section 14120 will not be sufficient to operate the Medi-Cal program within the limits of appropriated funds, he may limit the scope and kinds of health care services, except for minimum coverage as defined in Section 14056, available to persons who are not eligible under Sections 14005.1, 14005.2 and 14005.3. When and if necessary, such action shall be taken by the director with the advice of the Health Care Commission and in ways consistent with the requirements of the Federal Social Security Act. This paragraph shall not be operative until July 1, 1972.

SEC. 5. Section 14106 of the Welfare and Institutions Code is repealed.

SEC. 6. Section 14106.5 of the Welfare and Institutions Code, as amended by Chapter 577 of the Statutes of 1971, is repealed.

SEC. 7. Section 14114 of the Welfare and Institutions Code, as amended by Chapter 577 of the Statutes of 1971, is repealed.

SEC. 7.5. Section 14118 of the Welfare and Institutions Code is amended to read:

14118. Notwithstanding any other provision of law, no provider of medical assistance under the California Medical Assistance Program shall hold itself forth as authorized to provide services to beneficiaries under the Medi-Cal program by use of:

(a) Newspapers, magazines, radio, television, books, circulars, pamphlets, or any medium of communication whether or not for compensation, or

(b) Signs or displays of any character on or near its place of business or elsewhere.

Notwithstanding the foregoing, and except as otherwise prohibited by law, any provider of medical assistance under the California Medical Assistance Program which has entered into a contract with the Department of Health Care Services, pursuant to Chapter 8 (commencing with Section 14200) of this part, may make the benefits known to potential enrollees by means of relevant methods and materials as determined by the regulations of the department. This material must be disseminated to potential enrollees by official representatives of the contractor at the contractor's expense. The contractor shall be responsible for all presentations by such representatives and for their ethical and professional content. Examples of all printed or illustrated material prepared by the contractor shall be submitted to the department prior to dissemination. The department shall acknowledge receipt of the printed or illustrated material within five (5) days. If notification of department disapproval is not received by the contractor within 60 days after the date of the notification from the department that the material had been received, the contractor may disseminate such material. In the event the department notifies the contractor of its disapproval, the contractor shall have the right to meet and confer with the director in order to demonstrate to him the need and

reasonable basis for the distribution of such material to potential enrollees.

SEC. 8. Article 4.4 (commencing with Section 14140) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 9. Chapter 8 (commencing with Section 14200) is added to Part 3 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 8. PREPAID PLANS

Article 1. General Provisions

14200. This chapter shall be known and may be cited as the Waxman-Duffy Prepaid Health Plan Act.

14200.1. The purpose of this chapter is to afford persons eligible to receive benefits under Chapter 7 (commencing with Section 14000) of this part the opportunity to enroll as regular subscribers in prepaid health plans, without reference to the race, sex, age, religion, creed, color, national origin or ancestry of any eligible person.

14201. The intent of the Legislature is to provide, to the extent feasible, through the provisions of this chapter and the necessarily related provisions of Chapter 7 (commencing with Section 14000) of this part, recipients of public assistance and medically indigent aged and other persons with the opportunity to enroll in prepaid health plans. It is further intended that this legislation is to benefit the people of the State of California by:

(a) Encouraging the development of more efficient delivery of health care to Medi-Cal recipients.

(b) Reducing the inflationary costs of health care.

(c) Improving the quality of medical services rendered to those eligible enrollees as defined in this chapter and Chapter 7 (commencing with Section 14000) of this part.

(d) Reducing administrative costs of operating the Medi-Cal Act by allowing prepaid health plans to assume substantial costs of administration and utilization controls that are now assumed by the Department of Health Care Services.

Article 2. Definitions

14250. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter.

14251. "Prepaid health plan" is any carrier or association of providers of medical and health services who agree with the Department of Health Care Services to furnish directly or indirectly health services to Medi-Cal beneficiaries on a predetermined periodic rate basis. Such association includes, but is not limited to, a multispecialty group practice or a "foundation for medical care" program. The plan may not merely indemnify for the cost of services provided. The prepaid health plan must share in the risk of providing

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medical and health care services.

14252. "Medi-Cal beneficiary" means a person who is eligible to receive benefits under Chapter 7 (commencing with Section 14000) of this part.

14254. "Primary care physician" is either a general practitioner, an internist, pediatrician, or obstetrician-gynecologist.

14255. "Specialist" means a physician who is board certified or board eligible in the specialty in question.

14256. The "basic scope of health care benefits" means:

(a) Physician's services;

(b) Hospital outpatient services;

(c) Laboratory and X-ray;

(d) Prescription drugs;

(e) Hospital inpatient care;

(f) Skilled nursing home care.

14257. Nothing in this act shall preclude the director from contracting with prepaid health plans which provide only dental, pharmaceutical, or optometric services in accordance with regulations issued by the department.

Nothing in this act shall preclude the director from contracting with prepaid health plans which include services beyond the basic scope of health care benefits.

14259. "Director" means the director of the Department of Health Care Services.

14260. "Department" means the Department of Health Care Services.

14261. "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 profit or nonprofit medical group.

(c) An association of insurers organized under Article 6.7 (commencing with Section 795) of Chapter 1 of 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 profit or nonprofit person or organization registered under the Knox-Mills Health Plan Act.

Article 3. Administration

14300. The department shall determine, by actuarial methods, with respect to any prepaid health plan, a prospective per capita rate of payment for services provided under this chapter for eligibles enrolled with such organizations. Such rate of payment shall be determined annually and shall be designed to provide a rate of payment which does not exceed the amount which the department estimates (with appropriate adjustments to assure actuarial equivalence) would be payable for services covered under the prepaid health plan contract if such services were to be furnished by other than a prepaid health plan. The per capita amounts determined shall be based on sound actuarial data and be recognized to vary between the categories of aid to families with dependent children, aid to the totally disabled, aid to the blind, old age security, or such other categories as may be determined by the director.

14301. No contract between the department and a prepaid health plan shall be approved unless the providers and facilities of the prepaid health plan meet the Medi-Cal program standards for participation as established by the director. In addition, a prepaid health plan shall meet the following requirements:

(a) Laboratory services are provided only in laboratories which are approved by the State Department of Public Health (except such laboratories as are exempt from approval under Section 1241 of the Business and Professions Code), participate in a performance testing program approved by the State Department of Public Health, or meet the conditions of participation under Title 18 of the Social Security Act.

(b) All institutions including, but not limited to, clinics, hospitals, and skilled nursing homes, shall be licensed by the State Department of Public Health, or be exempt from licensure by the State Department of Public Health. When appropriate, all medical personnel of the prepaid health care plan shall be licensed by their respective licensing boards.

(c) The prepaid health plan shall demonstrate to the department that it has adequate financial resources, physical facilities, administrative abilities and soundness of program design, to carry out its contractual obligations. For the purpose of this section, "adequate financial resources", as determined by the department, shall not be less than the minimum tangible net equity required of health care service plans pursuant to Section 12539 of the Government Code.

(d) The prepaid health plan shall provide no fewer than five physicians representing the four specialties of pediatrics, internal medicine, general surgery and obstetrics-gynecology, unless the department finds that in given communities it is not feasible or medically appropriate to provide all of these specialties.

(e) The prepaid health plan shall enroll Medi-Cal beneficiaries according to ratios established by the department, as appropriate to

the medical needs of the population, but in no event shall the prepaid health care plan enroll more than 1,600 persons per full-time equivalent primary care physician and 1,200 persons per each full-time equivalent physician. These ratios may be adjusted upon the recommendation of the department if appropriate use is made of allied health manpower. No enrollment shall be permitted on the basis of part-time primary care physicians except for medical care foundations.

(f) The prepaid health plan shall furnish services in such a manner as to provide continuity of care and, when services are furnished by different providers, ready referral of patients to such services at such times as may be medically appropriate.

(g) A managing physician who is a primary care physician shall be provided to each enrollee, to the extent feasible, to supervise and coordinate the enrollee's care. In the event that the enrollee becomes dissatisfied with his assigned managing physician, the plan shall make another managing physician available.

(h) All services shall be readily available at reasonable times to all enrollees. To the maximum extent feasible the prepaid health plan shall make all services readily accessible to enrollees who reside in the service area by either decentralizing the services to be provided or by providing transportation to the prepaid health plan facilities if adequate public transportation is not available.

(i) The prepaid health plan, to the extent reasonable and consistent with good medical practice, shall employ allied health personnel for furnishing of services.

(j) A prepaid health plan servicing a substantial patient population of a particular social or ethnic group, or whose primary language is other than English, shall to the extent feasible have staff of that respective linguistic or racial or ethnic group in sufficient numbers in the prepaid health care plan to service the enrollees at all times, including, but not limited to, the point of entry.

14301.5. No contract between the department and a prepaid health plan shall be approved or renewed if any officer or employee of the state, or any member of the Legislature, has any direct or indirect financial interest in the prepaid health plan or has a direct or indirect financial interest in any contract with the prepaid health plan, or if the prepaid health plan has offered or given any such officer, employee, or member of the Legislature, anything of value for the purpose of influencing or attempting to influence the negotiations for approval, or renewal, of a prepaid health plan contract with the department. As used in this section, "indirect financial interest" includes the ownership of stock, bonds, notes, other forms of indebtedness, or a partnership interest, by the officer or employee of the state, member of the Legislature, or by a member of such person's immediate family.

14302. The prepaid health plan shall provide directly or through subcontractors not less than the basic scope of health care benefits as defined in Section 14256. The director may establish the scope and

duration of such services and further may require that other services be provided on a risk or nonrisk basis.

14303. When the prepaid health plan contracts to provide any of the basic scope of services through subcontractors, the subcontractors shall meet all of the qualifications of Section 14301 as appropriate for the services which the subcontractors are required to perform.

14303.1. The prepaid health plan will in determining the reasonable charge for a physician's service, take 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.

14304. The prepaid health plan will maintain financial records and will have annual audits performed by an independent certified public accountant. Certified financial statements shall be filed annually as soon as practical after the close of the prepaid health plan's fiscal year and in any event within a period not to exceed 120 days thereafter. For good cause, the department may grant exceptions to the time within which annual financial statements are to be submitted to the department.

14305. The prepaid health plan shall be liable for all in-area and out-of-area emergency services as defined by the director which are required by the contract and rendered by another provider. Payment for such services shall cover treatment of emergency conditions and management of the enrollee until such time as he may reasonably be transferred to the prepaid health plan.

14306. All prepaid health plans shall have an open enrollment period at least every year under which they accept up to the limits of their capacity or the limits of their contracts with the department and without restrictions, except as may be authorized by the director, individuals who are eligible to enroll in such organizations in the order in which they apply for enrollment.

14307. Prepaid health plans shall make all reasonable efforts to achieve, by the third contract year, an enrollment of not more than 50 percent Medi-Cal beneficiaries.

14308. The prepaid health plan shall maintain a complete medical record for each enrollee, and shall cooperate with subcontractors and providers of noncovered services in order to maintain such medical record. After July 1975 the prepaid health plan shall provide a single standard medical record for each enrollee, in order to maintain a complete unit medical record for each enrollee.

14309. The department shall conduct periodically an onsite review of the level and quality of care, the necessity of the services rendered, and the appropriateness of the services provided by prepaid health care plans. Such review shall be based on criteria and procedures established by the department and data supplied to the department by the prepaid health plans as required in Section 14310.

14310. The prepaid health plans shall furnish to the director such

timely information and reports as he may find necessary in performing his functions under this chapter. Such information and reports shall include statistical information regarding utilization of services, age and sex, specific mortality and morbidity rates, services supplied, manpower resources and costs of health care and administration, compiled from a basic data system, as the department may require. The department shall annually conduct a survey of beneficiaries to determine patient discomfort, patient disability and patient satisfaction.

The prepaid health plan shall 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 this chapter.

14311. The prepaid health plan shall establish procedures for continuously reviewing the quality of care, the utilization of services and facilities, and costs. Information derived from such review shall be made available to the department.

14312. Enrollment in a prepaid health plan shall be voluntary and the prepaid health plan shall not use false advertising to induce enrollment. No solicitation of enrollees shall include the granting of any monetary or other valuable consideration for enrollment.

14313. No person may be enrolled in more than one prepaid health plan at any time. Once a Medi-Cal beneficiary is enrolled in a prepaid health plan, the enrollment may not be terminated, except for loss of eligibility or good cause, as determined by the director, for a period not to exceed one year.

14314. The prepaid health plan shall have the organizational and administrative capacity to provide services under the provisions of this chapter.

14316. If the enrollee has an unresolved grievance, the fair hearing provided in Chapter 7 shall be available to resolve all grievances regarding care and administration by the prepaid health plan. Findings and recommendations of the department, based on the decision of the hearing officer, shall be binding upon the prepaid health plan and the health care organization.

14317. The contract period for contracts between the department and the prepaid health plan shall be for a minimum of one year.

14318. The contract shall provide the specific sums which the department shall pay the prepaid health care plan each month for each beneficiary currently enrolled in the prepaid health plan.

14319. (a) The department or its designee shall conduct a public hearing at least 30 days prior to the execution of an initial contract with a prepaid health plan and within 60 days prior to the renewal of a prepaid health plan contract to hear evidence on the ability of the prepaid health plan to fulfill its responsibilities under the contract. No contract shall be renewed unless the department finds that the prepaid health plan has fully complied with its contract obligations. The department shall insure notification of all Medi-Cal

recipient enrollees and the prepaid health plan applying for the contract or contract renewal of the time and place of the hearing. The department shall not reveal the names of individual providers of services under the provisions of the contract or contract proposal.

(b) The department shall encourage the prepaid health plan to provide all of the services listed in Section 14053 on a prepaid basis. Subject to prior approval by the department, any additional services other than those listed in Section 14053 may be provided at reasonable cost to the enrollees, provided that enrollees are notified of services for which they will be charged and the amount prior to the rendering of such services.

(c) In order to enable a Medi-Cal beneficiary to make a rational choice between competing health care delivery systems, and subsequently to use fully the system of his choice, the prepaid health plan shall provide written information to the department for approval prior to the distribution to all prospective enrollees in the service area. Such written information shall include a description of the basic scope of services, the days and hours when medical services are available, transportation facilities (public and emergency) and other related information necessary for a Medi-Cal beneficiary to make a rational choice whether to enroll in a given prepaid health plan. The department shall prescribe the format for providing the information required pursuant to this subdivision.

14319.1. 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 prepaid health plans which have been contracted for under this chapter. Each eligible person enrolled in a prepaid health plan shall be issued an appropriate document setting forth or authorizing the services or benefits to which that person is entitled thereunder, the procedure for obtaining benefits, and the principal provisions of the plan affecting the eligible person.

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

14320. The department shall report annually to the Legislature on the contracts made under this act, with specific reference to the physician-patient ratio used, consumer satisfaction and

dissatisfaction, the experience with regard to quality, utilization and cost of for-profit as compared to not-for-profit prepaid health plans.

14321. In providing benefits under this chapter through prepaid health plans, the department may contract with one or more carriers whereby the carrier provides a program underwriting the risk involved. For the purpose of establishing a prepaid health plan any carrier as defined in Section 14261 shall be deemed capable of providing, arranging, paying or reimbursing the cost of the health care services as defined in Section 14053.

In providing benefits under this chapter the department may contract with carriers or other organizations to establish pilot programs, each of which may be set up to exist for a period of time, not to exceed four years, which shall be sufficient to demonstrate the value or lack thereof of such a program, as determined by the director, in delivering health care services in an efficient or effective manner. Such programs shall demonstrate different methods of providing health care services and shall emphasize methods of utilization, review and preventive care, and shall provide incentives for using the most economical level of care. Such programs may provide benefits on the basis of class of recipient, class of benefit, geographical area, or any other reasonable classification. In entering into contracts under this subdivision the department may provide that the extent of benefit coverage may be limited to a fixed number of days, or amount, or duration of services. The contract may provide that the carrier or other organization shall continue to administer benefits provided beyond the applicable limitation. Any contracts entered into pursuant to this chapter shall not interfere or conflict with pilot programs established pursuant to this section.

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

In addition the director shall establish a pilot program to compare patient treatment profiles and prior authorization as controls of overutilization. It is the intent of the Legislature that the most cost effective system shall be established on a statewide basis. The director shall report to the Legislature the results of this project within six months of its initiation.

14322. The director shall establish requirements for carriers which desire to contract with the state to provide health care services on a prepaid basis.

14323. It is the intent of the Legislature that to the maximum extent feasible, prepaid health plans shall include the full scope of benefits provided under this chapter.

14324. Notwithstanding the provisions of Section 14256, the director may consider applications from carriers prepared to offer a limited range of specialty services on a prepaid basis.

14325. The director may establish copayment levels and the articles or services subject to copayment as specified in Section 14134. Prepaid health plan copayments shall not exceed the levels specified

in Section 14134 and shall be limited to the services specified therein.

14326. Contracts entered into pursuant to this chapter shall be awarded on a nonbid basis.

14327. Prepaid health plans and pilot programs established pursuant to Section 14321, the services they provide and the persons receiving such services shall not be subject to the limitations on services set forth in Section 14132, or the provisions of subdivisions (c), (d), (e), and (f) of Section 14120. or the fifth paragraph of Section 14105.

14328. In entering into contracts under this chapter the department may provide that the extent of benefit coverage by the prepaid health plan may be limited to exclude care of illness or injury resulting from or contributed to, by a major catastrophe or disaster, including but not limited to an act of war, declared or undeclared, and which occurs subsequent to enrollment in a prepaid health plan. The contract may provide that the carrier shall continue to administer the benefits provided beyond the applicable limitation.

The intent of the Legislature in enacting this subdivision is to authorize a limitation on the liability of a carrier in catastrophic situations.

14329. The director shall, with respect to carriers and with the advice of the Health Care Commission, adopt all necessary rules and regulations to carry out the provisions of this chapter, including, but not limited to fixing reasonable minimum standards for prepaid health 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.

14330. The director shall adopt all necessary rules and regulations providing for the payment for services rendered under this program on the basis of a total monthly payment for each enrolled recipient. The director may provide for methods and periods of enrollment.

14331. 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.

SEC. 10. The provisions of this act shall become operative on July 1, 1973, except that the provisions of this act shall become operative and apply prior to July 1, 1973, to any existing prepaid health plan contract that is renewed prior to July 1, 1973.

CHAPTER 1367

An act to add Section 4089.5 to the Business and Professions Code, relating to pharmacy.

[Approved by Governor December 22, 1972 Filed with Secretary of State December 22, 1972.]

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

SECTION 1. Section 4089.5 is added to the Business and Professions Code, to read:

4089.5. The board may permit a person certified by the board to have had sufficient and equivalent education and experience in pharmacy, including at least two years' practical experience in pharmacy in a foreign country within the previous five years, to take the written and practical examination given pursuant to subdivision (d) of Section 4085.

CHAPTER 1368

An act to add Section 12162 to the Welfare and Institutions Code, relating to grants in aid to recipients of public assistance.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972]

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

SECTION 1. Recipients of assistance under the Old Age Security Law presently receive a housing allowance of up to sixty-three dollars ($63) per month for an individual recipient and up to ninety dollars ($90) per month for a couple. Fifteen dollars ($15) of such allowance is computed as an allowance for property taxes in the case of recipients who own their own homes. Some recipients, however, have taxes imposed on their homes in excess of such allowance, and for such homeowners the amount of such excess shall be deemed to be a special need.

SEC. 2. Section 12162 is added to the Welfare and Institutions Code, to read:

12162. The amount of any property tax imposed on the home owned by a single recipient in any fiscal year in excess of one hundred eighty dollars ($180) shall be a special need of such recipient, and, at the election of such recipient, a pro rata share of such amount shall be added to the monthly grant otherwise allowed such recipient or the total of such excess shall be paid to such recipient in two installments when property taxes are due. The amount of any property tax imposed on the home of a couple who are recipients under this chapter in excess of one hundred eighty dollars ($180) in any fiscal year shall be a special need of such recipients and a pro rata share of such amount shall either be apportioned between and added to the monthly grants otherwise allowed such recipients or the total of such excess, at their election, shall be apportioned between them and paid in two installments when property taxes are due. The total amount allowed to a single recipient as a special need or to a couple who are recipients as a special need under this section shall not exceed five hundred dollars ($500) in any fiscal year.

All county departments shall inform affected recipients of their rights under this section.

The additional allowance provided by this section shall not be considered in computing the grant payable to the recipient under Sections 12150 and 12151, and shall not be subject to the monetary limitations set forth in those sections.

SEC. 3. This act shall remain operative until two years after its effective date and on such date this act shall have no further force or effect.

CHAPTER 1369

An act to amend Section 7149 of the Fish and Game Code, relating to fishing licenses.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972]

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

SECTION 1. 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 person 62 years of age or older 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.

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CHAPTER 1370

An act to amend Section 13832 of, and to add Section 13972 to, the Education Code, to amend Sections 16431, 20022, 20332, 20809, 31460, and 53609 of, and to add Sections 13927 and 31482 to, to add Chapter 8 (commencing with Section 18310) to Part 1 of Division 5 of Title 2 of, and to add Article 1.1 (commencing with Section 53212) to Chapter 2 of Part 1 of Division 2 of Title 5 of, the Government Code, relating to deferred compensation.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972]

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

SECTION 1. Section 13832 of the Education Code, as amended by Chapter 931 of the Statutes of 1971, is amended to read:

13832. "Compensation" and "salary" mean remuneration in cash payable by the employer to the member, plus any payments in cash by the employer to one other than the member for the purpose of purchasing an annuity contract for the member under an annuity plan which meets the requirements of Section 403 (b) of the Internal Revenue Code of the United States, plus any amount deducted from a member's wages for participation in a deferred compensation plan established pursuant to Chapter 8 (commencing with Section 18310) of Part 1 of Division 5 of Title 2 of the Government Code or pursuant to Article 1.1 (commencing with Section 53212) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

"Compensation" and "salary" do not mean and shall not include:

(a) Job-related expenses.

(b) Money paid to the employee for overtime service.

(c) Compensatory damages and money paid to the member in excess of regular salary as a compromise settlement of a dispute arising from termination of a member's employment contract.

(d) Lump sum payments for accumulated sick leave or accumulated vacation leave.

(e) Money paid for summer school employment.

(f) Money paid as a bonus.

Any such moneys paid under subdivisions (a) through (f) shall not be included as a part of the member's monthly payroll warrant or check.

SEC. 2. Section 13972 is added to the Education Code, to read:

13972. Notwithstanding any other provision of this chapter, a participant in a deferred compensation plan established pursuant to Chapter 8 (commencing with Section 18310) of Part 1 of Division 5 of Title 2 of the Government Code or pursuant to Article 1.1 (commencing with Section 53212) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, may also participate in the retirement system.

SEC. 3. Section 13927 is added to the Government Code, to read:

13927. A deferred compensation plan proposed pursuant to Section 18310 shall be submitted to the board for approval.

SEC. 4. Section 16431 of the Government Code is amended 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 and approved by the State Board of Control, 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.

Deferred compensation funds are public pension or retirement funds for the purposes of Section 13 of Article XII of the Constitution.

SEC. 5. Chapter 8 (commencing with Section 18310) is added to Part 1 of Division 5 of Title 2 of the Government Code, to read:

CHAPTER 8. DEFERRED COMPENSATION

18310. The Department of General Services, with the approval of the State Board of Control, may establish for officers and employees a deferred compensation plan. Participation in such plan shall be by written agreement between such officers and employees and the state which shall provide for deferral of a portion of such officers' or employees' wages. Officers and employees may authorize deductions to be made from their wages for the purpose of participating in such deferred compensation plan.

SEC. 6. Section 20022 of the Government Code is amended to read:

20022. "Compensation" means the remuneration paid in cash out of funds controlled by the state, the university or contracting agency, plus the monetary value, as determined by the board of living quarters, board, lodging, fuel, laundry and other advantages of any nature furnished a member by his employer in payment for his services or for time during which the member is excused from work because of holidays, sick leave, vacation, compensating time off, or leave of absence, plus any payments in cash by his employer to one other than an employee for the purpose of purchasing an annuity contract for a member under an annuity plan which meets the requirements of Section 403(b) of the Internal Revenue Code of the United States, plus any amount deducted from a member's wages for participation in a deferred compensation plan established pursuant to Chapter 8 (commencing with Section 18310) of Part 1 of Division 5 of Title 2 or pursuant to Article 1.1 (commencing with Section 53212) of Chapter 2 of Part 1 of Division 2 of Title 5; provided,

however, that "compensation" shall not include the provision by an employer of any medical or hospital service or care plan or insurance plan (other than the purchase of annuity contracts referred to in this section) for its employees, any contribution by an employer to meet the premium or charge for such plan, or any payment into a private fund to provide health and welfare benefits for its employees.

SEC. 7. Section 20332 of the Government Code is amended to read:

20332. Persons who are members of any other retirement or pension system supported wholly or in part by funds of the United States government, any state government or political subdivision thereof and who are receiving credit in such other system for service are, as to such service, excluded from this system.

For the purpose of this section, persons who merely are receiving pensions or retirement allowances, or other payments, from any source whatever, on account of service rendered to an employer other than the state and while they were not in state service, are not, because of such receipt, members of any other retirement or pension system.

For the purposes of this section only, persons who merely participate in a deferred compensation plan established pursuant to Chapter 8 (commencing with Section 18310) of Part 1 of Division 5 of Title 2 or established pursuant to Article 1.1 (commencing with Section 53212) of Chapter 2 of Part 1 of Division 2 of Title 5, are not, because of such participation, members of any other retirement or pension system.

SEC. 8. Section 20809 of the Government Code is amended to read:

20809. A person shall not receive credit for the same service in two retirement systems supported wholly or in part by public funds under any circumstance. Nothing in this section shall preclude concurrent participation and credit for service in a public retirement system and in a deferred compensation plan established pursuant to Chapter 8 (commencing with Section 18310) of Part 1 of Division 5 of Title 2 or pursuant to Article 1.1 (commencing with Section 53212) of Chapter 2 of Part 1 of Division 2 of Title 5.

SEC. 9. Section 31482 is added to the Government Code, to read:

31482. Notwithstanding any other provision of law, a participant in a deferred compensation plan established pursuant to Chapter 8 (commencing with Section 18310) of Part 1 of Division 5 of Title 2 or pursuant to Article 1.1 (commencing with Section 53212) of Chapter 2 of Part 1 of Division 2 of Title 5, may also participate in a retirement system of a public agency established pursuant to this chapter.

SEC. 10. Section 31460 of the Government Code is amended to read:

31460. "Compensation" means the remuneration paid in cash out of county or district funds, plus any amount deducted from a member's wages for participation in a deferred compensation plan

established pursuant to Chapter 8 (commencing with Section 18310) of Part 1 of Division 5 of Title 2 or pursuant to Article 1.1 (commencing with Section 53212) of Chapter 2 of Part 1 of Division 2 of Title 5, but does not include the monetary value of board, lodging, fuel, laundry, or other advantages furnished to a member.

SEC. 11. Article 1.1 (commencing with Section 53212) is added to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 1.1. Deferred Compensation

53212. As used in this article, "local agency" means a county, city, public district, or any public or municipal corporation.

53213. Each local agency may establish for its officers and employees a deferred compensation plan. Participation in such plan shall be by written agreement between such officers and employees and the governing body of the local agency which shall provide for deferral of a portion of such officers' or employees' wages. Officers and employees of any local agency having a deferred compensation plan may authorize deductions to be made from their wages for the purpose of participating in such deferred compensation plan.

53214. Notwithstanding any other provision of law, a participant in a deferred compensation plan may also participate in a public retirement system, and, in ascertaining the amount of compensation of such participant for purposes of computing the amount of his contributions or benefits under a public retirement system, any amount deducted from his wages pursuant to this article shall be included.

SEC. 12. Section 53609 of the Government Code is amended 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.

Deferred compensation funds are public pension or retirement funds for the purposes of Section 13 of Article XII of the Constitution.

CHAPTER 1371

An act to amend Section 11450 of the Welfare and Institutions Code, relating to foster home care, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972]

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

SECTION 1. Section 11450 of the Welfare and Institutions Code as amended by Chapter 578 of the Statutes of 1971 is amended to read:

11450. (a) For each needy family which includes one or more needy children qualified for aid under this chapter, except as provided in Section 11403, there shall be paid, notwithstanding minimum basic standards of adequate care established by the department under Section 11452, an amount of aid each month which when added to his income, exclusive of any amounts considered exempt as income or paid pursuant to subdivision (d) of this section or Section 11453.1, is equal to the sums specified in the following table, as adjusted for cost-of-living increases or decreases pursuant to Section 11453:

Number of eligible needy persons in the same home	Maximum aid
1	$115
2	190
3	235
4	280
5	320
6	360
7	395
8	430
9	465
10 or more	500

If, when and during such times as the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to such increase or decrease by the United States government, provided that no such increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(b) For children receiving foster care who are qualified for aid under the provisions of this chapter, except as provided in Section 11403, there shall be paid the sum necessary for the adequate care

of each child, but not to exceed in any month the product of one hundred twenty dollars ($120) multiplied by the number of children in each county receiving foster care. The state shall pay 67.5 percent and the county shall pay 32.5 percent of the aid furnished for the adequate care of such children.

(c) As used in this chapter, "foster care" means care in a boarding home or institution.

(d) (1) In addition to the amounts payable under subdivision (a) of this section and Section 11453.1, a family shall be entitled to receive an allowance for recurring special needs not common to a majority of recipients. The county shall pay the full cost of the additional aid furnished needy families pursuant to this subdivision after first deducting therefrom any funds received from the federal government. Such recurring special needs shall include but not be limited to special diets upon the recommendation of a physician, and unusual costs of transportation, laundry, housekeeping service, telephone, and utilities not to exceed the minimum basic standards of adequate care.

(2) A family shall also be entitled to receive an allowance, at county expense after first deducting therefrom any funds received from the federal government, for nonrecurring special needs caused by sudden and unusual circumstances beyond the control of the needy family; provided, however, that such needs shall not be taken into consideration in determining the eligibility of the family for aid.

(3) The department shall establish rules and regulations assuring the uniform application statewide of the provisions of this subdivision.

(e) Except for the purposes of Section 15200, the amounts payable to recipients pursuant to Section 11453.1 shall not constitute part of the payment schedule set forth in subdivision (a) of this section.

The amounts payable to recipients pursuant to Section 11453.1 shall not constitute income to recipients of aid under this section.

SEC. 2. This act shall become operative only if Assembly Bill No. 282 of the 1972 Regular Session is enacted, and in such event, shall become operative at the same time as Assembly Bill No. 282.

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

The provisions of this act are vital to the proper care of children in foster homes, and in order that such children derive the benefits therefrom as soon as possible, it is essential that it take effect immediately.

CHAPTER 1372

An act relating to the public school system.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. The superintendent of a unified school district may recommend to the governing board of the unified school district, and, subject to the approval of the teachers' representatives on the certificated employee council, the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 11301, 11301.5, and 17507 of the Education Code and from the requirement that a short-term substitute teacher employed for a period of five days or less be credentialed on the basis that such provisions prevent the school district from developing more effective educational programs for the pupils in the district. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the Superintendent of Public Instruction on behalf of the school district for an exemption for the district from such specified provisions. The Superintendent of Public Instruction shall grant such exemptions to no more than two such school districts having an average daily attendance of not to exceed 50,000 in the state, if he finds that the specified provisions of Section 11301, 11301.5, and 17507 of the Education Code and the credentialing requirement for short-term substitute teachers prevent the particular school district from developing more effective educational programs.

SEC. 2. Each school district receiving an exemption pursuant to Section 1 of this act shall submit all information required by the Superintendent of Public Instruction, including pretest and posttest information furnished by a qualified independent agency other than the school district, so that the Superintendent of Public Instruction can assess the effectiveness of educational programs under the exemptions. The Superintendent of Public Instruction shall annually review each educational program authorized pursuant to Section 1 of this act and may at the time of the annual review withdraw either or both exemptions. If either of such exemptions is withdrawn, no other exemption may be granted to any other school district except to the other school district to which the other exemption was granted. If both exemptions are withdrawn, no other exemptions may be granted.

SEC. 3. The Superintendent of Public Instruction shall report annually to each house of the Legislature at its regular session regarding the effectiveness of educational programs under Section 1 of this act. The report shall include any achievement gains by pupils in such programs and any economy or potential economy realized or to be realized as the direct result of the exemptions granted pursuant

to Section 1 of this act.

SEC. 4. Notwithstanding any provision of law to the contrary, the governing boards of the San Bernardino City Unified School District and the Downey Unified School District may, subject to approval by teachers' representatives of the Certificated Employees Council, assign one or more persons holding a standard teaching credential with a specialization in elementary education to teach in any of grades 7 to 12, inclusive, during the 1972–1973 school year.

SEC. 5. The provisions of Sections 1, 2, and 3 of this act shall be operative until June 30, 1976, and shall have no force or effect after that date.

CHAPTER 1373

An act to amend Sections 821, 885.5, 885.9, 894, 894.3, 895, 895.2, 895.3, 895.4, 895.5, 895.6, 895.7, 895.8, 895.10, 895.12, 6153, 6750, 6751, 6751.1, 6752, 6752.2, 6753, 6754, 6755, 6755.1, 6755.2, 6755.3, 6756, 6757, 6758, 6759, 6760, 6761, 6770, 6771, 6772, 6790, 6801, 6802, 6802.1, 6802.15, 6803, 6803.1, 6804, 6805, 6806, 6806.1, 6808, 6809, 6812, 6812.1, 6812.5, 6813, 6814, 6815, 6816, 6817, 6818, 6820, 6820.1, 6820.2, 6851, 6852, 6853, 6870, 6871, 6871.5, 6872, 6873, 6901, 6902, 6902.05, 6902.07, 6902.08, 6902.085, 6902.09, 6902.095, 6902.10, 6902.1, 6902.2, 6902.4, 6902.5, 6903, 6903.1, 6903.3, 6904, 6904.1, 6904.3, 6904.5, 6905, 6906.5, 6907, 6910, 6911, 6912, 6912.5, 6913, 6913.1, 6914, 6915, 6916, 6920, 6931, 6932, 6941, 6947, 6951, 10522, 11054, 11226, 11227, 11228, 11229, 11553, 11553.1, 11555, 11556, 16645.1, 16645.2, 16645.4, 16645.11, 16645.21, 16645.22, 16645.23, 17305.7, 18101, 18102, 18102.2, 18102.4, 18102.6, 18102.9, 18102.10, 18355, 18358, 19682, 19683, 19683.5, 20807, 25601, and 26501 of, and to amend the heading of Chapter 7.1 (commencing with Section 6750) of Division 6 of, and to amend the heading of Article 2 (commencing with Section 6770) of Chapter 7.1 of Division 6 of, and to amend the heading of Chapter 7.2 (commencing with Section 6790) of Division 6 of, and to amend the heading of Article 7 (commencing with Section 11226) of Chapter 2 of Division 9 of, and to amend the heading of Article 11 (commencing with Section 18101) of Chapter 3 of Division 14 of, and to amend and renumber Section 16645.2 of, the Education Code, relating to special education.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. Section 821 of the Education Code is amended to read:

821. The county superintendent of schools may contract with any other county superintendent of schools for the purpose of providing

the educational services or conducting programs authorized for a county superintendent of schools for the education of educationally handicapped pupils, physically handicapped pupils, and mentally retarded pupils. A contract entered into pursuant to this section shall be approved by each board of education of the counties involved before it may be given effect.

SEC. 1.1. Section 885.5 of the Education Code is amended to read:

885.5. In addition to all other amounts payable to the county school service fund on account of special education schools, programs, and classes maintained by the county superintendent of schools for the education of physically handicapped pupils, mentally retarded pupils, severely mentally retarded pupils, and educationally handicapped pupils, there shall be paid by the school districts in which such pupils reside, an amount, per unit of average daily attendance of any such pupils being educated by the county superintendent of schools in the current fiscal year, equal to the amount produced in the district in the current fiscal year by the applicable tax rates specified in Section 17702 per unit of the total average daily attendance of the district.

SEC. 1.2. Section 885.5 of the Education Code is amended to read:

885.5. In addition to all other amounts payable to the county school service fund on account of special education schools, programs, and classes maintained by the county superintendent of schools for the education of physically handicapped pupils, mentally retarded pupils, severely mentally retarded pupils, and educationally handicapped pupils, there shall be paid by the school districts in which such pupils reside, an amount, per unit of average daily attendance of any such pupils being educated by the county superintendent of schools in the current fiscal year, equal to the amount produced in the district in the current fiscal year by the applicable tax rates specified in Section 17702 per unit of the total average daily attendance of the district.

In lieu of the payments to the county school service fund for mentally retarded pupils and severely mentally retarded pupils provided for in this section, the county superintendent of schools, with the approval of the county board of education, may add an amount equal to the amount of such payments to the amount, if any, he certifies in accordance with the provisions of Sections 895.6 and 895.7.

SEC. 1.3. Section 885.9 of the Education Code is amended to read:

885.9. The county superintendent of schools shall have primary responsibility for coordinating all special programs maintained by the office of the county superintendent and by the school districts under the jurisdiction of that office, for the education of physically handicapped pupils as defined in Article 1 (commencing with Section 6801) of Chapter 8 of Division 6, and mentally retarded pupils as defined in Chapter 9 (commencing with Section 6901) of Division 6.

The county superintendent of schools shall undertake the

necessary measures to ensure that every pupil in the school district territory under his jurisdiction who is eligible to participate in any such special education program for physically handicapped pupils or mentally retarded pupils being provided in the territory, shall be afforded the opportunity to participate in an appropriate program.

The county superintendent of schools shall compile and maintain a tabulation of the number of all physically handicapped pupils and mentally retarded pupils enrolled in every category of the special education program in the school district territory under his jurisdiction and the schools in which such pupils are enrolled.

The county superintendent of schools shall maintain a current list of all physically handicapped pupils and mentally retarded pupils who have applied for but have been denied access to each category of the special education program in the school district territory under his jurisdiction.

It shall be the responsibility of the county superintendent of schools to render consultative and coordinative services to school districts under his jurisdiction maintaining special education programs for physically handicapped pupils and mentally retarded pupils, and to marshal and utilize, to the extent permitted by law, all private as well as public resources and services available to provide education and training for physically handicapped and mentally retarded pupils.

SEC. 1.5. Section 894 of the Education Code is amended to read:

894. The county superintendent of schools shall establish and maintain programs for physically handicapped pupils who come within the provisions of Section 6801 or 6802, including orthopedic or other health-impaired, visually handicapped, aurally handicapped, or multihandicapped, and who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the districts or in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the districts, whenever such districts have not provided nor entered into contract with other districts to provide such programs.

Such program shall, with the approval of the county board of education, be provided in one or more of the following ways:

(a) In special schools or classes of elementary and secondary grade and in remedial classes of elementary and secondary grade.

(b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county.

(c) By the maintenance of special classes of secondary grade.

(d) By the employment of home instructors to give individual instruction in the home or at the bedside in institutions, and by the employment of instructors to provide remedial instruction for physically handicapped pupils in regular, special day, and special training schools or classes which he may be authorized to conduct, and by the employment of instructors to provide individual instruction for pupils with speech disorders or defects who are at

least three years of age for the purpose of remedying such speech disorders or defects.

(e) By cooperation with the Department of Rehabilitation in the provision of individual instruction and coordination services.

(f) By contract with the county superintendent of schools of another county or with the governing board of any school district.

(g) In integrated programs of instruction of elementary or secondary grade.

(h) By the employment of instructors to provide individual instruction, subject to the provision of Section 6812, in schools or in the homes of pupils who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three and six years of age.

The county superintendent of schools may establish and maintain programs for the physically handicapped pupils who come within the provisions of Section 6801 or 6802 and who reside in any district within the county with the approval of the county board of education and the agreement of the local governing board of the school district. Such programs may be carried out in accordance with subdivisions (a), (c), (g), and (h).

Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impractical because of the transportation distances existing to bring a sufficient number of physically handicapped pupils within the meaning of Section 6801 or 6802 together in one place to form a school or special class, the county superintendent of schools, upon the annual approval of the Superintendent of Public Instruction, may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in the elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in the high schools of the district, with the approval of the county superintendent of schools, may establish and maintain programs for the physically handicapped who come within the provisions of Section 6801 or 6802.

The county superintendent of schools required to provide for the education of physically handicapped pupils residing in the county who come within the provisions of Section 6801 or 6802 may, with the approval of the Superintendent of Public Instruction, enter into agreements with an elementary, unified, or high school district for the latter to provide for the education of such physically handicapped pupils.

SEC. 1.7. Section 894.3 of the Education Code is amended to read:

894.3. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for and shall determine the amount of the allowances for special regular day classes and for authorized instruction in other than special regular day classes of physically handicapped pupils.

SEC. 1.9. Section 895 of the Education Code is amended to read:

895. (a) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded pupils who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 901 in the elementary schools of the district and who come within the provisions of Section 6902. The schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them.

Any elementary or unified school district which has an average daily attendance of less than 901 in elementary schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded pupils who come within the provisions of Section 6902.

(b) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded pupils who reside in the county and who come within the provisions of Section 6902 and contract with an elementary or unified school district with an average daily attendance of 901 or more in the elementary schools of the district, or with a high school district with an average daily attendance of less than 901, subject to such terms and conditions as may be agreed upon. The contract shall be approved by the county board of education and shall require the district to pay to the county school service fund of the county in which the district is located all costs of the education of the pupils which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such pupils.

Whenever a special training school or class is established under the provisions of this subdivision, the computations prescribed by Sections 17655.5 and 17664 shall not apply.

(c) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded pupils who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the district and in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district and who come within the provisions of Section 6903. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impracticable because of the transportation distances existing to bring a sufficient number of mentally retarded pupils, within the meaning of Section 6903, together in one place to form a special training class, the county superintendent of schools upon the annual approval of the Superintendent of Public Instruction may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in high schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded pupils who come within the provisions of Section 6903.

A county superintendent of schools, required to provide for the education in special training schools or classes of mentally retarded pupils residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction enter into agreement with an elementary, unified or high school district for the latter to provide for the education of such mentally retarded pupils.

(d) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded pupils who reside in the county and who come within the provisions of Section 6903 and agree with an elementary or unified school district with an average daily attendance of 8,000 or more in the elementary schools of the district and in unified or high school districts with an average daily attendance of 8,000 or more in the high schools of the district for the education by the county superintendent of schools of such pupils residing in such districts. Whenever a special training school or class is established under the provisions of this subdivision, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply for elementary schools, and the foundation program prescribed in Section 17665 shall apply for high schools.

SEC. 1.11. Section 895.2 of the Education Code is amended to read:

895.2. In lieu of providing transportation to special training schools or classes maintained by a county superintendent of schools for mentally retarded pupils who come within the provisions of Section 6903 and who reside in elementary or unified school districts which have an average daily attendance of less than 8,000, the county superintendent of schools may, with the approval of the county board of education, pay to the parents or guardians of any such mentally retarded pupil the cost of food and lodging for the minor at a place convenient to a special training school or class maintained by the county superintendent, by the governing board of a school district within the county, or by a county superintendent of another county.

SEC. 1.13. Section 895.3 of the Education Code is amended to read:

895.3. Each county superintendent of schools maintaining special training schools or classes for mentally retarded pupils pursuant to subdivision (c) of Section 895 may limit the number of pupils to be admitted to such schools or classes. Any pupil who becomes 21 years

of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time the school or class is maintained during the then current school year.

SEC. 1.15. Section 895.4 of the Education Code is amended to read:

895.4. Any county superintendent of schools otherwise required or authorized to maintain special training schools and classes under Section 895 for mentally retarded pupils may provide for the education of such pupils in, and for the transportation of such pupils to, special training schools or classes maintained by a school district under Sections 6901 to 6913, inclusive, or by a county superintendent of schools under this article, subject to such terms and conditions as may be agreed upon. The agreement shall be approved by the county board of education.

SEC. 1.17. Section 895.5 of the Education Code is amended to read:

895.5. In lieu of entering into an agreement for the transportation of mentally retarded pupils by the school district or county superintendent of schools, in the special training schools and classes of which the education of such pupils is provided under Section 6910 or 895.4, the school district or county superintendent of schools of the county required to provide for their education may provide such transportation.

SEC. 1.19. Section 895.6 of the Education Code is amended to read:

895.6. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded pupils who come within the provisions of Section 6902 and for the rental of property and the purchase of equipment by the county superintendent of schools for special training schools and classes for such pupils. The amount shall be determined by subtracting from the total cost of the education of such pupils, including transportation, to the county superintendent of schools (1) the total of any balances remaining to be expended for this purpose, and (2) the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of mentally retarded pupils who come within the provisions of Section 6902 and by adding to the result the amount required for rental of property and purchase of equipment.

The county auditor and the county board of supervisors shall determine the tax necessary to produce the amount certified when levied upon the taxable property of all the districts under the jurisdiction of the county superintendent of schools which have not been approved by the county superintendent of schools to maintain such schools or classes. The board of supervisors shall at the time of levying other county taxes levy the tax so determined in each school

district which had during the preceding fiscal year not been approved by the county superintendent of schools to maintain such schools or classes, except that the tax levied shall not exceed ten cents ($0.10) for each one hundred dollars ($100) of assessed valuation and shall be levied notwithstanding the provisions of Section 20751 or 20803.

The amount received from the tax shall be deposited in the county school service fund.

In the event the amount received from the tax levied is less than the amount certified by the county superintendent of schools the difference shall, with the approval of the Superintendent of Public Instruction, be paid the county superintendent of schools from the county school service fund contingency account pursuant to Section 18353.

SEC. 1.21. Section 895.7 of the Education Code is amended to read:

895.7. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded pupils who come within the provisions of Section 6903 and for rental of property and the purchase of equipment by the county superintendent of schools for special training schools or classes for such pupils. The amount shall be determined by subtracting from the total cost of the education of such pupils, including transportation, to the county superintendent of schools the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such mentally retarded pupils and by adding to the result the amount required for rental of property and the purchase of equipment. The board of supervisors may include in such amount a sum for capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy an identical rate of tax in all elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools in the district, and all unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district under the jurisdiction of the county superintendent of schools, and for which approval has not been granted by the county superintendent for the district to establish and maintain such classes for the education of mentally retarded pupils who come within the provisions of Section 6903 and any school district with an elementary or high school average daily attendance of more than 8,000 for which the county superintendent maintains such class upon the taxable property in such districts sufficient to produce an amount equal to all costs of the education of such pupils which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such pupils. The amount received from this tax shall be deposited in the county school service fund.

The tax shall be levied and collected on a current basis during the fiscal year on the basis of estimates of average daily attendance levels, assessed valuation levels, and the other factors involved. Excess amounts collected in any year may be applied to reduction of the tax in succeeding fiscal years, and the amount to be raised by the tax in any fiscal year may be increased by the amount of deficiency in the tax collected in prior fiscal years.

SEC. 1.23. Section 895.8 of the Education Code is amended to read:

895.8. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the identification and education of physically handicapped pupils who come within the provisions of Section 6801 or 6802 and for the rental of property and the purchase of equipment by the county superintendent of schools for the schools or classes for such pupils.

The county superintendent of schools, when actually maintaining schools or classes for handicapped pupils for districts with an average daily attendance in excess of 8,000 in the elementary or secondary schools of the district when such education is by agreement of the governing board of such school district, shall with the approval of the county board of education certify to the county auditor and the county board of supervisors on or before July 15th of each year the amount of money required to be raised by tax for the education of physically handicapped pupils who come within the provisions of Section 6801 or 6802 under the same conditions and circumstances as an amount of money is certified and the tax levied for districts with less than 8,000 average daily attendance in the elementary or secondary schools of the district for the education of such physically handicapped pupils, but such tax in districts of more than 8,000 average daily attendance shall not include any amount for the education of physically handicapped pupils actually conducted by the local school district or for contract services of such education by another school district.

The amount shall be determined by subtracting from the total cost of the education of such pupils, including transportation, to the county superintendent of schools the total amounts to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such physically handicapped pupils and by adding to the result the amount required for rental of property, the purchase of equipment, and capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy an identical rate of tax in all elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools in the district, and all unified or high school districts which have an average daily attendance of less than 8,000 in

the high schools under the jurisdiction of the county superintendent of schools, and for which approval has not been granted by the county superintendent for the district to establish and maintain such classes for the education of physically handicapped pupils who come within the provisions of Section 6801 or 6802 upon the taxable property in such districts sufficient to produce such amounts. The amount received from this tax shall be deposited in the county school service fund.

The tax shall be levied and collected on a current basis during the fiscal year on the basis of estimates of average daily attendance levels, assessed valuation levels, and the other factors involved. Excess amounts collected in any year may be applied to reduction of the tax in succeeding fiscal years, and the amount to be raised by the tax in any fiscal year may be increased by the amount of deficiency in the tax collected in prior fiscal years.

The Superintendent of Public Instruction shall adopt such rules and regulations as he may deem necessary to the implementation of this section.

SEC. 1.25. Section 895.10 of the Education Code is amended to read:

895.10. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for and shall determine the amount of the allowances for special regular day classes and for authorized instruction in other than special regular day classes for education of mentally retarded pupils.

SEC. 1.27. Section 895.12 of the Education Code is amended to read:

895.12. Notwithstanding any other provisions of this code, any school district having an average daily attendance of 400,000 or more, as shown by the annual report of the county superintendent of schools for the preceding year, may contract with a county superintendent of schools or with another school district, pursuant to Section 1062, for the education of physically handicapped pupils, mentally retarded pupils, or educationally handicapped pupils of any contracting party. Any such contract shall require the district whose pupils are receiving educational services thereunder to pay all costs of such educational services which are in excess of the amounts which may be received by the party providing the educational services, apportioned from the State School Fund for the average daily attendance of such pupils. Whenever a county superintendent of schools is a party to such a contract, no tax shall be levied to defray the costs of educational services under the contract by any party other than the school district whose pupils are receiving such educational services.

SEC. 1.29. Section 6153 of the Education Code is amended to read:

6153. The governing board of any school district maintaining a home teaching program, or providing home instruction as authorized by law for pupils afflicted with any form of handicap, may

provide such home teaching or instruction on Saturday.

No pupil shall be required to attend upon a home teaching program or home instruction on Saturday without the consent of his parent or guardian.

SEC. 1.31. The heading of Chapter 7.1 (commencing with Section 6750) of Division 6 of the Education Code is amended to read:

CHAPTER 7.1. EDUCATIONALLY HANDICAPPED PUPILS

SEC. 1.33. Section 6750 of the Education Code is amended to read:

6750. As used in this chapter, "educationally handicapped pupils" are pupils under the age of 21 years who, by reason of marked learning or behavior disorders, or both, cannot benefit from the regular educational program, and who, as a result thereof, require the special education programs authorized by this chapter. Such learning or behavior disorders shall be associated with a neurological handicap or emotional disturbance and shall not be attributable to mental retardation.

The reference to "under the age of 21 years," in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

SEC. 1.35. Section 6751 of the Education Code is amended to read:

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

program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply to educationally handicapped pupils of the elementary schools of the district who are in such a special education program and the foundation program prescribed in Section 17665 shall apply to educationally handicapped pupils of the high schools of the district who are in such a special educational program.

Such special educational programs shall be provided in accordance with standards for each approved by the State Board of Education. Such standards shall emphasize fundamental school subjects with the aim of returning the pupils to the regular school program at the earliest possible date consistent with the interest of the pupil.

The special educational programs for educationally handicapped pupils are:

(a) Special day classes (elementary and secondary). Under this program, educationally handicapped pupils unable to function in a regular class are assigned to a special day class. The special day class shall be maintained for not less than the minimum schoolday. In this program, fundamental school subjects shall be emphasized as prescribed by the State Board of Education.

(b) Learning disability groups (elementary and secondary). In this program, the pupil remains in his regular class but is scheduled for individual or small group instruction given by a special teacher. Whenever one to four educationally handicapped pupils are instructed at the same time by the same teacher in a learning disability group conducted by a school district or county superintendent of schools, the total attendance credited for such pupils shall equal one unit of attendance for each 60 minutes of instruction.

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

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

SEC. 1.37. Section 6751.1 of the Education Code is amended to read:

6751.1. The maximum size for the special educational programs for educationally handicapped pupils defined in Section 6751 shall be as follows:

(a) For special day classes the maximum enrollment shall be 12 pupils per class.

If after the beginning of the school year it is determined that classes are at maximum size, that additional pupils will be without schooling unless additional classes are established, and that additional qualified teachers are not available for employment, a school district

or a county superintendent of schools may, on forms provided for this purpose by the Department of Education, request permission of the Superintendent of Public Instruction to exceed the maximum class size for all or a part of the remainder of the school year. The Superintendent of Public Instruction may approve such request for all or a part of the remainder of the school year, provided the maximum size is not increased by more than two pupils above the maximum enrollment specified.

(b) For learning disability groups the maximum enrollment shall be 32; however, participation in any given learning disability group shall be for at least 30 minutes and shall not exceed eight pupils at any one time.

The instruction provided by a full-time teacher, whether offered by a single teacher or two or more part-time teachers, shall result in not more than eight units of average daily attendance being credited as the result of such instruction.

SEC. 1.39. Section 6752 of the Education Code is amended to read:

6752. A school district maintaining special educational programs for educationally handicapped pupils shall not enroll at any given time more than 2 percent of total district enrollment in such programs except as permitted by special authorization of the Superintendent of Public Instruction. As used in this section, total district enrollment means the average number of pupils, exclusive of pupils for whom a tuition payment is charged pursuant to Chapter 10 (commencing with Section 6950) of Division 6, enrolled at the end of the first school month and the sixth school month of the school year.

The superintendent shall report to each regular session of the Legislature (1) the school districts, and county superintendents of schools permitted to exceed the 2 percent during the preceding school year, (2) the number of additional pupils involved, and (3) the reasons existing that resulted in granting the permission requested.

A county superintendent of schools maintaining schools in juvenile halls or juvenile homes, ranches, or camps as authorized by the Welfare and Institutions Code shall not enroll at any given time more than 2 percent of the juvenile population thereof in programs for educationally handicapped pupils except as permitted by the Superintendent of Public Instruction.

The 2-percent limitation prescribed by this section does not include pupils participating in a program for educationally handicapped pupils pursuant to Section 6751.5.

SEC. 1.41. Section 6752.2 of the Education Code is amended to read:

6752.2. Approval of the Superintendent of Public Instruction pursuant to Section 6752.1 shall be based on but not limited to the following:

(a) Actual demand for the program as demonstrated by the recommendations for placement by the local admission committee

authorized in Section 6755.

(b) District experience in the operation of programs for educationally handicapped pupils.

(c) The demonstrated ability of the district to return educationally handicapped pupils, who can participate effectively, to the regular school program.

SEC. 1.43. Section 6753 of the Education Code is amended to read:

6753. The governing board of a school district which has an average daily attendance of less than 901 in the elementary schools of the district or less than 901 in the high schools of the district may enter into agreement with the county superintendent of schools to provide special educational programs for educationally handicapped pupils. The governing board of a school district may enter into agreements with the governing boards of other school districts for the education of educationally handicapped pupils. The district of residence having pupils receiving special education under the provisions of this section shall pay all current expenses entailed in providing such special education which are over and above all state apportionments made to the county superintendent or school district providing the program.

SEC. 1.45. Section 6754 of the Education Code is amended to read:

6754. Before initiating any program for educationally handicapped pupils the governing board of a school district or county superintendent of schools shall apply to the Superintendent of Public Instruction for approval to do so and shall furnish such relevant information with respect to such proposed special education programs as may be required by the Superintendent of Public Instruction. Such application and such information shall be on forms provided by the Superintendent of Public Instruction.

SEC. 1.47. Section 6755 of the Education Code is amended to read:

6755. (a) Admission of pupils to programs for the educationally handicapped established under the provisions of this chapter shall be made only on the basis of an individual evaluation according to standards established by the State Board of Education and upon individual recommendation of an admission committee which shall include an administrator in charge of special education programs in the school district or county or administrator designated by the school district or county superintendent of schools, an experienced special education teacher, a school nurse, and a school psychologist or other pupil personnel worker authorized to serve as a school psychologist who has examined the child under consideration for eligibility and placement. The admission committee shall use such health reports as are needed to properly evaluate the child. The admission committee shall have the services or presence of other pupil personnel workers, educational specialists, school nurses, social workers, optometrists, or physicians as the committee may require and request.

The recommendation shall include a statement, that in the professional judgment of the members of the admission committee the pupil is recommended for placement in a program for educationally handicapped pupils to ameliorate a marked learning disability or behavior disorder, or both, associated with a neurological handicap or emotional disturbance, or both. Any member of the admission committee dissenting from the final committee recommendation shall attach to the final recommendation a statement of reasons for such objection and alternative recommendations

(b) The administrative head of a school district or office of the county superintendent of schools may make an interim placement of a pupil in a program for the educationally handicapped for a period not to exceed 90 days whenever a pupil transfers into the school district from another school district in which his last enrollment was in a program for educationally handicapped pupils, such an interim placement may be made without the complete documentation specified in subdivision (a). Before the expiration of the 90-day period such interim placement shall be reviewed by the admission committee and a final recommendation shall be made by the admission committee in accord with the requirements of this chapter. The committee may utilize information, records, and reports from the admission committee proceedings of the school district or county program from which the pupil transferred.

SEC. 1.49. Section 6755.1 of the Education Code is amended to read:

6755.1. The admission committee shall annually (1) review the appropriateness of the placement of pupils in special educational programs under the provisions of this chapter and (2) submit recommendations as to the return of such pupils to the regular school program, continuance in the program for the educationally handicapped, transfer to other special educational programs, or referral to other agencies.

SEC. 1.51. Section 6755.2 of the Education Code is amended to read:

6755.2. Whenever any pupil is being evaluated for placement in a program for the educationally handicapped by an admission committee pursuant to Section 6755 or a review and recommendation procedure is being conducted by an admission committee pursuant to Section 6755.1, the parent or guardian of the pupil shall have the right to have a physician, optometrist, psychologist, social worker, or teacher, whether certificated or not, represent the pupil and present additional material, if any, to assist the admission committee in its determination with respect to the pupil.

The representative so selected shall have no decisionmaking power with respect to any determination to be made by the admission committee. The representative so selected may be an

employee of the school district.

SEC. 1.53. Section 6755.3 of the Education Code is amended to read:

6755.3. No pupil shall be required to participate in a program for educationally handicapped pupils unless the admission committee or a member of the admissions committee appointed by such committee has personally consulted with the parent or guardian of the pupil regarding the learning disorders of the pupil and the objectives of the program, and the parent or guardian has subsequent to such counseling and prior to participation in a special educational program, filed written consent to such participation with the governing board of the school district or with the office of the county superintendent of schools.

SEC. 1.55. Section 6756 of the Education Code is amended to read:

6756. The State Board of Education shall adopt rules and regulations which shall prescribe standards for the individual identification and evaluation of educationally handicapped pupils and their admission to special education programs for educationally handicapped pupils. In arriving at such standards the State Board of Education shall receive assistance from an advisory committee consisting of one member from the State Department of Education, one member from the State Department of Mental Hygiene and one member from the State Department of Public Health, such members to be appointed by the heads of the respective departments named. In addition, such advisory committee may consist of such additional members as are appointed by the State Board of Education.

SEC. 1.57. 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 pupils 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 pupils participating in special educational programs 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. 1.59. Section 6758 of the Education Code is amended to read:

6758. The testing or screening of all pupils in a particular grade, school, or district shall not be a condition of eligibility for apportionment under the provisions of Article 11 (commencing with Section 18101) of Chapter 3 of Division 14. In the event the governing board of a school district elects to do such testing or

screening, only such tests or screening procedures as are approved by the State Board of Education for this purpose shall be used. School districts intending to do such testing or screening shall give written notice to the parents or guardians of the pupils concerned at least 15 days prior to such testing or screening and shall provide copies of any written instruments to be used for such testing or screening in the office of the principal of the school the pupils attend for examination by such parents or guardians. No pupil shall be required to participate in such screening or testing unless the parent or guardian files prior written consent to such participation with the governing board of such school district.

SEC. 1.61. Section 6759 of the Education Code is amended to read:

6759. The Superintendent of Public Instruction shall establish supervisory and consultative services for programs for educationally handicapped pupils and shall employ personnel who shall devote their entire time to the provision of such services.

SEC. 1.63. Section 6760 of the Education Code is amended to read:

6760. Educationally handicapped pupils who come within the provisions of Sections 6750 and 6752 may be enrolled in experimental programs conducted by a school district or a county superintendent of schools. Experimental programs for such pupils shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him.

The school district or county superintendent of schools conducting the experimental program shall be entitled to an apportionment equal to the amount which would have been credited to them had these pupils been enrolled in programs authorized in Section 6751.

The Superintendent of Public Instruction may waive the maximum class size standards prescribed by Section 6751.1 whenever he approves an experimental program submitted by a school district or county superintendent of schools to conduct experimental studies to determine the proper maximum class size standards.

This section shall remain in effect for a period of three years following the effective date of its enactment, and shall have no force or effect thereafter.

SEC. 1.65. Section 6761 of the Education Code is amended to read:

6761. The Superintendent of Public Instruction shall:

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

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

SEC. 1.67. The heading of Article 2 (commencing with Section 6770) of Chapter 7 1 of Division 6 of the Education Code is amended to read:

Article 2. Education of Certain Educationally Handicapped Pupils

SEC. 1.68. Section 6770 of the Education Code is amended to read:

6770. With the approval of the Superintendent of Public Instruction, any school district having an educationally handicapped pupil as defined by this chapter for whom, because of the severity of the handicap, special education facilities and services are not available and cannot be reasonably provided under the provisions of this chapter, and for whom the State of California has no appropriate special education facilities and services, may, in lieu of establishing and maintaining the needed special education facilities and services at an unreasonable cost to the district, pay to the parent or guardian of such pupil toward the tuition for such pupil, enrolled in a public or private nonsectarian school within or outside of California offering the special education facilities and services made necessary by the pupil's handicap, an amount not to exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the maximum amount allowable per unit of average daily attendance for excess current expenses under Sections 18060 and 18102, and the amount per unit of average daily attendance provided from revenue derived from district taxation for support of the schools of the district. As used in this article "tuition" includes the cost to the parent or guardian of transporting a pupil enrolled in a public or private nonsectarian school under this section to and from school.

SEC. 1.69. Section 6771 of the Education Code is amended to read:

6771. A school district having an educationally handicapped pupil receiving the benefits of special education facilities and services under the provisions of Section 6770 shall report the attendance of such pupil and submit any claim the district may have for the regular and special purpose apportionment to be used in payment to the parent or guardian of such pupil toward any tuition arising out of such attendance through the county superintendent of schools to the Superintendent of Public Instruction. The aforementioned report and claim shall be submitted at the time and in the manner prescribed by the Superintendent of Public Instruction. The county superintendent of schools shall verify the attendance reported and claim submitted in the manner prescribed by the Superintendent of Public Instruction.

SEC. 1.71. Section 6772 of the Education Code is amended to read·

6772. 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 pupil for the tuition in question an amount sufficient to satisfy the claim but not in excess of the sum per unit of

average daily attendance of the regular state apportionment to the district for the fiscal year in question and the maximum amount allowable per unit of average daily atttendance for reimbursement of excess current expenses under Sections 18060 and 18102. The apportionments shall be made from the funds reserved under the provisions of subdivision (c) of Section 17303.5 for each fiscal year immediately following the fiscal year in which the attendance occurs and shall not be subject to the provisions of Section 18456.

SEC. 1.73. The heading of Chapter 7.2 (commencing with Section 6790) of Division 6 of the Education Code is amended to read:

CHAPTER 7.2. GUARANTEED LOANS TO TEACHERS OF EDUCATIONALLY HANDICAPPED PUPILS

SEC. 1.75. Section 6790 of the Education Code is amended to read:

6790. In order to assure having for the ensuing year certificated personnel qualified to teach educationally handicapped pupils, as defined in Section 6750, enrolled in programs of special education maintained by a school district or a county superintendent of schools, the governing board of the school district or the county superintendent of schools may enter into an agreement with any employee holding a position requiring certification qualifications who teaches, or any certified person under contract to teach, educationally handicapped pupils for the ensuing school year for the school district or the county superintendent of schools, whereby the school district or the county superintendent of schools may make a loan of financial assistance, in such amount not in excess of that specified in Section 6792, as they may in writing agree upon, for such employee or certificated person under contract to undertake during the summers between academic school years specialized preparation, including courses, workshops, or specialized offerings, to teach educationally handicapped pupils, as approved by the Superintendent of Public Instruction.

SEC. 1.79. Section 6801 of the Education Code is amended to read:

6801. Subject to the provisions of this article (commencing with Section 6801) and Section 894 the governing board of any school district may make such special provisions as in its judgment may be necessary for the education of physically handicapped pupils. "Physically handicapped pupil," as used in this article (commencing with Section 6801) means a physically defective or handicapped person under the age of 21 years who is in need of education.

The reference to "under the age of 21 years" in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

SEC. 2. Section 6802 of the Education Code is amended to read.

6802. Any pupil who, by reason of a physical impairment, cannot

receive the full benefit of ordinary education facilities, shall be considered a physically handicapped individual for the purposes of this chapter. Such pupils include the following, as defined by the State Board of Education:

(a) The deaf or hard of hearing.

(b) The blind or partially seeing.

(c) Orthopedic or health impaired.

(d) The aphasic.

(e) The speech handicapped.

(f) Other pupils with physical illnesses or physical conditions which make attendance in regular day classes impossible or inadvisable.

(g) Pupils with physical impairments so severe as to require instruction in remedial physical education.

(h) Multihandicapped.

SEC. 3. Section 6802.1 of the Education Code is amended to read:

6802.1. Programs for physically handicapped pupils are:

(a) Special day classes (elementary and secondary). A class established for a group of pupils with a similar handicapping condition defined in Section 6802. The special day class shall be maintained for at least the minimum schoolday. The class shall be taught by a full-time teacher whose responsibility is to teach pupils enrolled in the class for the schoolday established by the governing board for regular classes at the grade level of the pupils in the special day class who are at the highest grade level in the class.

(b) Regular day class program. A program of assistance to physically handicapped pupils enrolled in regular day classes who require special services and equipment beyond the services provided to pupils not determined to be physically handicapped to benefit fully from the regular classroom instruction. Such services may include, but are not limited to, supplemental teaching, transportation, teaching aides and specialized equipment.

(c) Integrated instructional programs. A program in which physically handicapped pupils who receive their education in regular classrooms from regular teachers, but receive, in addition, supplementary teaching services of a full-time special teacher credentialed to teach physically handicapped pupils of the type enrolled in the program. Such special teacher shall serve such physically handicapped pupils for the full schoolday established by the governing board for regular pupils in the school or schools enrolling such physically handicapped pupils.

(d) Remedial instruction. A remedial class providing physically handicapped pupils who are excused in small numbers, for not to exceed one class period or one hour from their regular or special program, remedial instruction or remedial physical education.

(e) Individual instruction A program of individual instruction to physically handicapped pupils in hospitals, sanitariums, preventoriums, in the home, or under other circumstances as defined by the State Board of Education.

SEC. 4. Section 6802.15 of the Education Code, as added by Chapter 1239 of the Statutes of 1971, is amended to read:

6802.15. Physically handicapped pupils who come within the provisions of Section 6802 may be enrolled in experimental programs conducted by a school district or a county superintendent of schools. Experimental programs for such pupils shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him. The school district or county superintendent of schools conducting the experimental program shall be entitled to an apportionment equal to the amount which would have been credited to them had these pupils been enrolled in programs authorized in Section 6802.1. The Superintendent of Public Instruction may waive the maximum class size standards prescribed by Section 6802.2 whenever he approves an experimental program submitted by a school district or county superintendent of schools to conduct experimental studies to determine the proper maximum class size standards.

This section shall remain in effect for a period of three years following the effective date of its enactment, and shall have no force or effect thereafter.

SEC. 6. Section 6803 of the Education Code is amended to read:

6803. The Superintendent of Public Instruction shall promote and direct special instruction in the public schools for physically handicapped pupils. He may employ such professional and other personnel as are necessary for this purpose, and may perform such other duties as are necessary to give full effect to this article (commencing at Section 6801).

SEC. 7. Section 6803.1 of the Education Code is amended to read:

6803.1. The Superintendent of Public Instruction shall provide coordinative, consultant, and supervisory services for programs for multihandicapped pupils and shall employ personnel who shall devote their full time to the provision of such services.

SEC. 8. Section 6804 of the Education Code is amended to read:

6804. The State Department of Education may prescribe minimum standards for the special education of physically handicapped pupils. No apportionment of state funds shall be made by the Superintendent of Public Instruction to any school district on account of the instruction of physically handicapped pupils unless the standards prescribed for the instruction are complied with.

SEC. 9. Section 6805 of the Education Code is amended to read:

6805. Any school district furnishing education to physically handicapped pupils pursuant to this article (commencing with Section 6801) shall furnish such education to all such handicapped pupils actually living within the district five or more days a week, although their legal residence may be outside the district.

SEC. 10. Section 6806 of the Education Code, as amended by Chapter 438 of the Statutes of 1971, is amended to read:

6806. Subject to the provisions of Section 894, any school district, other than a community college district, which does not maintain

facilities for the education of physically handicapped pupils shall enter into a contract with a school district in the same county, or a county superintendent of schools maintaining such facilities. A community college district may enter into such a contract. If there is no district in the same county or county superintendent of schools maintaining such facilities, the governing board of the school district shall enter into a contract with a school district maintaining such facilities in any other county. If the governing board of the district should determine the same to be more economical and practical, it may enter into a contract with a school district situated in another county, in lieu of entering into a contract with the county superintendent of schools or a school district in the county in which such district is situated.

If any question arises concerning the adequacy of the facilities provided for the education of physically handicapped pupils by the school district in which the child is actually living, the parent or guardian of such child may appeal to the county superintendent of schools, and if the county superintendent of schools determines that the facilities offered are inadequate, he shall order the school district in which the child is actually living either to provide the facilities or enter into a contract with a school district maintaining adequate facilities.

Such contract shall provide for the payment of the cost of tuition by the district in which the physically handicapped pupil actually lives and may provide for payment of the cost of the use of the buildings and equipment. The cost of tuition shall not be greater than the difference between current expenditures per unit of average daily attendance, including transportation, for the education of a pupil in the particular category of physically handicapped pupils to which the pupil belongs and the apportionment of state funds for the education of physically handicapped pupils in that category.

The amount shall be determined not later than the last Monday in December and the last Monday in May of each year by the county superintendent of schools of the county in which the child attends schools and certified to the superintendent of schools having jurisdiction over the schools of the school district in which the child actually lives. The amount shall be forthwith paid from any funds of the school district available for that purpose.

SEC. 11. Section 6806.1 of the Education Code is amended to read:

6806.1. The Superintendent of Public Instruction shall adopt regulations (a) to prescribe the conditions under which the education of physically handicapped pupils shall be the responsibility of either the elementary schools or the high schools maintained by school districts, and (b) to determine when such pupils who are in classes maintained by a school district, or a county superintendent of schools, shall be designated in elementary or secondary grades for attendance and state apportionment purposes.

SEC. 12. Section 6808 of the Education Code is amended to read:

6808. Subject to the provisions of Section 894 the governing board of the school district in which any physically handicapped pupil is actually living, although the residence of his parents or guardian is outside the district, shall provide for the transportation of such pupil to the school at which education is furnished, if his handicap prevents his walking to school or if the distance is greater than one mile, regardless of whether such education is furnished within or without the district.

SEC. 13. Section 6809 of the Education Code is amended to read:

6809. Physically handicapped pupils may be admitted at the age of three years, or upon the prior approval of the Superintendent of Public Instruction, may be admitted at the age of 18 months, to special schools or classes established for such pupils.

When the school district of residence of a pupil between the ages of three and six years who is deaf, blind, orthopedic or other health impaired, aphasic, or multihandicapped does not maintain a special class in the category of the pupil's handicapping condition, but such a special class or special school is maintained by the county superintendent of schools or by another school district, such a pupil shall be admitted to a special school or special class so maintained when all of the following circumstances exist:

(a) The pupil is eligible for enrollment under the regulations of the county superintendent or the governing body of the district maintaining such special class, as applicable.

(b) The governing board of the district or the county superintendent maintaining the special day class is willing to admit the pupil.

(c) The parents of the pupil file a written request that the pupil be so admitted and a physician's statement that the pupil is physically able to attend such a class. Such request and statement shall be filed with the district superintendent of schools when the class is maintained by a school district or with the county superintendent of schools when the class is maintained by the latter.

If a pupil is admitted pursuant to this section, the district of the pupil's residence shall enter into a contract as provided by Section 6806, and the provisions of Section 6806 with respect to payment of cost of tuition and the cost of buildings and equipment shall apply.

SEC. 14. Section 6812 of the Education Code is amended to read:

6812. Subject to the provisions of Section 894 physically handicapped pupils may be instructed in special schools or special classes, in hospitals, sanatoriums, or preventoriums, in the home through the employment of home instructors, by cooperative arrangement with the Department of Rehabilitation, or by any other means approved by the State Department of Education.

Pupils with speech disorders or defects may be admitted at school for individual instruction, or small group instruction of four pupils or less, for the purpose of remedying such speech disorders or defects. With the prior approval of the Superintendent of Public Instruction, such pupils may be admitted at the age of 18 months for such instruction.

Pupils who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three years and six years may be admitted at school for individual instruction or be instructed in the home through the employment of a home instructor, provided there are fewer than five such educable pupils in the community making the establishment of a special day class impracticable, or the establishment of a special day class for such pupils is impracticable because there are fewer than five such pupils in the community within reasonable travel distance of a school suitable for the establishment of such a special day class, and provided, further, that such instruction is afforded by a teacher or home instructor possessing full qualifications for the credential to teach deaf pupils as prescribed by the regulations of the State Board of Education. With the prior approval of the Superintendent of Public Instruction such pupils may be admitted at the age of 18 months for such instruction.

SEC. 15. Section 6812.1 of the Education Code is amended to read·

6812.1. Pupils between the ages of 3 and 21 and who are multihandicapped, as determined by the State Board of Education, may be enrolled in special day classes for the multihandicapped conducted by a school district or county superintendent of schools. Special day classes for multihandicapped pupils shall be approved in advance by the Superintendent of Public Instruction

The Superintendent of Public Instruction shall approve not more than 100 classes during the 1970–1971 fiscal year and not more than 50 additional classes each fiscal year thereafter, not to exceed a total of 400 classes.

The Superintendent of Public Instruction shall report annually to the Legislature the progress being made in the education of multihandicapped pupils including but not limited to, the number of authorized classes, the numbers of pupils enrolled, the nature of handicapping conditions of pupils enrolled in classes, a description of the instruction being provided, objectives of the program, achievement outcomes, and recommendations for further program development.

SEC. 16. Section 6812.5 of the Education Code, as amended by Chapter 1465 of the Statutes of 1971, is amended to read:

6812.5. Pupils who are deaf, severely hard of hearing, blind, deaf-blind, or other multihandicapped pupils 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 pupils 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 pupils 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 pupils 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 pupils as prescribed in Section 895.8 shall include deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped pupils enrolled in experimental programs authorized by this section.

SEC. 17. Section 6813 of the Education Code, as amended by Chapter 397 of the Statutes of 1971, is amended to read:

6813. Subject to the provisions of Section 894 special classes or individual instruction provided for pretuberculous, tuberculous, convalescent, or other physically handicapped pupils in hospitals, sanatoriums, and preventoriums, may be maintained in the institutions within or without the school district, and the attendance of pupils in the institutions shall be credited to the district providing the instruction. The minimum schoolday for such classes is 180 minutes.

SEC. 18. Section 6814 of the Education Code is amended to read:

6814. No pupil shall be required to take advantage of the special provisions for the education of physically handicapped pupils if the parent or guardian of the pupil files a statement with the governing board of the school district showing that the pupil is receiving adequate educational advantages.

SEC. 19. Section 6815 of the Education Code is amended to read:

6815. Subject to the provisions of Section 894 a pupil with cerebral palsy may attend a special school or class maintained by any school district for minors with cerebral palsy. The governing board of the district of residence shall pay to the district of attendance at the close of each school year the total current expenditures of the district of attendance, for the education of such pupil during such school year, less all apportionments of state and federal funds made

on account of the attendance of such pupils. The governing board of the district of residence may agree to reimburse the district of attendance for use of buildings and equipment. If the district of residence has insufficient funds to make such payment, the county superintendent of schools having jurisdiction over the district of residence shall apportion to the district from the county school service fund such sum as may be necessary to permit the district to meet its obligation under this section.

SEC. 20. Section 6816 of the Education Code is amended to read:

6816. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for, and shall determine the amount of the allowances for special regular day classes and for the authorized instruction in other than special regular day classes of physically handicapped pupils.

SEC. 21. Section 6817 of the Education Code is amended to read:

6817. The Department of Education may appoint counselors to assist blind pupils attending public schools in the state to solve problems in connection with their school program. The counselors may visit blind pupils attending any public school in the state, in their homes to advise them and discuss with their parents the solution of problems pertaining to their school attendance. The counselors shall be available to teachers and administrators in the public schools where blind pupils are in attendance to advise and counsel them regarding the best methods and procedures for teaching blind children. The counselors shall be persons who have had special training for such work, and shall be thoroughly familiar with problems peculiar to the blind and their public school education. Blindness shall not be grounds to disqualify persons for these positions.

SEC 22. Section 6818 of the Education Code is amended to read:

6818. Individual counseling and guidance in social and vocational matters shall be provided as part of the instructional program for physically handicapped pupils. Upon approval by the State Department of Education the governing board of any school district may separately, or in cooperation with the governing board or boards of one or more other school districts, or in cooperation with the Department of Rehabilitation, employ a special coordinator, who shall make a study of employment and occupational opportunities and shall assist in the coordination of the education of the physically handicapped pupils with the commercial and industrial pursuits of the community, so as to prepare the pupils for employment.

SEC. 23. Section 6820 of the Education Code, as amended by Chapter 850 of the Statutes of 1971, is amended to read:

6820. No person shall be employed to teach blind, partially seeing, deaf, hard-of-hearing, speech-handicapped, or orthopedically handicapped pupils in a special day or remedial class for such pupils who does not hold a valid credential authorizing such teaching or a designated subject credential in the area of vocational education. Nothing herein shall be deemed to prohibit the employment, as a

substitute teacher of each such special day class for not more than 20 schooldays in any school year, of a person holding some other valid credential authorizing substitute teaching. Upon application by the school district or county superintendent of schools the Superintendent of Public Instruction may approve an extension of the 20-day period for a given person but not beyond the end of the school year in which submitted.

SEC. 24. Section 6820.1 of the Education Code, as added by Chapter 537 of the Statutes of 1971, is amended to read:

6820.1. On and after September 1, 1975, no person shall be employed to teach deaf, severely hard-of-hearing, blind, partially seeing, aphasic, or speech-handicapped pupils in the home, hospital, or licensed children's institution who does not hold a valid credential authorizing such teaching.

Nothing in this section shall be deemed to prohibit the employment of a person holding some other valid credential authorizing substitute teaching for not more than 20 schooldays in a given school year to serve as a substitute for the appropriately credentialed teacher absent because of illness or other reason acceptable to the employing school district or county superintendent of schools.

Upon application by the school district or county superintendent of schools the Superintendent of Public Instruction may approve an extension of the 20-day period for a given person but not beyond the end of the school year in which submitted.

SEC. 25. Section 6820.2 of the Education Code is amended to read:

6820.2. On and after September 1, 1975, no person shall be employed to teach multihandicapped pupils, as defined in Section 6802, who does not hold a valid credential to teach exceptional children.

SEC. 26. Section 6851 of the Education Code is amended to read.

6851. Whenever a school district maintains a school or classes at a tuberculosis or polio ward, hospital or sanatorium established and maintained by a county or group of counties, any person who has been admitted to such ward, hospital or sanatorium is, if otherwise qualified, eligible to attend such school or classes but shall be deemed to be, for the purposes of this code, a resident of the school district in which he resided prior to his admission to such tuberculosis or polio ward, hospital or sanatorium.

The minimum schoolday for such classes is 180 minutes. Whenever two or more districts are authorized and operate such schools or classes the governing boards of the districts may jointly employ personnel to administer and conduct the programs.

The school district maintaining the school shall, no later than 30 days following the date of enrollment of a student who resides in another school district under this section, notify the district of residence of the student's enrollment.

SEC. 27. Section 6852 of the Education Code is amended to read·

6852. The cost for a school year of educating any person who attends such a school or class and who is deemed to be a resident of the district in which he resided prior to his admission to such tuberculosis or polio ward, hospital, or sanatorium shall be paid by the school district of which any such person is a resident to the district maintaining a school or class in which such person is enrolled pursuant to this article. The cost shall be determined by dividing the total current expenditures of the school district during such school year for the maintenance of such school or classes, less all apportionments from the state or allocations from the federal government on account of such school or classes, by the total number of units of average daily attendance in such school or classes during such school year.

Pupils in such schools or classes shall be apportioned excess cost apportionments for handicapped pupils as stated elsewhere in this code.

The Superintendent of Public Instruction shall adopt standards and regulations relating to administration, attendance, accounting and counseling in hospital schools and classes.

SEC. 28. Section 6853 of the Education Code is amended to read:

6853. Not later than July 15th of each year, the district maintaining such school or classes shall forward its claim to the district of residence, for the cost of educating persons who are residents of such district during the preceding school year, and the governing board of such district shall upon the receipt thereof pay such claim.

SEC. 28.1. Section 6870 of the Education Code is amended to read:

6870. It is the intent and purpose of the Legislature in enacting this chapter to provide special educational facilities and services to exceptional children who, because the school district or county superintendent of schools of the county in which they reside has no appropriate special education facilities and services or they cannot reasonably be provided to fit their needs, or because the State of California has no facilities to educate them, are unserved by this state's school system or by state institutions or agencies. It is the further intent and purpose of the Legislature to provide the Department of Education with broad administrative discretion, consistent with the needs of exceptional children and the intent of this chapter, in carrying out its responsibilities under this chapter. The Superintendent of Public Instruction may adopt rules and regulations consistent with this chapter which he deems necessary for the effective administration thereof.

(a) As used in this chapter:

(1) An educationally handicapped pupil means an educationally handicapped pupil as defined by Chapter 7.1 (commencing with Section 6750) of this division.

(2) A physically handicapped pupil means a physically handicapped pupil as defined by Chapter 8 (commencing with

Section 6801) of this division.

(3) A mentally retarded pupil means a mentally retarded pupil as defined by Sections 6901 and 6902.

(4) A severely mentally retarded pupil means a mentally retarded pupil as defined by Sections 6901 and 6903.

(5) A multihandicapped pupil as determined by the Superintendent of Public Instruction means a pupil with any combination of handicaps described above in paragraphs (1), (2), (3), and (4).

(6) Exceptional children includes all pupils defined in paragraphs (1) to (5), inclusive, of this subdivision.

(b) "Special educational facilities and services" means:

(1) In the case of an educationally handicapped pupil, the special educational facilities and services specified in Chapter 7.1 (commencing with Section 6750) of this division.

(2) In the case of a physically handicapped pupil, the special educational facilities and services specified in Article 1 (commencing with Section 6801) of Chapter 8 of this division and Article 9 (commencing with Section 894) of Chapter 4 of Division 3.

(3) In the case of a mentally retarded pupil, other than a severely mentally retarded pupil, the special educational facilities and services specified in Sections 6902 and 895, insofar as applicable.

(4) In the case of a severely mentally retarded pupil, the special educational facilities and services specified in Sections 6903 and 895, insofar as applicable.

(5) In the case of a multihandicapped pupil, the special educational facilities appropriate to the pupil's handicaps as determined by the county superintendent of schools.

SEC. 28.3. Section 6871 of the Education Code is amended to read:

6871. With the approval of the county superintendent of schools, any school district having a physically handicapped pupil, mentally retarded pupil, severely mentally retarded pupil, or multiply handicapped pupil for whom special education facilities and services as prescribed by Section 6870 are not available or cannot be reasonably provided, and for whom the State of California has no appropriate special education facilities and services, shall, and any school district having an educationally handicapped pupil for whom special education facilities and services as prescribed by Section 6870 are not available or cannot be reasonably provided, and for whom the State of California has no appropriate special education facilities and services, may, in lieu of establishing and maintaining the needed special education facilities and services at an unreasonable cost to the district, pay to the parent or guardian of such pupil toward the tuition for such pupil, enrolled in a public or private nonsectarian school, institution, or agency within or outside of California offering the special education facilities and services made necessary by the pupil's disabilities, an amount not to exceed the sum per unit of average daily attendance of the regular state apportionment to the

district for the fiscal year in question, the amount allowable per unit of average daily attendance for the particular category under Section 18102, 18102.2, 18102.4, or 18102.6, the amount allowable per unit of average daily attendance for the particular category under Section 18060, and the amount per unit of average daily attendance provided from revenue derived from district taxation for the current expense of education of a normal child in the schools of the district. For purposes of computing the amount per unit of average daily attendance provided from revenue derived from district taxation, there shall be excluded amounts produced by rates levied for special or restricted purposes, such as the rates levied pursuant to Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801 to 20802.8, inclusive, 20806, and 20807, and there shall be included amounts produced by rates levied for general districtwide current support purposes, including the rates levied pursuant to Sections 20808 and 20808.5. As used in this article "tuition" includes the cost to the parent or guardian of transporting a pupil enrolled in a public or private nonsectarian school, institution, or agency under this section to and from school.

The provisions of this section shall be applicable as well to situations where the special educational facilities and services are available but are an unreasonable distance away from the home of the pupil. The Superintendent of Public Instruction shall adopt rules and regulations to implement the determination of the unreasonableness of such cost and distance, and any other rules and regulations deemed necessary by him for the effective administration of this chapter. The county superintendent of schools shall make a finding as to the unreasonableness of such cost or distance for the school districts within his jurisdiction and shall report such findings to the Superintendent of Public Instruction, who, if he approves such findings, shall authorize payments pursuant to this section and Sections 6872 and 6873.

The provisions of this section shall be applicable as well to situations where the public special educational facilities and services are available but the attending physician of the physically handicapped, mentally retarded, severely mentally retarded, multiply handicapped, or educationally handicapped pupil or the attending optometrist of the physically handicapped pupil who is blind, partially seeing, or visually handicapped has recommended that it is in the best interests of the health and welfare of such pupil that the pupil be enrolled in a private nonsectarian school, institution or agency offering the special education facilities and services made necessary by the pupil's disabilities, and such recommendation has been approved by the county health officer and the county superintendent of schools on forms specified by the Superintendent of Public Instruction.

Priority in providing special education facilities and services shall be given to public school, or state-operated, programs. State and school district support for an exceptional child's education at a

private nonsectarian school, institution, or agency shall be approved pursuant to this chapter only if no publicly operated programs are available to the pupil within a reasonable distance from his residence, or if such programs do not meet the specialized needs of the pupil, as determined under the procedures established by this chapter. Priority in approving private nonsectarian schools, institutions, or agencies shall be given to the nearest such school, institution, or agency from where the parent or guardian of the exceptional child resides and which provides training and education as defined in Section 6870.

In instances where public funds are paid to the parent or guardian of a pupil pursuant to this section, toward the tuition of such pupil enrolled in a private nonsectarian school, institution, or agency, the school, institution, or agency enrolling such pupil shall at the end of each school year submit a written progress report on each such pupil on forms provided by the Superintendent of Public Instruction, and shall forward such forms to the county superintendent of schools of the county authorizing placement. Such reports shall be used by the county superintendents of schools to determine continued eligibility for placement and reimbursement under this chapter.

In no event shall the total of any allowances or apportionments of state funds be made to a school district in behalf of a pupil receiving an allowance pursuant to this section in excess of the total of such amounts which would have been allowed or apportioned to the district if the pupil were in attendance at a school in the district.

SEC. 28.5. Section 6871.5 of the Education Code is amended to read:

6871.5. The parent or guardian of a pupil who has been denied admission and who qualifies for tuition payment pursuant to Section 6871 shall make written application to the school district for the tuition payment prescribed in Section 6871. Within 30 days after receipt of the application, the school district shall in writing grant or deny the application, with reasons stated in case of a denial. If the application is denied, the parent or guardian may appeal to the county superintendent of schools, who shall review the decision of the school district and shall within 30 days after receipt of the appeal, either affirm or reverse the school district's decision. If the county superintendent of schools reverses the school district's decision, a report and claim shall be made by the school district in which the pupil resides, pursuant to Sections 6872 and 6873. Thereupon the county superintendent of schools may place and contract for the placing of the exceptional child in another school district within or without the county or county offering special educational services. The superintendent may then transfer to the district or county wherein the child is placed the amount of state aid the placing district receives for that child pursuant to Section 6873. If the county superintendent of schools affirms the school district's decision, the parent or guardian may, within 10 days following receipt of the county superintendent of schools' decision, further appeal to the

Department of Education for reconsideration. Within 30 days following receipt of the appeal, the department shall, in writing either affirm or reverse the decision of the county superintendent of schools, and in the case of an affirmation, shall append a statement of reasons. If the department affirms the decision of a county superintendent of schools that decision shall be final. If the department reverses the decision of a county superintendent of schools not to grant the application, a report and claim shall be made by the school district in which the pupil resides, pursuant to Sections 6872 and 6873.

SEC. 28.7. Section 6872 of the Education Code is amended to read:

6872. A school district having any pupil receiving the benefits of special education facilities and services under the provisions of Section 6871 shall report the attendance of such pupil and submit any claim the district may have for the regular and special purpose apportionment to be used in payment to the parent or guardian of such pupil toward any tuition arising out of such attendance through the county superintendent of schools to the Superintendent of Public Instruction. The aforementioned report and claim shall be submitted at the time and in the manner prescribed by the Superintendent of Public Instruction. The county superintendent of schools shall verify the attendance reported and claim submitted in the manner prescribed by the Superintendent of Public Instruction.

SEC. 28.9. 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 pupil 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 pupil 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. 29. Section 6901 of the Education Code is amended to read:

6901. "Mentally retarded pupils" means all pupils under the age of 21 years who because of retarded intellectual development as determined by individual psychological examination are incapable of being educated efficiently and profitably through ordinary classroom instruction.

The reference to "under the age of 21 years" in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

SEC. 30. Section 6902 of the Education Code, as amended by Chapter 1370 of the Statutes of 1971, is amended to read:

6902. The education of mentally retarded pupils 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 pupils 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 pupils 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 pupils for whom no such special education is provided and the reason therefor.

The reference to "less than 21 years of age" in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

SEC. 31. Section 6902.05 of the Education Code is amended to read:

6902.05. (a) Admission of a pupil to a special educational program for the mentally retarded established under the provisions of Sections 6901 to 6913, inclusive, and in Sections 895 to 895.7, inclusive, shall be made only on the basis of an individual evaluation according to standards established by the State Board of Education and upon individual recommendation of an admission committee which shall include an administrator in charge of special education programs in the district or county or other administrator designated by the school district or county superintendent of schools, an experienced special education teacher, a school nurse, and a school psychologist or other pupil personnel worker authorized to serve as a school psychologist who has examined the child under consideration for eligibility and placement.

Whenever possible, the persons serving on the admission committee for mentally retarded pupils may also serve on the admission committee for educationally handicapped pupils.

The admission committee shall use such medical reports as are needed to properly evaluate the child. The admission committee shall have the services or presence of other pupil personnel workers,

educational specialists, school nurses, social workers, or physicians as the committee may require and request. Such recommendation shall include a statement that in the professional judgment of the members of the admission committee the pupil recommended for placement in any program for the mentally retarded can reasonably be expected to benefit from such placement. Any member of the admission committee dissenting from the final committee recommendation shall attach to the final recommendation a statement of reasons for such objection.

(b) The administrative head of a school district or office of the county superintendent of schools may make an interim placement of a pupil in a program for the mentally retarded for a period not to exceed 30 schooldays whenever a pupil transfers into the school district from another school district in which his last enrollment was in a program for mentally retarded pupils. Such an interim placement may be made without the complete documentation specified in subdivision (a). Before the expiration of the 30-day period such interim placement shall be reviewed by the admission committee and a final recommendation shall be made by the committee in accord with the requirements of this chapter. The committee may utilize information, records, and reports from the admission committee proceedings of the school district or county program from which the pupil transferred.

SEC. 32. Section 6902.07 of the Education Code, as amended and renumbered by Chapter 78 of the Statutes of 1971, is amended to read:

6902.07. Before any pupil is admitted to a special education program for mentally retarded pupils established pursuant to this chapter or Article 10 (commencing with Section 895) of Chapter 4 of Division 3, the pupil shall be given verbal or nonverbal individual intelligence tests in the primary home language in which the pupil is most fluent and has the best speaking ability and capacity to understand. Such tests shall be selected from a list approved by the State Board of Education.

SEC. 33. Section 6902.08 of the Education Code is amended to read:

6902.08. All pupils presently participating in special education programs for the mentally retarded under the provisions of Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive, shall be retested according to the provisions of Section 6902.06 prior to the conclusion of the 1970 calendar year.

SEC. 34. Section 6902.085 of the Education Code, as amended and renumbered by Chapter 78 of the Statutes of 1971, is amended to read.

6902.085. No pupil shall be placed in a special education class for the mentally retarded if he scores higher than two standard deviations below the norm, considering the standard error of measurement, on an individual intelligence test selected from a list approved by the State Board of Education except as provided in Section 6902.095.

No pupil shall be placed in a special education program for the mentally retarded when he is being tested in a language other than English if he scores higher than two standard deviations below the norm, considering the standard error of measurement, on the nonverbal intelligence test or on the nonverbal portion of an individual intelligence test which includes both verbal and nonverbal portions except as provided in Section 6902.095.

No pupil may be placed in a special education program for the mentally retarded unless a complete psychological examination by a credentialed school psychologist investigating such factors as developmental history, cultural background, and school achievement substantiates the retarded intellectual development indicated by the individual test scores. This examination shall include estimates of adaptive behavior. Until adaptive behavior scales are normed and approved by the State Board of Education, such adaptability testing shall include, but is not limited to, a visit, with the consent of the parent or guardian, to the pupil's home by the school psychologist or a person designated by the chief administrator of the district, upon the recommendation of the school psychologist, and interviews of members of the pupil's family at their home. If the language spoken in the home is other than English, such interviews shall be conducted in the language of the home.

After a pupil has been screened and referred, written permission for the individual psychological evaluation shall be secured in a conference with a school official and the parent or guardian or his authorized representative. After the individual psychological evaluation is completed, the psychologist shall confer with the parent or guardian or his authorized representative regarding the recommendation to the admission committee. Following the admission committee meeting, a committee member shall meet with the parent or guardian or his authorized representative to discuss the committee conclusion and to obtain written permission for placement.

No pupil shall be placed in a special education class for the mentally retarded without the written consent of the parent or guardian of the child after a complete explanation of the special education program. Permission documents for individual psychological evaluation, and placements, shall be written in English and in the language of the parent or guardian. Conferences and notices to inform the parent or guardian of the nature of the placement process, the committee conclusion, and the special education program shall be in the home language of the parent or guardian.

SEC. 34.5. Section 6902.085 of the Education Code, as amended and renumbered by Chapter 78 of the Statutes of 1971, is amended to read:

6902.085. No pupil shall be placed in a special education class for the mentally retarded if he scores higher than two standard

deviations below the norm, considering the standard error of measurement, on an individual intelligence test selected from a list approved by the State Board of Education except as provided in Section 6902.095.

No pupil shall be placed in a special education program for the mentally retarded when he is being tested in a language other than English if he scores higher than two standard deviations below the norm, considering the standard error of measurement, on the nonverbal intelligence test or on the nonverbal portion of an individual intelligence test which includes both verbal and nonverbal portions except as provided in Section 6902.095.

No pupil may be placed in a special education program for the mentally retarded unless a complete psychological examination by a credentialed school psychologist investigating such factors as developmental history, cultural background, and school achievement substantiates the retarded intellectual development indicated by the individual test scores. This examination shall include estimates of adaptive behavior. Until adaptive behavior scales are normed and approved by the State Board of Education, such adaptability testing shall include, but is not limited to, a visit, with the consent of the parent or guardian, to the pupil's home by the school psychologist or a person designated by the chief administrator of the district, upon the recommendation of the school psychologist, and interviews of members of the pupil's family at their home. If the language spoken in the home is other than English, such interviews shall be conducted in the language of the home.

In the case of a pupil whose primary home language is other than English, the psychological evaluation shall be conducted in the pupil's primary home language. It shall be administered by a credentialed school psychologist fluent in the language of the pupil. In the event such a person is not available, an interpreter qualified in the primary home language of the pupil shall be provided to assure effective communication between the pupil and the school psychologist administering the evaluation. The district shall provide the interpreter with in-service training in the application of evaluation techniques and procedures, such training to be given under the direction of a school psychologist according to guidelines established by the State Board of Education.

After a pupil has been screened and referred, written permission for the individual psychological evaluation shall be secured in a conference with a school official and the parent or guardian or his authorized representative. After the individual psychological evaluation is completed, the psychologist shall confer with the parent or guardian or his authorized representative regarding the recommendation to the admission committee. Following the admission committee meeting, a committee member shall meet with the parent or guardian or his authorized representative to discuss the committee conclusion and to obtain written permission for placement.

No pupil shall be placed in a special education class for the mentally retarded without the written consent of the parent or guardian of the child after a complete explanation of the special education program. Permission documents for individual psychological evaluation, and placements, shall be written in English and in the language of the parent or guardian. Conferences and notices to inform the parent or guardian of the nature of the placement process, the committee conclusion, and the special education program shall be in the home language of the parent or guardian.

SEC. 35. Section 6902.09 of the Education Code, as amended by Chapter 1370 of the Statutes of 1971, is amended to read:

6902.09. Any pupil 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 pupil 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 pupil 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 pupil 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 pupil shall be readmitted to a special education class for the mentally retarded notwithstanding Section 6902.085, except that in no case shall a pupil 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 credentialed 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 pupil 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 pupil 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 pupil shall be readmitted to a special education class for the mentally retarded notwithstanding Section 6902.085, except that in no case shall a pupil 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. 36. Section 6902.095 of the Education Code, as added by Chapter 78 of the Statutes of 1971, is amended to read:

6902.095. In exceptional circumstances, after an examination of all pertinent information, including relevant cultural and adaptive behavior data, the admission committee may by unanimous vote agree to place a pupil in a special education class for the mentally retarded in spite of an individual test score higher than two standard deviations below the norm considering the standard error of measurement. The committee shall take notice of and be guided by the legislative intent expressed in Section 6902.06. Upon such unanimous agreement, a written report indicating the decision of the committee, and the reasons therefor, shall be sent to the parent or guardian of the pupil.

Beginning in the 1971–1972 school year, each school district shall report annually to the Department of Education:

(a) The ethnic breakdown of the children placed in special education classes for the mentally retarded in the district.

(b) The ethnic breakdown of the children newly placed in such classes:

(1) By the standard admissions procedure, and

(2) By the exceptional unanimous consent procedure described in this section.

If the percentage of children from any minority ethnic group in such classes varies by 15 percent or more from the percentage of such children in the district as a whole, an explanation for such variation shall be attached to the report to the Department of Education.

SEC. 37. Section 6902.10 of the Education Code is amended to read:

6902.10. The Superintendent of Public Instruction shall annually report to the State Board of Education on those districts in which there is a significant variance in racial and ethnic composition between special education classes for mentally retarded pupils established pursuant to Sections 6901 to 6913 and the regular enrollment of the district.

SEC. 38. Section 6902.1 of the Education Code is amended to read:

6902.1. Mentally retarded pupils who come within the provisions of Section 6902 may be enrolled in integrated programs of instruction conducted by a school district or a county superintendent of schools.

An integrated program of instruction for mentally retarded pupils shall be defined as a program in which mentally retarded pupils, who are enrolled in a special day class taught by a teacher holding a valid credential to teach exceptional children, are integrated in regular classes in which the content and method of instruction has been modified to the extent that mentally retarded pupils can benefit from such integration. Such programs shall be conducted in accordance with rules and regulations established by the State Board of Education.

The school district or county superintendent of schools conducting the integrated program of instruction shall be entitled to an apportionment equal to the amount which would have been credited to them had these pupils been enrolled full time in a special day class for the mentally retarded.

SEC. 39. Section 6902.2 of the Education Code is amended to read:

6902.2. Programs for mentally retarded pupils identifiable pursuant to Section 6902.05 are:

(a) Special day classes (elementary and secondary). A class established for mentally retarded pupils (as defined by Section 6902.05). The class shall be maintained for at least the minimum schoolday. The class shall be taught by a full-time teacher whose responsibility is to teach pupils enrolled in the class for the schoolday as established by the governing board for regular classes for pupils who are at the highest grade level in the special class.

(b) An integrated program of instruction. A program for mentally retarded pupils in which mentally retarded pupils, who are enrolled in a special day class taught by a teacher holding a valid credential to teach exceptional children, are integrated in regular classes in which the content and method of instruction has been modified to the extent that mentally retarded pupils can benefit from such integration. Such programs shall be conducted in accordance with rules and regulations established by the State Board of Education.

SEC. 40. Section 6902.4 of the Education Code is amended to read:

6902.4. Continuance of pupils in special education programs for the mentally retarded authorized under Section 6902 shall be the subject of annual review and recommendation by the local admission committee to determine whether continued placement in the special educational program is appropriate.

SEC. 41. Section 6902.5 of the Education Code is amended to read:

6902.5. No pupil shall be required to participate in a program for mentally retarded pupils unless the local admission committee or a

member of the local admission committee appointed by such committee has personally consulted with the parent or guardian of the pupil regarding the retarded intellectual development of the pupil.

SEC. 42. Section 6903 of the Education Code is amended to read:

6903. The education of mentally retarded pupils who do not come within the provisions of Section 6902, who are six or more, and less than 18 years of age and who may be expected to benefit from special educational facilities designed to educate and train them to further their individual acceptance, social adjustment, and economic usefulness in their homes and within a sheltered environment, shall be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive. The education of such mentally retarded pupils who are five or more and less than six years of age may be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive.

Any such pupil who becomes 18 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time such school or class is maintained during the then current school year.

Notwithstanding other provisions of this section any such pupil who is participating regularly in an approved occupational training program in the manner set forth in Sections 6931 and 6932 may be permitted by the governing board of the district or county superintendent of schools, as the case may be, maintaining such training program to continue thereon until his 21st birthday.

The reference to "21st birthday" in this section is not affected by Chapter 1748 of the Statutes of 1971.

SEC. 43. Section 6903.1 of the Education Code is amended to read:

6903.1. Mentally retarded pupils identified pursuant to Section 6903 shall participate in a special day class program for mentally retarded pupils. The class shall be maintained for at least the minimum schoolday. The class shall be taught by a full-time teacher whose responsibility is to teach pupils enrolled in the class for the schoolday established by the governing board for regular classes for pupils who are at the highest grade level in the special class.

SEC. 44. Section 6903.3 of the Education Code, as added by Chapter 1370 of the Statutes of 1971, is amended 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 pupils under Section 6903 for whom no such education is provided and the reason therefor.

SEC. 45. Section 6904 of the Education Code is amended to read:

6904. The governing board of any elementary or unified school district which has an average daily attendance of 900 or more in the elementary schools of the district, or any high school district which has an average daily attendance of 900 or more shall provide for the education in special training schools or classes of mentally retarded

pupils residing in the district who come within the provisions of Section 6902 and who are not in attendance upon other special training schools or classes maintained under the provisions of Sections 6901 to 6913, inclusive.

The governing board of any elementary or unified school district which has an average daily attendance of 8,000 or more in the elementary schools of the district, and any unified or high school district which has an average daily attendance of 8,000 or more in the high schools of the district shall provide for the education in special training schools or classes of mentally retarded pupils residing in the district who come within the provisions of Section 6903 and who are not in attendance upon other special training schools or classes maintained under the provisions of Sections 6901 to 6913, inclusive.

With the approval of the county superintendent of schools, the governing board of any elementary or unified school district which has an average daily attendance of less than 8,000 in the elementary schools of the district, and any unified or high school district which has an average daily attendance of less than 8,000 in the high schools of the district may provide for the education in special training schools or classes of mentally retarded pupils residing in the district who come within the provisions of Section 6903 as may be admitted to such schools or classes.

The governing board of any elementary, unified or high school district, required to provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction, enter into an agreement with a county superintendent of schools for the latter to provide for the education of such mentally retarded pupils.

The governing boards of elementary, unified, and high school districts may enter into agreements for the education in special training schools or classes of mentally retarded pupils residing in the districts parties to such agreements providing such agreements are reported through the county superintendent of schools to the Superintendent of Public Instruction.

No community college shall initiate new programs relating to mentally retarded pupils after May 1, 1973, except programs planned before July 1, 1972, or programs which are not solely or partially financed by state funds.

SEC. 46. Section 6904.1 of the Education Code is amended to read:

6904.1. The Superintendent of Public Instruction shall adopt regulations prescribing the conditions under which the education of mentally retarded pupils under Sections 6902 and 6903 shall be the responsibility of either the elementary schools or the high schools maintained by school districts, and for determining when such pupils in classes maintained by a school district or a county superintendent of schools shall be designated as of elementary or secondary grade for attendance and state apportionment purposes.

SEC. 47. Section 6904.3 of the Education Code is amended to read:

6904.3. Mentally retarded pupils who come within the provisions of Section 6902 or 6903 may be enrolled in experimental programs conducted by a school district or a county superintendent of schools. Experimental programs for such minors shall be approved in advance by the Department of Education.

The school district or county superintendent of schools conducting the experimental program shall be entitled to an apportionment equal to the amount which would have been credited to them had these pupils been enrolled full time in a special day class for the mentally retarded.

SEC. 48. Section 6904.5 of the Education Code is amended to read:

6904.5. The governing board of a unified or high school district with an average daily attendance of 900 or more shall provide a four-year secondary school program for each mentally retarded pupil residing in the district who comes within the provisions of Section 6902 and for whom the district is required to provide an education in special training schools or classes pursuant to Section 6904.

SEC. 49. Section 6905 of the Education Code is amended to read:

6905. The governing board of any high school district which has an average daily attendance of less than 900 may establish and maintain special training schools or classes for the education of such mentally retarded pupils as may be admitted to such schools or classes by the governing board of the district.

SEC. 50. Section 6906.5 of the Education Code is amended to read:

6906.5. The governing board of each unified or high school district which is required or authorized to maintain special training schools for mentally retarded pupils who come within the provisions of Section 6902 shall issue a diploma or other certificate of graduation to each person who has met the minimum standards of the State Board of Education for such special schools and such diploma or certificate of graduation shall not contain any notation or other evidence which indicates that the graduate is a mentally retarded person.

SEC. 51. Section 6907 of the Education Code is amended to read:

6907. One person in the Department of Education shall devote his entire time to the supervision of training of mentally retarded pupils. The department shall employ such other persons as are necessary to carry out the purposes of Sections 6901 to 6913, inclusive, and of Sections 895 to 895.10, inclusive.

SEC. 52. Section 6910 of the Education Code is amended to read:

6910. The governing board of any school district otherwise required or authorized to maintain special training schools and classes under Sections 6904 and 6905 for mentally retarded pupils may provide for the education of such pupils in, and for the

transportation of such pupils to, special training schools or classes maintained by another school district under Sections 6901 to 6913, inclusive, or by a county superintendent of schools under Sections 895 to 895.10, inclusive, subject to such terms and conditions as may be agreed upon.

SEC. 53. Section 6911 of the Education Code is amended to read:

6911. In lieu of entering into an agreement for the transportation of mentally retarded pupils by the school district or county superintendent of schools, in the special training schools and classes of which the education of such pupils is provided under Section 6910 or 895.4, the school district or county superintendent of schools of the county required to provide for their education may provide such transportation.

SEC. 54. Section 6912 of the Education Code is amended to read:

6912. No person shall be employed as a teacher of mentally retarded pupils who does not hold a valid credential for the education of mentally retarded children. Nothing herein shall be deemed to prohibit the employment, as a substitute teacher of each special training class of mentally retarded children for not more than 20 schooldays in any school year, of a person holding some other valid credential authorizing substitute teaching.

SEC. 55. Section 6912.5 of the Education Code is amended to read:

6912.5. Individual counseling and guidance in social and vocational matters shall be provided as part of the instructional program for mentally retarded pupils. Upon approval by the State Department of Education the governing board of any school district may separately, or in cooperation with the governing board or boards of one or more other school districts, or in cooperation with the Bureau of Vocational Rehabilitation of the State Department of Education, employ a special coordinator, who shall make a study of employment and occupational opportunities and shall assist in the coordination of the education of the mentally retarded pupils with the commercial and industrial pursuits of the community, so as to prepare the pupils for employment.

SEC. 56. Section 6913 of the Education Code is amended to read:

6913. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for and shall determine the amount of the allowances for special regular day classes and for authorized instruction in other than special regular day classes of mentally retarded pupils.

SEC. 57. Section 6913.1 of the Education Code, as amended by Chapter 1753 of the Statutes of 1971, 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 pupils 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 pupils who come within the provisions of Sections 6902 and 6903.

SEC. 58. Section 6914 of the Education Code is amended to read:

6914. Whenever any school district maintains special training schools or classes for the education of mentally retarded pupils who come within the provisions of Section 6903, or special schools, classes or integrated programs where a qualified special teacher is provided for the education of physically handicapped pupils who come within the provisions of Sections 6801 and 6802, the governing board of the school district may apply to the Superintendent of Public Instruction for an apportionment pursuant to Sections 6914 to 6919, inclusive.

SEC. 59. Section 6915 of the Education Code is amended to read:

6915. The application shall be made prior to September 1st of each school year in the form and manner prescribed by the Superintendent of Public Instruction and shall include an estimate of the average daily attendance that will be credited to such schools, classes or integrated programs during the school year for which an advance apportionment is requested. Such estimate shall be based upon the number of pupils residing in the district or in an adjacent district that come within the provisions of Sections 6801, 6802, and 6903 and who will attend such schools, classes or integrated programs, and shall be subject to the approval of the Superintendent of Public Instruction.

SEC. 60. Section 6916 of the Education Code is amended to read:

6916. Not later than 30 days after such application, the Superintendent of Public Instruction, if he approves, shall apportion to each applicant school district from the State General Fund, as an advance against future apportionments from the State School Fund to such district, an amount equal to the maximum amount allowable for each type of program included in the request per unit of average daily attendance to school districts for the excess expense of educating mentally retarded pupils who come within the provisions of Section 6903, and physically handicapped pupils who come within the provisions of Sections 6801 and 6802 multiplied by eight and the product thereof multiplied by the number of special classes or integrated programs maintained by the applicant school district for such pupils.

SEC. 60.2. Section 6920 of the Education Code is amended to read:

6920. Every mentally retarded, physically handicapped, or multiply handicapped pupil, as defined in Section 6870, is entitled to training or an education free of charge in the public schools of this state.

SEC. 61. Section 6931 of the Education Code is amended to read:

6931. The State Board of Education may adopt rules and regulations governing the establishment and conduct of programs for preparing physically handicapped and mentally retarded pupils enrolled in special day classes for suitable occupations. Such programs shall provide for physically handicapped and mentally retarded pupils under the age of 21 years who are unable to profit by courses of work experience education as provided in Article 5.5 (commencing with Section 5985) of Chapter 6 of Division 6.

The reference to "under the age of 21 years" in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

SEC. 62. Section 6932 of the Education Code is amended to read:

6932. School districts and county superintendents of schools may contract with sheltered workshops and other work establishments approved for supervised occupational training of physically handicapped and mentally retarded pupils under the age of 21 years, and reimburse such sheltered workshops and work establishments for the expenses incurred in the training of such pupils.

The reference to "under the age of 21 years" in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

SEC 63. Section 6941 of the Education Code is amended to read:

6941. As used in this chapter, "handicapped children" means any of the following:

(a) Physically handicapped pupils as defined in Chapter 8 (commencing with Section 6801) of this division.

(b) Mentally retarded pupils as defined by Sections 6901 and 6902.

(c) Severely mentally retarded pupils as defined by Sections 6901 and 6903.

(d) Educationally handicapped pupils as defined in Chapter 7.1 (commencing with Section 6750) of this division.

(e) Multihandicapped pupils which refers to any combination of (a), (b), (c), or (d).

SEC. 64. Section 6947 of the Education Code is amended to read:

6947. It is the intent of the Legislature, in enacting this section, to encourage school districts and county superintendents of schools to design, implement, and evaluate innovative, exemplary education and training programs for the exceptional pupils enrolled in the public schools of this state. Therefore, the Superintendent of Public Instruction is hereby granted broad administrative discretion to approve exemplary experimental programs to operate at variance

with Education Code Sections 6421 through 6434, 6750 through 6759, 6801 through 6820, 6901 through 6933, 11054, and 11227.

Such variance may include the guarantee of full apportionment for approved experimental programs which vary from maximum class size or duration or both and other provisions relating to deriving apportionment per average daily attendance when in the opinion of the Superintendent of Public Instruction the quality and innovativeness of the experimental program warrants.

Enrollment in experimental programs for exceptional pupils shall be limited to any combinations of children enrolled in programs for exceptional pupils as specified in this section, at the time of application for approval to operate the experimental program. In any event, no more than 5 percent of the statewide enrollment of exceptional pupils in each of the programs included in this section may be enrolled in experimental programs in a given fiscal year.

The Superintendent of Public Instruction shall adopt rules and regulations relating to the application for, operation of, and evaluation of, exemplary experimental programs for exceptional pupils.

This section shall remain in effect for a period of three years following the effective date of its enactment, and shall have no force or effect thereafter.

SEC. 65. Section 6951 of the Education Code is amended to read:

6951. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in a regularly established licensed children's institution located either within or without the boundaries of the district, the district shall be reimbursed for the actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the children's institution. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in an institution or in a family home, pursuant to a commitment or placement under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code, located either within or without the boundaries of the district, or whenever a school district provides education in special schools or classes for mentally retarded pupils coming within the provisions of Section 6902 or 6903, physically handicapped pupils coming within the provisions of Section 6801, or educationally handicapped pupils educated pursuant to Section 6751.5, who reside in a licensed children's institution or family home located either within or without the boundaries of the district, the district shall be reimbursed for the actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the institution or home. If the child's prior residence cannot be ascertained or if his residence was outside the State of California, the district shall be reimbursed for the actual cost of educating such child by the county or city and county in which the institution or family home is located. The pupil residing in an institution or family home

under this section does not acquire residence in the district wherein the institution or family home is located during the period of residence in the institution or family home.

SEC. 65.2. Section 10522 of the Education Code is amended to read:

10522. For the purposes of this article, "special class or program" includes any class or program for which a criterion for participation involves the physical or mental condition of the pupil, as defined by the State Board of Education, that would qualify him for placement in a special education program.

SEC. 66. Section 11054 of the Education Code is amended to read:

11054. With respect to educationally handicapped pupils provided instruction pursuant to Chapter 7.1 (commencing with Section 6750), Division 6 of this code, the minimum schoolday in any high school is 240 minutes.

SEC. 67. The heading of Article 7 (commencing with Section 11226) of Chapter 2 of Division 9 of the Education Code is amended to read:

Article 7. Attendance of Educationally Handicapped Pupils

SEC. 68. Section 11226 of the Education Code is amended to read:

11226. Attendance of educationally handicapped pupils, as identified pursuant to Chapter 7.1 (commencing with Section 6750) of Division 6, enrolled in a special day class, who attend school for the same number of minutes as constitute a minimum schoolday prescribed in Sections 11008 and 11054, shall constitute a day of attendance. Each clock hour of teaching time devoted to individual instruction of educationally handicapped pupils shall count as one day of attendance. The average daily attendance of all educationally handicapped pupils shall be computed by dividing the total number of days of attendance of the pupils by the number of days taught in the regular schools of the district.

SEC. 69. Section 11227 of the Education Code is amended to read:

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

SEC. 70. Section 11228 of the Education Code is amended to read:

11228. The attendance of all educationally handicapped pupils given instruction by a school district shall be reported annually to the

county superintendent of schools together with all other attendance on forms provided by the Superintendent of Public Instruction.

SEC. 71. Section 11229 of the Education Code is amended to read:

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

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

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

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

SEC. 71.2. Section 11553 of the Education Code is amended to read:

11553. The average daily attendance of mentally retarded pupils given instruction by a county superintendent of schools shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175 and the average daily attendance so computed shall be credited to the county school service fund; provided, however, that the average daily attendance of mentally retarded pupils coming within the provisions of Section 6903 for the purpose of computation of transportation allowances under Section 18060, subdivision (b), shall be computed by dividing the total number of days of attendance of such pupils during the fiscal year,

including the days of attendance at an authorized summer session, by 175.

SEC. 71.4. Section 11553.1 of the Education Code is amended to read:

11553.1. Mentally retarded pupils who come within the provisions of Section 6902 and who are enrolled in a work-study program approved by the Department of Education shall be credited, for apportionment purposes, one full day of attendance for each day of attendance in the approved program. The average daily attendance of mentally retarded pupils enrolled in approved programs shall be computed by dividing the total number of days of attendance of the pupils by the number of days taught in the regular schools of the district. No such pupils shall be credited with more than five days of attendance per calendar week or more than the number of calendar days such special school or class is maintained by the district in each fiscal year.

SEC. 72. Section 11555 of the Education Code is amended to read:

11555. The average daily attendance of educationally handicapped elementary pupils given instruction by a county superintendent of schools and whose attendance is credited to the county school service fund, shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175.

SEC. 73. Section 11556 of the Education Code is amended to read:

11556. The average daily attendance of educationally handicapped pupils of secondary grade given instruction by a county superintendent of schools and whose attendance is credited to the county school service fund, shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175.

SEC. 73.2. Section 16645.1 of the Education Code is amended to read:

16645.1. The purpose of the Legislature in enacting this article is to continue these development centers for physically handicapped and mentally retarded pupils having successfully demonstrated that there is a need for such facilities to help these children from an earlier age, that such development centers prevent the breakup of homes through respite from continuous 24-hour care of severely handicapped pupils, that such development centers effectively relieve parents to engage in work, that the centers reduce significantly the demand for institutional placement, and that the centers are accessible to families without causing the physical dislocation of pupils from their families.

SEC. 74. Section 16645.2 of the Education Code is amended to read:

16645.2. The governing body of any school district or a county superintendent of schools with the approval of the county board of education is authorized to establish and maintain, upon the approval of the Superintendent of Public Instruction, one or more development centers for physically handicapped and mentally retarded pupils between 3 years and 21 years of age residing in, and

in the custody of persons residing in, the district or county. The governing body or county superintendent shall determine the hours, days, and months during which the development center is to be maintained.

The establishment and maintenance of any development center for physically handicapped and mentally retarded pupils by the county superintendent of schools shall be undertaken subject to the prior approval of the county board of education, upon the application of one or more school districts under his jurisdiction, and such establishment and maintenance shall be upon such terms and conditions as may be provided for in a written contract between the county superintendent of schools and the governing body of any school district.

Pupils who are otherwise eligible for development center placement as determined by the Superintendent of Public Instruction, and who are between 18 months and 3 years of age, may be enrolled in experimental programs conducted by a school district or county superintendent of schools maintaining a development center. Experimental programs for such pupils shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him.

The reference to "21 years of age" in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

SEC. 74.3. Section 16645.2 of the Education Code is amended and renumbered to read:

6880.2. The governing body of any school district or a county superintendent of schools with the approval of the county board of education is authorized to establish and maintain, upon the approval of the Superintendent of Public Instruction, one or more development centers for physically handicapped and mentally retarded pupils between 3 years and 21 years of age residing in, and in the custody of persons residing in, the district or county. The governing body or county superintendent shall determine the hours, days, and months during which the development center is to be maintained.

The establishment and maintenance of any development center for physically handicapped and mentally retarded pupils by the county superintendent of schools shall be undertaken subject to the prior approval of the county board of education, upon the application of one or more school districts under his jurisdiction, and such establishment and maintenance shall be upon such terms and conditions as may be provided for in a written contract between the county superintendent of schools and the governing body of any school district.

Pupils who are otherwise eligible for development center placement as determined by the Superintendent of Public Instruction, and who are between 18 months and 3 years of age, may

be enrolled in experimental programs conducted by a school district or county superintendent of schools maintaining a development center. Experimental programs for such pupils shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him.

The reference to "21 years of age" in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

SEC. 74.4. Section 16645.4 of the Education Code is amended to read:

16645.4. The Superintendent of Public Instruction shall establish and enforce reasonable and uniform standards for development centers for handicapped pupils, and shall establish standards for the admission of a child. He may change the standards whenever he deems it advisable.

SEC. 74.5. Section 16645.11 of the Education Code is amended to read:

16645.11. The governing board shall establish in the county treasury a fund to be known as the "development center for handicapped pupils fund" into which shall be paid all funds received by the district for, or from the operation of, development centers established under this article (commencing at Section 16645.1). The costs incurred in the maintenance and operation of development centers shall be paid from the fund, except that any contributions, other than those described in Section 16645.11a, authorized or required to be paid by the district on account of services of employees of a development center to a retirement system shall be paid from the general fund of the district or from funds of the district derived from a special tax levied pursuant to Section 14657 or 14758 of the Education Code or Section 20532 of the Government Code.

No other funds of a district derived from the receipts of district taxes, except a district tax levied under Section 16645.9, or derived from moneys apportioned to the district for the support of the schools thereof, except state moneys expressly appropriated from the General Fund for the support of development centers, may be expended for, or in connection with, a development center.

SEC. 74.7. Section 16645.21 of the Education Code is amended to read:

16645.21. Any unencumbered balance remaining in a district "development center for handicapped pupils fund" may be deposited in the general fund of the school district one year after the discontinuance of its child care center program pursuant to Section 16645.20.

SEC. 74.8. Section 16645.22 of the Education Code is amended to read:

16645.22 The governing board shall insure against the liability, other than a liability which may be insured against under Division 4 of the Labor Code, imposed upon the district by any law of this

state, in any insurance company authorized to do business in this state. The cost of such insurance shall be paid out of the "development center for handicapped pupils fund" of the district.

SEC. 74.9. Section 16645.23 of the Education Code is amended to read:

16645.23. An Advisory Committee on Development Centers for Handicapped Pupils shall be established to aid in setting standards for admission to centers, and to advise the Department of Education in the administration and operation of centers. The advisory committee shall consist of one member from the Department of Social Welfare to be appointed by the Director of Social Welfare, one member from the Department of Mental Hygiene to be appointed by the Director of Mental Hygiene, one member from the Department of Public Health to be appointed by the Director of Public Health, one member from the Department of Education to be appointed by the Director of Education, one lay member from the general public and one parent of a handicapped pupil to be appointed by the Director of Education, and four members each from a school district or a county superintendent of schools office participating in the program to be appointed by the Director of Education. The member from the Department of Education shall serve as secretary of the committee.

SEC. 75. 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 pupils, mentally retarded pupils who come within the provisions of Section 6902, and educationally handicapped pupils 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. 76. The heading of Article 11 (commencing with Section 18101) of Chapter 3 of Division 14 of the Education Code is amended to read:

Article 11. Allowances for Mentally Retarded, Severely Mentally Retarded, Physically Handicapped and Educationally Handicapped Pupils

SEC. 77. Section 18101 of the Education Code is amended to read:

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

SEC. 78. Section 18102 of the Education Code is amended to read:

18102. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of physically handicapped pupils during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of physically handicapped pupils by the maximum class size established by law for special day classes for physically handicapped pupils, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of seventeen thousand two hundred sixty dollars ($17,260).

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of physically handicapped pupils in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660.

(2) The product of the average daily attendance of physically handicapped pupils in grades 9 to 12, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of physically

handicapped pupils in grades 13 and 14, and the foundation program per pupil established for junior college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 79. Section 18102.2 of the Education Code is amended to read:

18102.2. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of mentally retarded pupils during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of mentally retarded pupils by the maximum class size established by law for special day classes for mentally retarded pupils, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of thirteen thousand eight hundred ninety dollars ($13,890), and

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of mentally retarded pupils in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660, and

(2) The product of the average daily attendance of mentally retarded pupils in grades 9 to 14, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of physically handicapped pupils in grades 13 and 14, and the foundation program per pupil established for community college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 80. Section 18102.4 of the Education Code is amended to read:

18102.4. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of severely mentally retarded pupils during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of severely mentally retarded pupils by the maximum class size established by law for special day classes for severely mentally retarded pupils, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of fifteen thousand two hundred sixty dollars ($15,260), and

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of severely mentally retarded pupils in kindergartens and grades 1 to 8,

inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660, and

(2) The product of the average daily attendance of severely mentally retarded pupils in grades 9 to 14, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of physically handicapped pupils in grades 13 and 14, and the foundation program per pupil established for community college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 81. Section 18102.6 of the Education Code is amended to read:

18102.6. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of educationally handicapped pupils during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of educationally handicapped pupils, less the enrollment in excess of the maximum class size authorized pursuant to Section 6751.1, by the maximum class size established by law for special day classes for educationally handicapped pupils, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of sixteen thousand two hundred sixty dollars ($16,260), and

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of educationally handicapped pupils in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660, and

(2) The product of the average daily attendance of educationally handicapped pupils in grades 9 to 14, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of physically handicapped pupils in grades 13 and 14, and the foundation program per pupil established for junior college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 82. Section 18102.9 of the Education Code is amended to read:

18102.9. (1) In addition to the allowances provided under Sections 18102 to 18102.6, inclusive, the Superintendent of Public Instruction shall allow to school districts and county superintendents of schools for each unit of average daily attendance an amount as follows:

(a) For instruction of educationally handicapped pupils in

learning disability groups, one thousand eight hundred eighty dollars ($1,880).

(b) For instruction of educationally handicapped pupils in homes or in hospitals, one thousand three hundred dollars ($1,300).

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

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

(e) For instruction of blind pupils when a reader has actually been provided to assist the pupil with his studies, or for individual instruction in mobility provided blind pupils under regulations prescribed by the State Board of Education, or when braille books are purchased, ink print materials are transcribed into braille, or sound recordings and other special supplies and equipment are purchased for blind pupils, or for individual supplemental instruction in vocational arts, business arts, or homemaking for blind pupils, nine hundred ten dollars ($910).

Braille books purchased, braille materials transcribed from ink print, sound recordings purchased or made, and special supplies and equipment purchased for blind pupils for which state or federal funds were allowed are property of the state and shall be available for use by blind pupils throughout the state as the State Board of Education shall provide.

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

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

(2) (a) The allowances provided under Sections 18102 to 18102.6, inclusive, may be increased proportionately on account of special day classes convened, or other instruction provided a pupil, for days in a school year which are in excess of the number of days in the school year on which the regular day schools of a district are convened.

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

SEC. 83. 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 pupils 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.

SEC. 83.1. Section 18355 of the Education Code is amended to read:

18355. The Superintendent of Public Instruction shall allow, in addition to all other allowances, to the county school service funds: (a) for all emergency schools maintained in each elementary school district of the county by the county superintendent of schools, (b) all special schools or classes for mentally retarded pupils and severely mentally retarded pupils maintained in each elementary school district of the county by the county superintendent of schools, (c) each elementary school maintained in juvenile halls, juvenile homes, and juvenile camps, by the county superintendent of schools, and all opportunity schools and classes maintained by the county superintendent of schools pursuant to Sections 6502 and 6503, and (d) all schools and classes for educationally handicapped pupils maintained in each elementary school district of the county by the county superintendent of schools, the same amount as he would compute as the foundation program of the elementary school district under Section 17655.5 or Section 17656.

No allowance shall be made for emergency schools which is in excess of the actual expense of maintaining the emergency school.

SEC. 83.2. Section 18358 of the Education Code is amended to read:

18358. For all physically handicapped pupils, mentally retarded pupils and educationally handicapped pupils of secondary grade, and handicapped adults, educated by the county superintendent of schools, for all secondary schools maintained in juvenile halls, juvenile homes and juvenile camps by the county superintendent of schools, and for all opportunity schools and classes and all

continuation schools and classes maintained by the county superintendent of schools, 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.

However, with respect to handicapped adults, the following limits shall apply:

(a) The total of allowances for education of handicapped adults in classes established by the county superintendent of schools pursuant to Section 5746 shall not exceed fifty thousand dollars ($50,000) in any one fiscal year. The Superintendent of Public Instruction shall establish a system of priorities that he shall by rule or regulation adopt which shall give highest priority to those counties in which no or an insufficient program for the education of handicapped adults is provided by the school districts within the county, in order to comply with the limitation prescribed by this subdivision.

(b) The Superintendent of Public Instruction shall allow for handicapped adults the amount specified in Section 17951 for each unit of average daily attendance for adults for high school districts.

SEC. 84. Section 19682 of the Education Code is amended to read:

19682. As used in this article, "exceptional children" means physically handicapped pupils, mentally retarded pupils, educationally handicapped pupils, multihandicapped pupils, or pupils enrolled in development centers for the handicapped required or allowed to be educated pursuant to Sections 6801 to 6855, inclusive, Sections 6901 to 6919, inclusive, Sections 6750 to 6761, inclusive, and Sections 16645.1 to 16645.25, inclusive.

SEC. 85. 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, educationally handicapped, or enrolled in development centers for the 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 pupils 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 pupils 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 pupils 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 pupils 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.

SEC. 86. Section 19683.5 of the Education Code is amended to read:

19683.5. Notwithstanding any provisions of this article to the contrary, apportionments for the construction of facilities and the purchase of essential furniture and equipment for the education of exceptional children may, subject to the approval of the Department of Education, be made to any school districts not otherwise eligible to receive apportionments under Article 1 (commencing with Section 19551) and Article 2 (commencing with Section 19651) of this chapter, for the education of blind, partially seeing, aphasic, deaf, hard-of-hearing, mentally retarded, orthopedic or other health-impaired, multihandicapped, and educationally handicapped pupils, or pupils enrolled in development centers for the handicapped.

The Department of Education may approve applications in those situations where the facilities will be used by a county superintendent of schools required to educate physically handicapped pupils pursuant to Section 894 and mentally retarded

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pupils pursuant to Section 895. A school district may educate such pupils by agreement with a county superintendent of schools required to educate such pupils. Priority in the use of such facilities shall be given to pupils from districts other than the applicant district.

Except as otherwise provided in this section, not more than 50 percent of the amount of any apportionment made pursuant to this section shall be repaid. Repayments shall be made in the following manner: Fifty percent of the amount of the apportionment shall be repaid in full with interest by the district, in such annual amounts and at such interest rate over such period as the State Allocation Board may determine, not to exceed 20 years from the date the apportionment became final. 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 county board of supervisors of the county whose superintendent of schools conducts classes in such facility during any fiscal year shall at such time or times within such fiscal year as may be agreed upon between the county and the school district, but in any case not later than the end of such fiscal year, pay to the school district having the obligation to repay the apportionment made under this section for the construction of such facility, an amount equal to 80 percent of the amount the district is required to repay in said fiscal year with respect to the apportionment described above.

The county board of supervisors shall raise the amount required through a general tax levy on the property within the participating districts, or through a tuition charge not to exceed one hundred sixty dollars ($160) a year per pupil by the county superintendent of schools to the school districts of residence of pupils attending the facility other than the district having the obligation to repay, or through a combination of these.

The county superintendent of schools shall notify the county board of supervisors of his intention to approve a school district's application for an allocation under this article before he approves the application.

SEC. 87. Section 20807 of the Education Code is amended to read:

20807. The maximum rate of school district tax under Sections 20751 and 20753, inclusive, for any fiscal year is hereby increased by such amount as will provide the amount of the proposed expenditures for programs for educating handicapped pupils under Sections 6750 to 6762, inclusive, which are in excess of state apportionments as shown by the budget of the district as finally adopted by the governing board of the district.

Such proposed expenditures may include the cost of equipment

and facilities, the lease or lease-purchase of buildings, lease of land, alterations or additions to existing buildings, or other necessary capital outlay expenditures in connection with such programs.

If at the end of any fiscal year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the expenditures of the school district during that year required or authorized by Sections 6750–6762, inclusive, of this code.

SEC. 88. Section 25601 of the Education Code is amended to read:

25601. Every deaf person 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 persons residing in sparsely populated regions where appropriate educational facilities and services are not available or cannot be reasonably provided and to secondary age deaf persons in need of a high school program.

The reference to 21 years in this subdivision is not affected by Section 1 of Chapter 1748 of the Statutes of 1971.

SEC. 89. Section 26501 of the Education Code is amended to read:

26501. Every resident person in California, of suitable age and capacity, as determined by means of diagnosis at the diagnostic and treatment schools for neurologically handicapped children, is entitled to enrollment in a school for neurologically handicapped children, free of charge.

Children with neurological handicaps, not residents of California, may be admitted to the benefits of the schools upon paying to the State Department of Education, quarterly in advance, the actual support cost at the average cost of maintaining pupils in the school for the period in question. This cost shall be determined by the Department of Education with the approval of the Department of General Services.

The reference to suitable age and children in this subdivision shall not be affected by Section 1 of Chapter 1748 of the Statutes of 1971

SEC. 90. It is the intent of the Legislature, if this bill and Senate Bill No. 805 are both chaptered and amend Section 885.5 of the Education Code, and this bill is chaptered after Senate Bill No. 805, that the amendments to Section 885.5 proposed by both bills be given effect and incorporated in Section 885.5 in the form set forth in Section 1.2 of this act. Therefore, Section 1.2 of this act shall become operative only if this bill and Senate Bill No. 805 are both chaptered, both amend Section 885.5, and Senate Bill No. 805 is chaptered before this bill, in which case Section 1.1 of this act shall not become operative.

SEC. 91. It is the intent of the Legislature, if this bill and Assembly Bill No. 437 are both chaptered and amend Section 6902.085 of the Education Code, and this bill is chaptered after Assembly Bill No. 437, that the amendments to Section 6902 085 proposed by both bills be given effect and incorporated in Section

6902.085 in the form set forth in Section 34.5 of this act. Therefore, Section 34.5 of this act shall become operative only if this bill and Assembly Bill No. 437 are both chaptered, both amend Section 6902.085, and Assembly Bill No. 437 is chaptered before this bill, in which case Section 34 of this act shall not become operative.

SEC. 92. It is the intent of the Legislature, if this bill and Senate Bill No. 226 are both chaptered and amend or amend and renumber Section 16645.2 of the Education Code, and this bill is chaptered after Senate Bill No. 226, that the amendments to Section 16645.2 proposed by both bills be given effect and incorporated in Section 16645.2 in the form set forth in Section 74.3 of this act. Therefore, Section 74.3 of this act shall become operative only if this bill and Senate Bill No. 226 are both chaptered, both amend or amend and renumber Section 16645.2, and Senate Bill No. 226 is chaptered before this bill, in which case Section 74 of this act shall not become operative.

SEC. 93. Unless specifically provided otherwise in this act, any section of any other act enacted by the Legislature at its 1972 Regular Session prior or subsequent to the enactment of this act, which amends, amends and renumbers, or repeals a section or heading amended or amended and renumbered by this act shall prevail over this act.

CHAPTER 1374

An act to add Section 1010.85 to the Education Code, relating to public schools.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. Section 1010.85 is added to the Education Code, to read:

1010.85. The district governing board shall establish and maintain a historical inventory, or an audit trace inventory system, or any other inventory system authorized by the State Board of Education, which shall contain the description, name, identification numbers, and original cost of all items of equipment acquired by it whose market value exceeds two hundred dollars ($200) per item, the date of acquisition, the location of use, and the time and mode of disposal.

CHAPTER 1375

An act to amend Sections 5701, 5756, 6750, 6801, 6901, 6902, 11478, 25514.5, 25601, and 26501 of, and to add Sections 6931.5, 6950.5, and 17255 to, the Education Code, and to amend Section 22815 of the Education Code, as added by Chapter 1100 of the Statutes of 1972, relating to public education.

[Approved by Governor December 26, 1972 Filed with Secretary of State December 26, 1972]

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

SECTION 1. Section 5756 of the Education Code is amended to read:

5756. For the purpose of crediting attendance for apportionments from the State School Fund during the fiscal year, "adult" means any person who has attained his 21st birthday on or before (a) September 1st, January 1st, or March 1st of the quarter for which he is enrolled or (b) September 1st or February 1st of the semester for which he has enrolled, and who has enrolled in less than 10 class hours as defined in Section 11480 for community college districts or 10 periods of not less than 40 minutes each per week for high school districts.

Notwithstanding Section 25 of the Civil Code or any other provisions of law, "adults" for purposes of this chapter means persons 21 years of age or older.

SEC. 2. Section 5701 of the Education Code is amended to read:

5701. Adult schools, evening high schools and evening community colleges shall consist of classes for adults. Minors may be admitted to such classes pursuant to Section 5706.

For the purposes of this chapter, "adult" means a person 21 years of age and older, and "minor" means a person less than 21 years of age, notwithstanding the provisions of Section 25 of the Civil Code or any other provisions of law.

SEC. 3. Section 6750 of the Education Code is amended to read:

6750. As used in this chapter, "educationally handicapped minors" are minors who, by reason of marked learning or behavior disorders, or both, cannot benefit from the regular educational program, and who, as a result thereof, require the special education programs authorized by this chapter. Such learning or behavior disorders shall be associated with a neurological handicap or emotional disturbance and shall not be attributable to mental retardation.

Notwithstanding Section 25 of the Civil Code or any other provision of law, for the purposes of this chapter, "minor" means a person under 21 years of age.

SEC. 4. Section 6801 of the Education Code is amended to read:

6801. Subject to the provisions of this article (commencing with Section 6801) and Section 894 the governing board of any school

district may make such special provisions as in its judgment may be necessary for the education of physically handicapped minors. "Physically handicapped minor," as used in this article (commencing with Section 6801) means a physically defective or handicapped person under the age of 21 years who is in need of education.

Notwithstanding Section 25 of the Civil Code or any other provisions of law, for the purposes of this chapter, "minor" means a person under 21 years of age.

SEC. 5. Section 6901 of the Education Code is amended to read:

6901. "Mentally retarded minors" means all minors who because of retarded intellectual development as determined by individual psychological examination are incapable of being educated efficiently and profitably through ordinary classroom instruction.

Notwithstanding Section 25 of the Civil Code or any other provision of law, for the purposes of this chapter, "minor" means a person under 21 years of age.

No community college shall initiate new programs relating to mentally retarded minors after May 1, 1973, except programs planned before July 1, 1972, or programs which are not solely or partially financed by state funds.

SEC. 6. Section 6902 of the Education Code, as amended by Chapter 1370 of the Statutes of 1971, 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.

Notwithstanding Section 25 of the Civil Code, for purposes of this section, "minor" means a person under 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. 7. Section 6931.5 is added to the Education Code, to read:

6931.5. For the purposes of this chapter, "minor" means any person under 21 years of age notwithstanding Section 25 of the Civil Code or any other provision of law.

SEC. 8. Section 6950.5 is added to the Education Code, to read:

6950.5. Notwithstanding Section 25 of the Civil Code or any other provision of law, for the purposes of this chapter, "minor" means a person under 21 years of age.

SEC. 9. Section 11478 of the Education Code is amended to read:

11478. Each community college district shall report to the Superintendent of Public Instruction on forms prepared by the Office of the Chancellor, California Community Colleges, in addition

to all other attendance data as required, and cumulative enrollment, the active enrollment and the contact hours of all students enrolled in 13th- and 14th-grade courses of summer school and show the relationship of attendance to contact hours for the second week of the summer session. The total number of whole and partial class hours of attendance and related contact hours of students enrolled in such 13th- and 14th-grade courses of less than the full summer session shall be reported separately for the week.

The Chancellor, California Community Colleges shall adopt rules and regulations defining the terms "active enrollment," "contact hours," and "cumulative enrollment," for the purposes of this section.

For the purposes of this section and of Sections 11102, 11475, 11476, and 11477, the term "13th- and 14th-grade courses" has the same meaning as that presented in the "Criteria and Standards for Graded Community College Courses in Grades 13 and 14" in Section 55002 of Title 5 of the California Administrative Code.

SEC. 10. Section 17255 is added to the Education Code, to read:

17255. Whenever reference is made to "adults" in this division in the context of apportionments to school districts or county superintendents of schools, such reference shall be deemed to refer to persons 21 years of age or over notwithstanding any other provision of law.

Whenever reference is made to "minors" in this division in the context of apportionments to school districts or county superintendents of schools, such reference shall be deemed to refer to persons under 21 years of age notwithstanding Section 25 of the Civil Code or any other provision of law

SEC. 11. Section 25514.5 of the Education Code is amended to read:

25514.5. Any student under 21 years of age, and any student, under 25 years of age who has been honorably discharged or is otherwise returning from active or inactive military service with the armed forces of the United States and who resides in this state and more than ninety (90) miles from the nearest public community college attendance center where grades 13 and 14 are maintained, measured by the usual vehicular route between his home and such attendance center, may at his request attend grades 13 and 14 at any public community college in the state, whether or not his residence is in a district maintaining a community college. The governing board of the district maintaining such community college designated by the student shall admit the student provided he otherwise qualifies for admission.

The provisions of the preceding paragraph of this section shall be inapplicable to any student residing in a district maintaining a community college if the Chancellor, California Community Colleges determines that such district maintains adequate dormitories or housing facilities or provides adequate transportation for such student between his home and the community college attendance center.

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If the student resides in a district maintaining a community college, the provisions of Article 7 (commencing with Section 10801) of Chapter 1 of Division 9 shall be inapplicable, and the district of the student's residence shall pay to the district of the student's attendance an amount on account of such attendance computed pursuant to Section 20201. The computation shall be made and other procedures shall be undertaken in accordance with such requirements as may be prescribed by the Superintendent of Public Instruction, by or under authority of the governing board of the school district of attendance, and shall be approved by the county superintendent of schools having jurisdiction of such district with the certification of the amount owing to be transmitted by him to the district of the student's residence. The governing board of the district of residence shall, on or before June 1st, order payment of the amount computed as owing the district of attendance for the fiscal year, and upon failure of the governing board so to do, the county superintendent of schools having jurisdiction of the district shall draw a requisition against the funds of the district in favor of the district of attendance in payment of such amount and transmit the same to the district of attendance. For purposes of all provisions of this code dealing with allowances and apportionments from the State School Fund for support of community colleges, the district of the student's residence and the district of his attendance shall be deemed to have entered into an interdistrict attendance agreement with respect to the student.

If the student resides within territory not included within any community college district the provisions of Article 3 (commencing with Section 20201) of Chapter 1 of Division 15 shall be applicable.

In addition to the payments required under the preceding paragraphs of this section, there shall be paid to the parents or other persons having charge or control of such student at his residence and directly to adult students and married minors, by the district in which the student attends, a maintenance allowance of one dollar and fifty cents ($1.50) per calendar day for the period in which the student is enrolled full time in regular classes in a community college under this section. Such amount shall be paid on or before the 15th day after the close of the school year in which the student was so enrolled. Such payments made by a district maintaining a community college at which the student attends shall be included in that district's transportation expense as payments made in lieu of providing for transportation of students between their homes and regular full-time day schools, for purposes of Article 10 (commencing with Section 18051) of Chapter 3 of Division 14; and the amount thereof not reimbursed by the state shall be included in the computation of the amount to be paid by the district of the student's residence, or the community college tuition fund, as the case may be

For the purpose of this section, a person shall be deemed to be honorably discharged from the armed forces (a) if he was honorably

discharged from the armed forces of the United States or (b) if he was inducted into the armed forces of the United States under the "Universal Military Training and Service Act," and (1) satisfactorily completes his period of training and service under such act and is issued a certificate to that effect pursuant to such act, or (2) having served honorably on active duty was transferred to a reserve component of the armed forces of the United States pursuant to such act, or (3) was otherwise released pursuant to such act under honorable conditions.

For the purposes of this section, the term "armed forces of the United States" shall include all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretaries of the Army, Navy, and Air Force, and all components of the Coast Guard.

SEC. 12. Section 25601 of the Education Code is amended to read:

25601. Every deaf person 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.

SEC. 13. Section 26501 of the Education Code is amended to read:

26501. Every resident of California less than 21 years of age, of suitable age and capacity, as determined by means of diagnosis at the diagnostic and treatment schools for neurologically handicapped children, is entitled to enrollment in a school for neurologically handicapped children, free of charge.

Children with neurological handicaps, not residents of California, may be admitted to the benefits of the schools upon paying to the State Department of Education, quarterly in advance, the actual support cost at the average cost of maintaining pupils in the school for the period in question. This cost shall be determined by the Department of Education with the approval of the Department of General Services.

SEC. 14. Section 22815 of the Education Code, as added by Chapter 1100 of the Statutes of 1972, is amended to read:

22815. A "nondistrict resident" is a resident who does not have residence within a district in the state, or a student who, within 39 months period immediately preceding the residence determination date, was graduated from a high school which is situated in territory not within a district.

SEC. 15. In the event both this bill and Assembly Bill No. 300 are enacted at the 1972 Regular Session of the Legislature, the amendments to Sections 6750, 6801, 6901, and 6902 of the Education Code made by this bill shall not become operative and shall have no force or effect

SEC. 16 Section 14 of this act shall become operative on May 1,

1973, or the first day of the first month after the effective date of this act, whichever is later.

SEC. 17. Except as otherwise provided in Sections 15 and 16, this act shall become operative on May 1, 1973.

CHAPTER 1376

An act relating to community colleges, and making an appropriation therefor.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972]

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

SECTION 1. The Legislature hereby finds and declares that California has one of the most mature and far-reaching systems of community colleges in the nation; that the rapid growth of that system necessitates a review of the goals and programs of the California community college system so that it may assist the state more effectively in serving the educational needs of its people; that the need for a major study of community college programs is long overdue; that adequate funding to conduct such a study is essential to its success; and that the Coordinating Council for Higher Education is the appropriate agency to sponsor and coordinate such a study.

SEC. 2. The Coordinating Council for Higher Education shall organize and coordinate a four-year study and analysis to assess the extent to which the California community college system is fulfilling its purposes and achieving its objectives, especially with reference to each of the following:

(a) Characteristics of students dropping out, as compared to, completing transfer, occupational, and general education programs.

(b) Employability of students who do not complete occupational and transfer programs.

(c) Attrition rates by major curriculum fields, including personal and curricular factors related to student attrition.

(d) Reentry into postsecondary education of dropouts and subsequent success by type of program.

(e) Needs for additional access to and services for and by postsecondary education.

On or before March 1, 1973, and on or before Janury 5 each year thereafter, the Coordinating Council for Higher Education shall make annual progress reports or shall make the final report relating to each of the purposes and objectives specified in subdivisions (a) to (e), inclusive, of this section.

On or before January 5, 1976, the Coordinating Council for Higher Education shall present a final report to the Legislature, including,

but not limited to, its conclusions and recommendations for further action on each of the purposes and objectives specified in subdivisions (a) to (e), inclusive, of this section.

SEC. 3. There is hereby appropriated from the General Fund in the State Treasury the sum of one hundred fifty thousand dollars ($150,000) to the Coordinating Council for Higher Education, to be available for expenditure for the purposes of this act.

CHAPTER 1377

An act to amend Sections 6876.1, 21625, 21632, 21633, 21634, and 21635 of the Business and Professions Code, to amend Section 607f of the Civil Code, to amend Sections 10401 and 10402 of the Corporations Code, to amend Sections 13128, 13588, and 13589 of the Education Code, to amend Section 21208 of the Financial Code, to amend Sections 1030, 14710, 15001, 15100, 15103, 15104, 20017.75, 20803.7, and 22013 of, and to repeal Section 20017.7 of, the Government Code, to amend Sections 11002.1, 11102, 11103, 11104, 11105, 11106, 11166.05, 11166.08, 11166.10, 11166.11, 11177, 11226, 11228, 11250, 11331.5, 11332, 11333, 11395, 11425, 11426, 11573, 11574, 11576, 11652, 11654, 11655, 11655.6, 11656, 11657, 11680, 11722, 11851, 11852, 11853, 11903, 11925.1, 11925.2, 11925.3, and 11925.4 of, to repeal Sections 11004, 11005, 11100, and 11101 of, to amend, repeal, and add Sections 11655.5 and 11722 of, and to amend the heading of Chapter 2 (commencing with Section 11100) of Division 10 of, the Health and Safety Code, to amend Sections 3212.7, 4800, 4802, and 4803 of the Labor Code, to amend Sections 290, 830.3, 2082, 4852.12, 4852.14, 4852.17, 11006, 11050, 11050.5, 11051, 11102, 11105, 11107, 11110, 11113, 11115, 11116, 11117, 11120, 11122, 11123, 11124, 11125, 11126, 11127, 11150, 11152, 11161.5, 12030, 12052, 12053, 12054, 12075, 12076, 12077, 12078, 12079, 12090, 12092, 12094, 12230, 12231, 12250, 12251, 12305, 12306, 12307, 12403, 12423, 12424, 12435, 12450, 12452, 12454, 12455, 12456, 12457, 12458, 13010, 13011, 13012, 13020, 13021, and 13022 of, to repeal Sections 11000, 11005, and 11007 of, to amend the heading of Chapter 1 (commencing with Section 11000) of Title 1 of Part 4 of, and to repeal Article 1 (commencing with Section 13000) of Chapter 1 of Title 3 of Part 4 of, the Penal Code, and to amend Sections 504 and 5328.2 of, and to amend, add, and repeal Sections 8104 and 16018 of, the Welfare and Institutions Code, relating to the Department of Justice.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. Section 6876.1 of the Business and Professions Code is amended to read:

6876.1. The chief may receive from the Department of Justice information relative to the fitness of employees of collection agencies, other than clerical or secretarial employees, or of managers, owners, partners, and officers of collection agencies licensed at the effective date of this chapter or of any collection agency licensee or applicant applying for licensure. Such information shall not be considered a public record.

SEC. 2. Section 21625 of the Business and Professions Code is amended to read:

21625. It is the intent of the Legislature in enacting this article to require the statewide reporting of identifiable secondhand tangible personal property acquired by persons whose principal business is the buying, selling, trading, auctioning, or taking in pawn of secondhand personal property, unless the property or the transaction is specifically exempt herein, for the purpose of correlating these reports with other reports of city, county, and city and county law enforcement agencies and further utilizing the services of the Department of Justice to aid in tracing and recovering stolen property.

Further, it is the intent of the Legislature that this article shall not supersede or supplant the provisions or affect the operation of any city, county, or city and county ordinance with respect to reporting by secondhand dealers, as defined herein, whether or not such ordinance requires incidental holding or releasing of identifiable secondhand tangible personal property required to be reported.

It is the further intent of the Legislature that this article shall be applicable to any secondhand dealer, as defined herein, that is not required to report identifiable secondhand tangible personal property under the provisions of a city, county, or city and county ordinance.

SEC. 3. Section 21632 of the Business and Professions Code is amended to read:

21632. In the absence of a city, county, or city and county ordinance requiring any reporting of property acquired by a secondhand dealer in transactions enumerated in Section 21628, the report shall be submitted on forms prescribed by the Department of Justice and in accordance with the provisions of Sections 21628 and 21630.

SEC. 4. Section 21633 of the Business and Professions Code is amended to read:

21633. The report forms prescribed by the Department of Justice shall consist of not less than an original and two copies. The original and the duplicate copy shall be submitted by the secondhand dealer in accordance with the provisions of Sections 21628 and 21630. The triplicate copy shall be retained by the secondhand dealer in his place of business for a period of three years and shall be made available for inspection by any law enforcement officer.

SEC. 5. Section 21634 of the Business and Professions Code is amended to read:

21634. The chief of police or the sheriff who receives a report on a form filed pursuant to the provisions of this article shall daily submit the original to the Department of Justice.

SEC. 6. Section 21635 of the Business and Professions Code is amended to read:

21635. Where a report is made in conformity with the provisions of a city, county, or city and county ordinance, on a form not prescribed by the Department of Justice, the chief of police or the sheriff who receives the report shall submit to the Department of Justice the information contained in the report concerning identifiable secondhand tangible personal property as set forth in Section 21627 and transactions as set forth in Section 21628.

SEC. 7. Section 607f of the Civil Code, as amended by Chapter 1094 of the Statutes of 1971, is amended to read:

607f. Any such corporation incorporated for the purpose of the prevention of cruelty to animals may by resolution of its board of directors or trustees duly entered on its minutes appoint any number of its members, who shall be citizens of the State of California, as humane officers. Each appointment of a humane officer shall be by separate resolution. Such resolution shall state the full name and place of residence and the business or occupation of the person so appointed and the fact that he is a citizen of the State of California and shall also designate the number of the badge to be allotted to such officer.

The society shall recommend any such appointee to the judge of the superior court in and for the county or city and county in which the appointee resides, and shall deliver to the judge a copy of the resolution appointing such person, duly certified to be correct by the president and secretary of such corporation and attested by its seal, together with the fingerprints of such appointee taken on standard 8 x 8-inch cards.

The judge shall send a copy of the resolution, together with the fingerprints of the appointee, to the Department of Justice, which shall thereupon submit to the judge, in writing, a report of the record in its possession, if any, of the appointee. If the Department of Justice has no record of the appointee, it shall so report to the judge in writing.

Upon receipt of the report the judge shall review the matter of the appointee's qualifications and fitness to act as a humane officer and, if he reaffirms such appointment, shall so state on a court order confirming the appointment. Said appointee shall thereupon file a certified copy of the reviewed court order in the office of the county clerk of said county or city and county and shall at the same time take and subscribe the oath of office prescribed for constables or other peace officers.

The county clerk shall thereupon immediately enter in a book to be kept in his office and designated "Record of Humane Officers"

the name of such officer, the number of his badge, the name of the judge appointing him and the date of such filing. At the time of such filing the county clerk shall collect from such officer a fee of fifty cents ($0.50), which shall be in full for all services to be performed by the county clerk under the provisions of this section.

All such appointments of humane officers shall automatically expire within three years from the date on which the said certified copy of the court order was filed with the county clerk. Officers whose appointments are about to expire may only be reappointed in the same manner as hereinbefore provided for new appointments.

The corporation appointing such officer may revoke such appointment at any time by filing in the office of the county clerk in which the appointment of such officer is recorded a copy of such revocation in writing under the letterhead of such corporation and duly certified by its executive officer. Upon such filing the county clerk shall enter the fact of such revocation and the date of the filing thereof opposite the name of such officer in such record of humane officers.

Such humane officers after qualifying as above provided, shall have power at all places within the state lawfully to interfere to prevent the perpetration of any act of cruelty upon any dumb animal and may use such force as may be necessary to prevent the same and to that end may summon to their aid any bystander. They may make arrests for the violation of any penal law of this state relating to or affecting animals in the same manner as a constable or other peace officer. Except as otherwise provided by this section, a humane officer shall serve only in the county in which he is appointed. A humane officer may serve in a county other than that in which he is appointed only if he first informs the sheriff of the county that he intends to serve in such county. A humane officer is authorized to carry weapons while engaged in his duties as a humane officer, upon satisfactory completion of training, as approved by the Commission on Peace Officer Standards and Training, in the use of weapons.

Every humane officer must when making such arrest exhibit and expose a suitable badge to be adopted by the corporation under this title of which he is a member which shall bear its name and a number. Any person resisting a humane officer in the performance of his duty as provided in this section, shall be guilty of a misdemeanor. Any person who has not been appointed and qualified as a humane officer as provided in this section, or whose appointment has been revoked as provided in this section, or whose appointment, having expired, has not been renewed as provided in this section, who shall represent himself to be or shall attempt to act as such officer shall be guilty of a misdemeanor.

The provisions of this section added by amendments at the 1971 Regular Session shall apply only to humane officers appointed or reappointed after the effective date of such amendments.

SEC. 8. Section 10401 of the Corporations Code is amended to read:

10401. All articles of incorporation of such corporations filed with the Secretary of State shall be endorsed by the Department of Justice or by a judge of the superior court of the county in which the principal office of the corporation is located, as evidence of necessity.

SEC. 9. Section 10402 of the Corporations Code is amended to read:

10402. The endorsement of a judge of the superior court shall not be granted, however, unless the endorsement of the Department of Justice has been first refused or withheld for more than 90 days. If the endorsement of the Department of Justice is withheld for more than 90 days, or refused, application may be made to the judge of the superior court of the county in which the principal office of the corporation is located, and if, after giving due consideration to the necessity of such corporation and assuring himself that the incorporators are acting in good faith, the judge so desires, he may endorse the articles.

SEC. 10. Section 13128 of the Education Code, as amended by Chapter 1391 of the Statutes of 1970, is amended to read:

13128. The State Board of Education is authorized to secure information, records, reports, and other data relative to the identification or fitness of any applicant for a life diploma or a credential or for the renewal of a credential from any agency or department of the state and for that purpose, any provision of law to the contrary notwithstanding:

(a) The Department of Justice shall furnish, upon application of the State Board of Education, all summary criminal history information pertaining to any applicant of whom there is a record in its office.

(b) Each institution under the jurisdiction of the Department of Mental Hygiene shall furnish upon application of the State Board of Education and with the consent of the holder or applicant, all information and records pertaining to that holder or applicant of whom there is a record in its office.

The State Board of Education, upon written request of any private school authority, shall release to that private school authority information and other data relative to the identification or fitness of any applicant for a teaching position in the private school so long as not otherwise prohibited by any other privileged communication statutes.

The amendments made to this section during the 1972 Regular Session of the Legislature shall not be deemed to supersede the repeal of this section by Chapter 981 of the Statutes of 1971.

SEC. 11. Section 13588 of the Education Code, as amended by Chapter 1309 of the Statutes of 1971, 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 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 Department of Justice 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 department 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 Department of Justice 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 Department of Justice indicating the number of current employees who have not completed the requirements of this section. The Department of Justice 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 Department of Justice 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 Department of Justice, 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 Department of Justice 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 exempted 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. 12. Section 13589 of the Education Code is amended to read:

13589. Any provision of law to the contrary notwithstanding, the Department of Justice, shall, as provided in Section 13588, furnish, upon application of a local public law enforcement agency all information pertaining to any such person of whom there is a record in its office.

SEC. 13. Section 21208 of the Financial Code is amended to read:

21208. Every pawnbroker shall report daily all descriptions of all property received in pawn or purchased as secondhand merchandise, in whatever quantity received, including property purchased as secondhand merchandise at wholesale, secondhand merchandise taken in for sale or possessed on consignment for sale, and secondhand merchandise taken in trade, provided, however, that no such report need be made concerning property or merchandise acquired from another pawnbroker in a transaction involving the purchase or other acquisition from the other pawnbroker of his stock in trade or a substantial part thereof in bulk, where the other pawnbroker has made the reports required by this section with respect to that property or merchandise.

If the transaction took place within the territorial limits of an incorporated city, the report shall be submitted to the chief of police of the city. If the transaction took place outside the territorial limits of an incorporated city, the reports shall be submitted to the sheriff of the county.

All reports shall be on forms approved by or prescribed by the Department of Justice. They shall otherwise comply with and be submitted in accordance with the terms of any applicable city, county, or city and county ordinances requiring such reporting. In the absence of local ordinances requiring such reporting, the reports shall be submitted to the chief of police or the sheriff.

SEC. 14. Section 1030 of the Government Code is amended to read:

1030. A classifiable set of the fingerprints of every person who is now employed, or who hereafter becomes employed, as a peace officer of the state, or of a county, city, city and county or other

political subdivision, whether with or without compensation, shall be furnished to the Department of Justice and to the Federal Bureau of Investigation by the sheriff, chief of police or other appropriate appointing authority of the agency by whom the person is employed.

This section shall not apply to any currently employed peace officer whose appointment antedates the effective date of this section and whose fingerprints have already been submitted by his appointing authority to the Department of Justice and to the Federal Bureau of Investigation.

SEC. 15. Section 14710 of the Government Code is amended to read:

14710. The Director of General Services shall fix the charge to be paid by any state department, officer, board, or commission, or any city, county, city and county, or other public agency to the Department of Justice for transmitting messages over the state's teletype system.

SEC. 16. Section 15001 of the Government Code is amended to read:

15001. The department is composed of the Office of the Attorney General and the Division of Law Enforcement.

SEC. 17. Section 15100 of the Government Code is amended to read:

15100. The California Law Enforcement Telecommunications System shall be operated by the Department of Justice.

SEC. 18. Section 15103 of the Government Code is amended to read:

15103. The department shall file with the Controller a monthly report of all money received for the use of the system, and at the same time deposit all such money with the Treasurer.

SEC. 19. Section 15104 of the Government Code is amended to read:

15104. All sums so deposited shall be credited by the Controller to the appropriation for the support of the department from which the cost of such teletype services were paid, and shall be used by the department for the same purposes for which the appropriation was made.

SEC. 19.5. Section 20017.7 of the Government Code is repealed.

SEC. 20. Section 20017.75 of the Government Code is amended to read:

20017.75. "State safety member" means (a) all persons within the Department of Justice designated as peace officers and performing investigative duties, and (b) the members of the California State Police Division who are peace officers as defined in Section 830.2 of the Penal Code and whose principal duties consist of active law enforcement, but excluding clerical personnel or those whose principal duties are that of telephone operator, machinist, mechanic, security officer or otherwise clearly not within the scope of active law enforcement, even though the person is subject to occasional call, or is occasionally called upon to perform duties within the scope of

active law enforcement.

SEC. 20.1. Section 20017.75 of the Government Code is amended to read:

20017.75. "State safety member" means (a) all persons within the Department of Justice designated as peace officers, holding a certificate from the Commission of Peace Officers Standards and Training, and performing investigative duties, and (b) the members of the California State Police Division who are peace officers as defined in Section 830.2 of the Penal Code and whose principal duties consist of active law enforcement, but excluding clerical personnel or those whose principal duties are that of telephone operator, machinist, mechanic, security officer or otherwise clearly not within the scope of active law enforcement, even though the person is subject to occasional call, or is occasionally called upon to perform duties within the scope of active law enforcement.

SEC. 20.3. Section 20803.7 of the Government Code is amended to read:

20803.7. "State safety service" means service rendered as a state safety member only while receiving compensation for such service, except as provided in Article 4 (commencing with Section 20890) of this chapter. It also includes service rendered in an employment in which persons have since become state safety members and service rendered prior to the effective date of the amendment to this section at the 1972 Regular Session and falling within the definition of warden, forestry, and law enforcement service under this chapter prior to such amendment.

"State safety service" does not include service as an investigator prior to the effective date of the 1972 Statutes within the Department of Justice of persons who prior to the effective date of the 1972 Statutes were classed as miscellaneous members.

SEC. 20.5. Section 22013 of the Government Code is amended to read:

22013. "Policeman" as used in this part includes members of the California Highway Patrol, state safety members of the Public Employees' Retirement System employed by the Department of Justice, sheriffs, undersheriffs, deputy sheriffs, marshals and deputy marshals, and any other employee of a public agency other than the state or University of California in a position designated as a policeman's position by the board; provided, any such position named herein or as may be designated by the board, is not contrary to any definition, ruling or regulation issued by the federal agency relating to the term "policeman" for the purposes of Section 218(d) (5) (A) of the Social Security Act.

SEC. 21. Section 11002.1 of the Health and Safety Code is amended to read:

11002.1. The department by rule may add new narcotics to those enumerated in Sections 11001 and 11002 after notice and hearing, in accordance with the Administrative Procedure Act, Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2

of the Government Code; provided, however, that such rule shall be drafted in form of proposed narcotic law for submission to the next succeeding general session of the Legislature; and provided further, that no such rule shall remain in effect beyond 61 days after the final adjournment of that session of the Legislature.

SEC. 22. Section 11004 of the Health and Safety Code is repealed.

SEC. 23. Section 11005 of the Health and Safety Code is repealed.

SEC. 24. The heading of Chapter 2 (commencing with Section 11100) of Division 10 of the Health and Safety Code is amended to read:

CHAPTER 2. NARCOTIC ENFORCEMENT RESPONSIBILITIES OF THE DEPARTMENT OF JUSTICE

SEC. 25. Section 11100 of the Health and Safety Code is repealed:

SEC. 26. Section 11101 of the Health and Safety Code is repealed.

SEC. 27. Section 11102 of the Health and Safety Code is amended to read:

11102. The Department of Justice shall enforce all laws regulating the cultivation, production, sale, giving away, prescribing, administering, furnishing, or having in possession narcotic or other dangerous drugs other than those drugs enumerated in schedules "A" and "B" of Chapter 102, Statutes of 1907.

SEC. 28. Section 11103 of the Health and Safety Code is amended to read:

11103. The Attorney General may, in conformity with the State Civil Service Act, employ such agents, chemists, clerical, and other employees as are necessary for the enforcement of the state's narcotic laws.

SEC. 29. Section 11104 of the Health and Safety Code is amended to read:

11104. The Department of Justice may employ a physician to interview and examine any patient for whom any narcotic has been prescribed or to whom any narcotic has been furnished or administered, or who is an habitual user of narcotics, or who has a previous narcotic addiction record.

The patient shall submit to the interview and examination and shall not in any manner hinder or impede it.

The physician employed by the Department of Justice to conduct the interview and examination shall report the results of the examination and interview to the Department of Justice.

The physician so employed may testify in any action brought under this division or in any hearing before the State Board of Medical Examiners or the State Board of Osteopathic Examiners and his testimony is not privileged.

Every person who violates any provision of this section is guilty of a misdemeanor.

SEC. 30. Section 11105 of the Health and Safety Code is amended to read:

11105. Agents appointed pursuant to Section 11103 have the powers and authority conferred by law upon peace officers listed in Section 830 3 of the Penal Code in the performance of their duties.

SEC. 31. Section 11106 of the Health and Safety Code is amended to read:

11106. The Attorney General may expend such sums as he deems necessary in the purchase of drugs for evidence and in the employment of operators to obtain evidence.

The sums so expended shall be repaid to the officer making the expenditures upon claims approved by the Attorney General and subject to post audit by the Department of Finance. The claims when approved shall be paid out of the funds appropriated or made available by law for the support or use of the Department of Justice.

SEC. 32. Section 11166.05 of the Health and Safety Code is amended to read:

11166.05. Prescription blanks shall be issued by the Department of Justice in serially numbered groups of 100 forms each in triplicate, and shall be furnished free of cost to any person authorized to write a prescription, and such prescription blanks shall not be transferable. Any person possessing any such prescription blank otherwise than as herein provided is guilty of a misdemeanor.

SEC. 33 Section 11166.08 of the Health and Safety Code is amended to read:

11166.08. No person shall issue a prescription other than on the official prescription form issued by the Department of Justice, and no person shall fill any prescription other than on the official prescription form issued by the Department of Justice, except that in the case of an epidemic or a sudden or unforeseen accident or calamity a prescriber may issue a prescription upon a form other than the official prescription form issued by the Department of Justice, where failure to issue such prescription might result in loss of life or intense suffering, but such a prescription shall have indorsed thereon by the prescriber a statement concerning the accident, calamity, or circumstances constituting the emergency because of which the unofficial blank is used.

SEC. 34. Section 11166.10 of the Health and Safety Code is amended to read:

11166.10. The prescription book containing the prescriber's copies of prescriptions issued shall be retained by the prescriber which shall be preserved for two years and shall at all times be open to inspection by agents of the Department of Justice, special agents of the Board of Medical Examiners, inspectors of the Board of Osteopathic Examiners, and inspectors of the Board of Pharmacy.

SEC. 35. Section 11166.11 of the Health and Safety Code is amended to read:

11166.11. The original and one copy of the prescription shall be delivered to the person filling the prescription. The duplicate shall be properly endorsed by the pharmacist filling the prescription at the time such prescription is filled. The original shall be retained by

the person filling the prescription, and at the end of each month in which the prescription is filled, the duplicate shall be returned to the Department of Justice.

SEC. 36. Section 11177 of the Health and Safety Code is amended to read:

11177. A narcotic prescription on file shall at all times be open to inspection by the prescriber, and properly authorized officers of the law, including all agents of the Department of Justice and inspectors of the Board of Pharmacy.

SEC. 37. Section 11226 of the Health and Safety Code is amended to read:

11226. The record shall be preserved for two years and shall at all times be open to inspection by agents of the Department of Justice and inspectors of the Board of Pharmacy.

Every person who violates any provision of this section is guilty of a misdemeanor.

SEC. 38. Section 11228 of the Health and Safety Code is amended to read:

11228. Any record required by this division shall be open at all times to inspection by properly authorized officers of the law, including agents of the Department of Justice and inspectors of the Board of Pharmacy. It is unlawful to refuse to permit, or to obstruct such inspection.

SEC. 39. Section 11250 of the Health and Safety Code is amended to read:

11250. Whenever the pharmacist's copy of a narcotic prescription is removed by a peace officer, agent of the Department of Justice, or inspector of the Board of Pharmacy, for the purpose of investigation or as evidence, the officer, agent or inspector shall give to the pharmacist a receipt in lieu thereof.

SEC. 40. Section 11331.5 of the Health and Safety Code is amended to read:

11331.5. In order to provide a supply of narcotics as may be necessary to handle emergency cases, any hospital which does not employ a resident pharmacist and which is under the supervision of a licensed physician, may purchase narcotics on federal order forms for said institution, under the name of said hospital, said supply to be made available to a registered nurse for administration to patients in emergency cases, upon direction of a licensed physician.

A report showing the kind and amount of narcotics purchased on the federal order form shall be forwarded, by registered mail, to the Department of Justice, at the time such narcotics are purchased and a record shall be kept of such rush, emergency administration of narcotics, including the amount given, the type, the date given, and the name and address of the person to whom administered.

SEC. 41. Section 11332 of the Health and Safety Code is amended to read:

11332. Persons registered and taxed under Section 4722 of Title 26, United States Code, and lawfully entitled to obtain and use in a

laboratory needed narcotic drugs for the purpose of research, instruction or analysis, may lawfully obtain and use for such purposes lophophora substances as defined in Section 11001, upon registration with, and obtaining written approval from, the Department of Justice. Complete records of receipts, stocks at hand and use of these substances shall be kept. These records shall at all times be open to inspection by any authorized agent of the Department of Justice.

SEC. 42. Section 11333 of the Health and Safety Code is amended to read:

11333. Persons who, under applicable federal laws or regulations, are lawfully entitled to use narcotics for the purpose of research, instruction, or analysis, may lawfully obtain and use for such purposes such substances as are defined as narcotics in Chapter 1 (commencing with Section 11000) of this division, upon registration with the Department of Justice and approval for use of such substances in bona fide research, instruction, or analysis by the Research Advisory Panel established pursuant to Sections 11655 and 11655.5.

Such research, instruction, or analysis shall be carried on only under the auspices of the head of a research project which has been approved by the Research Advisory Panel pursuant to Section 11655.5 or Section 11655.6. Complete records of receipts, stocks at hand, and use of these substances shall be kept. These records shall at all times be open to inspection by any authorized agent of the Department of Justice.

SEC. 43. Section 11395 of the Health and Safety Code is amended to read:

11395. The physician prescribing, furnishing, or administering any narcotic or methadone in the treatment of an addict for addiction shall within five days after the first treatment report by registered mail, over his signature, to the Department of Justice stating the name and address of the patient, and the name and quantities of narcotics prescribed.

The report shall state the progress of the patient under the treatment.

The physician shall in the same manner further report on the 15th day of the treatment and on the 30th day of the treatment, and thereafter shall make such further reports as are requested in writing by the Department of Justice.

SEC. 44. Section 11425 of the Health and Safety Code is amended to read:

11425. A physician prescribing or furnishing a narcotic to an habitual user shall within five days after first prescribing or furnishing the narcotic personally report in writing by registered mail, over his signature, to the Department of Justice.

The report shall contain all of the following:

(a) Name of the patient.

(b) Address of the patient.

(c) Character of the injury or ailment.

(d) Quantity and kind of narcotic used.

(e) A statement as to whether or not the patient is an addict.

SEC. 45. Section 11426 of the Health and Safety Code is amended to read:

11426. The physician shall upon request in writing from the Department of Justice furnish any additional reports upon the treatment of the user as the Department of Justice may request in writing.

SEC. 46. Section 11573 of the Health and Safety Code is amended to read:

11573. The written orders or blank forms shall always be open for inspection by any peace officer or any inspector or member of the Board of Pharmacy or any agent of the Department of Justice.

The written orders or blank forms shall be preserved for at least three years after the date of the last entry made.

SEC. 47. Section 11574 of the Health and Safety Code is amended to read:

11574. A true and correct copy of all orders, contracts, or agreements taken for narcotics shall be forwarded by registered mail to the Department of Justice within 24 hours after the taking of the order, contract, or agreement, unless the order, contract, or agreement is recorded as required under the provisions of Section 2 of an act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium, isonipecaine, or coca leaves, their salts, derivatives, or preparations, by a wholesale jobber, wholesaler, or manufacturer, permanently located in this state, as provided for in that section.

SEC. 48. Section 11576 of the Health and Safety Code is amended to read:

11576. Within 24 hours after any purchaser in this state gives any order to, or makes any contract or agreement for purchases from or sales by, an out-of-state wholesaler or manufacturer of any narcotics for delivery in this state, the purchaser shall forward to the Department of Justice by registered mail a true and correct copy of the order, contract, or agreement.

SEC. 49. Section 11652 of the Health and Safety Code is amended to read:

11652. The order of destruction shall contain the name of the party charged with the duty of destruction, but the judge shall turn all such evidence over to the Department of Justice for destruction.

SEC. 50. Section 11654 of the Health and Safety Code is amended to read:

11654. Narcotics and opium pipes seized under this division, now in the possession of any city or county official, or of the State Board of Pharmacy, or that may hereafter come into their possession, in which no trial was had, shall be delivered to the Department of Justice for destruction or disposition.

No narcotics or opium pipes coming into the possession of the

Department of Justice as described in this section shall be destroyed within six months from seizure.

SEC. 51. Section 11655 of the Health and Safety Code is amended to read:

11655. The Department of Justice may dispose of narcotics, other than heroin or smoking opium, by gift to the medical superintendent of state prisons or state hospitals, for medical purposes. Marijuana (Cannabis sativa), its derivatives or compounds, shall be provided by the Department of Justice to the heads of research projects which have been approved by the Research Advisory Panel pursuant to Section 11655.5.

The head of the approved research project shall personally receipt for such quantities of marijuana (Cannabis sativa) and shall make a record of their disposition. The receipt and record shall be retained by the Department of Justice. The head of the approved research project shall also, at intervals and in the manner required by the Research Advisory Panel, report the progress or conclusions of the research project.

SEC. 51.5. Section 11655.5 of the Health and Safety Code is amended to read:

11655.5. The Legislature finds that there is a need to encourage further research into the nature and effects of marijuana (Cannabis sativa) and hallucinogenic drugs and to coordinate research efforts on such subjects.

There shall be established a Research Advisory Panel which shall consist of a representative of the State Department of Public Health, a representative of the Department of Mental Hygiene, 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 phamacologist 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 Department of Justice of the head of such approved research projects which are entitled to receive quantities of marijuana (Cannabis sativa) pursuant to Section 11655.

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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 Department of Justice.

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.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 52. Section 11655.5 is added to the Health and Safety Code, to read:

11655.5. The Legislature finds that there is a need to encourage further research into the nature and effects of marijuana (Cannabis sativa) and hallucinogenic drugs and to coordinate research efforts on such subjects.

There shall be established a Research Advisory Panel which shall consist of a representative of the State Department of 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 Department of Justice 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 Department of Justice.

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.

This section shall become operative on the same date as

Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 53. Section 11655.6 of the Health and Safety Code, as amended by Chapter 1567 of the Statutes of 1971, 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 Department of Justice of such approval. The panel may withdraw approval of a research project at any time and when approval is withdrawn shall so notify the Department of Justice.

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. 54. Section 11656 of the Health and Safety Code is amended to read:

11656. When narcotics or opium pipes have been seized pursuant to this division and the defendant or owner has escaped from custody and is a fugitive from justice, they shall upon demand of the Department of Justice, be turned over to it for safekeeping until such time as the owner or defendant is apprehended and prosecuted for violation of this division.

SEC. 55. Section 11657 of the Health and Safety Code is amended to read:

11657. When narcotics or opium pipes have been seized pursuant to this division and the case has been disposed of by way of dismissal or otherwise than by way of conviction, they shall by order of the court, be turned over to the Department of Justice, unless the court finds that the narcotics were lawfully possessed by the defendant.

SEC. 56. Section 11680 of the Health and Safety Code is amended to read.

11680. The district attorney of the county in which any violation of this division is committed shall conduct all actions and prosecutions for the violation.

However, subject to the approval of the Attorney General, the Department of Justice may employ special counsel for that purpose, who may take complete charge of the conduct of such actions or prosecutions. The Department of Justice may fix the compensation to be paid for the service and may incur such other expense in connection with the conduct of the actions or prosecutions as it may deem necessary. No attorney employed as special counsel shall receive as compensation more than three thousand five hundred dollars ($3,500) in any one year.

SEC. 56.5. 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 Department of Justice, 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 Department of Justice, 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 Department of Justice, 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 Department of Justice, 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 Public Health, in conjunction with the Department of Justice, 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.

This section shall remain operative only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 57. Section 11722 is added to the Health and Safety Code, 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 Department of Justice, 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 Department of Justice,

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 Department of Justice, 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 Department of Justice, 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 Department of Justice, 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.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 58. Section 11851 of the Health and Safety Code is amended to read:

11851. Any person who, after the effective date of this section, is discharged or paroled from a jail, prison, school, road camp, or other institution where he was confined because of the commission or attempt to commit one of the offenses described in Section 11850 shall, prior to such discharge, parole, or release, be informed of his duty to register under that section by the official in charge of the place of confinement and the official shall require the person to read and sign such form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him. The official in charge of the place of confinement shall obtain the address where the person expects to reside upon his discharge, parole, or release and shall report such address to the Department of Justice. The official in charge of the place of confinement shall give one copy of the form to the person, and shall send two copies to the Department of Justice, which, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

SEC. 59. Section 11852 of the Health and Safety Code is amended to read:

11852. Any person who, after the effective date of this section, is convicted in the State of California of the commission or attempt to

commit any of the above-mentioned offenses and who is released on probation or discharged upon payment of a fine shall, prior to such release or discharge, be informed of his duty to register under Section 11850 by the court in which he has been convicted and the court shall require the person to read and sign such form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him. The court shall obtain the address where the person expects to reside upon his release or discharge and shall report within three days such address to the Department of Justice. The court shall give one copy of the form to the person, and shall send two copies to the Department of Justice, which, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

SEC. 60. Section 11853 of the Health and Safety Code is amended to read:

11853. The registration required by Section 11850 shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the Department of Justice, and (b) the fingerprints and photograph of such person. Within three days thereafter the registering law enforcement agency shall forward such statement, fingerprints and photograph to the Department of Justice.

If any person required to register hereunder changes his residence address he shall inform, in writing within 10 days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three days after receipt of such information, forward it to the Department of Justice. The Department of Justice shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

All registration requirements set forth in this article shall terminate five years after the discharge from prison, release from jail or termination of probation or parole of the person convicted. Nothing in this section shall be construed to conflict with the provisions of Section 1203.4 of the Penal Code concerning termination of probation and release from penalties and disabilities of probation.

Any person required to register under the provisions of this section who shall knowingly violate any of the provisions thereof is guilty of a misdemeanor.

The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

SEC. 61. Section 11903 of the Health and Safety Code is amended to read:

11903. (a) "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order signed by the prescriber

and shall bear the name and address of the prescriber, his license classification, the name and address of patient, name and quantity of drug or drugs prescribed, directions for use and the date of issue.

(b) "Board" means the California State Board of Pharmacy.

(c) "Physician," "dentist," "podiatrist," "pharmacist," and "veterinarian" mean persons who are licensed to practice their respective professions in this state.

(d) "Customs broker" means a person in this state who is authorized to act as a broker for any of the following:

(1) A person in this state who is licensed to sell, distribute, or otherwise possess restricted dangerous drugs.

(2) A person in any other state who ships restricted dangerous drugs into this state.

(3) A person in this state or any other state who ships or transfers restricted dangerous drugs through this state.

(e) "Manufacturer" has the same meaning as provided in Section 4034 of the Business and Professions Code.

(f) "Pharmacy" has the same meaning as provided in Section 4035 of the Business and Professions Code.

(g) "Wholesaler" has the same meaning as provided in Section 4038 of the Business and Professions Code.

(h) "Dispense" has the same meaning as provided in Section 4049 of the Business and Professions Code.

(i) "Furnish" has the same meaning as provided in Section 4048.5 of the Business and Professions Code.

SEC. 62. Section 11925.1 of the Health and Safety Code is amended to read:

11925.1. All restricted dangerous drugs that have been seized under this division shall, by order of the court upon the conviction of the owner or defendant, be turned over to the Department of Justice for destruction or disposition. Restricted dangerous drugs coming into the possession of the Department of Justice pursuant to this section shall not be destroyed until at least six months after their seizure.

SEC. 63. Section 11925.2 of the Health and Safety Code is amended to read:

11925.2. Restricted dangerous drugs seized under this division, now in the possession of any city or county official, or of the board, or that may hereafter come into their possession, in which no trial was had, shall be delivered to the Department of Justice for destruction or disposition.

SEC. 64. Section 11925.3 of the Health and Safety Code is amended to read:

11925.3. When restricted dangerous drugs have been seized pursuant to this division and the defendant or owner has escaped from custody and is a fugitive from justice, they shall upon demand of the Department of Justice, be turned over to it for safekeeping until such time as the owner or defendant is apprehended and prosecuted for violation of this division.

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SEC. 65. Section 11925.4 of the Health and Safety Code is amended to read:

11925.4. When restricted dangerous drugs have been seized pursuant to this division and the case has been disposed of by way of dismissal or otherwise than by way of conviction, they shall by order of the court, be turned over to the Department of Justice for destruction or disposition, unless the court finds that the restricted dangerous drugs were lawfully possessed by the defendant.

SEC 66. Section 3212.7 of the Labor Code is amended to read:

3212.7. In the case of an employee in the Department of Justice falling within the "state safety" class, when any such individual is employed under civil service upon a regular, full-time salary, the term "injury," as used in this division, includes heart trouble or hernia or pneumonia or tuberculosis which develops or manifests itself during the period while such individual is in the service of the Department of Justice. The compensation which is awarded for any such injury shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

Such heart trouble, hernia, pneumonia, or tuberculosis so developing or manifesting itself shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence but unless so controverted, the appeals board is bound to find in accordance with it.

Such heart trouble, hernia, pneumonia, or tuberculosis developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.

SEC. 67. Section 4800 of the Labor Code, as amended by Chapter 1089 of the Statutes of 1971, is amended to read:

4800. Whenever any member of the California Highway Patrol or any member of the Department of Justice falling within the "state safety" class is disabled by injury arising out of and in the course of his duties, he shall become entitled, regardless of his period of service with the patrol, or Department of Justice to leave of absence while so disabled without loss of salary, in lieu of disability payments under this chapter, for a period of not exceeding one year. This section shall apply only to members of the California Highway Patrol and the Department of Justice whose principal duties consist of active law enforcement and shall not apply to persons employed in the Department of the California Highway Patrol or the Department of Justice whose principal duties are those of telephone operator, clerk, stenographer, machinist, mechanic or otherwise clearly not falling within the scope of active law enforcement service, even though such person is subject to occasional call or is occasionally called upon to perform duties within the scope of active law enforcement service.

This section shall apply to harbor policemen employed by the San Francisco Port Commission who are described in Section 20017.76 of the Government Code.

SEC. 68. Section 4802 of the Labor Code, as amended by Chapter 1089 of the Statutes of 1971, is amended to read:

4802. Any such member of the California Highway Patrol or Department of Justice, or any such harbor policeman, so disabled is entitled from the date of injury and regardless of retirement under the Public Employees' Retirement System, to the medical, surgical and hospital benefits prescribed by this division as part of the compensation for persons injured in the course of and arising out of their employment, at the expense of the Department of the California Highway Patrol, the Department of Justice, or the San Francisco Port Commission, as the case may be, and such expense shall be charged upon the fund out of which the compensation of the member is paid.

SEC. 69. Section 4803 of the Labor Code, as amended by Chapter 1089 of the Statutes of 1971, is amended to read:

4803. Whenever such disability of such member of the California Highway Patrol, or Department of Justice, or of such harbor policeman, continues for a period beyond one year, such member or harbor policeman shall thereafter be subject, as to disability indemnity, to the provisions of this division other than Section 4800, which refers to temporary disability only, during the remainder of the disability, except that such compensation shall be paid out of funds available for the support of the Department of the California Highway Patrol, the Department of Justice, or the San Francisco Port Commission, as the case may be, and the leave of absence shall continue.

SEC. 70. Section 290 of the Penal Code is amended to read:

290. Any person who, since the first day of July, 1944, has been or is hereafter convicted in the State of California of the offense of assault with intent to commit rape or the infamous crime against nature, under Section 220, or of any offense defined in Sections 266, 267, 268, 285, 286, 288, 288a, subdivision 1 of Section 647a, subdivision 2 or 3 of Section 261, subdivision (a) or (d) of Section 647, or subdivision 1 or 2 of Section 314, or of any offense involving lewd and lascivious conduct under Section 272; or any person who since such date has been or is hereafter convicted of the attempt to commit any of the above-mentioned offenses; or any person who since such date or at any time hereafter is discharged or paroled from a penal institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses; or any person who since such date or at any time hereafter is determined to be a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code; or any person who has been since such date or is hereafter convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and

county in which he resides or is temporarily domiciled for such length of time register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

Any person who, after the first day of August, 1950, is discharged or paroled from a jail, prison, school, road camp, or other institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses or is released from a state hospital to which he was committed as a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code shall, prior to such discharge, parole, or release, be informed of his duty to register under this section by the official in charge of the place of confinement or hospital and the official shall require the person to read and sign such form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him. The official in charge of the place of confinement or hospital shall obtain the address where the person expects to reside upon his discharge, parole, or release and shall report such address to the Department of Justice. The official in charge of the place of confinement or hospital shall give one copy of the form to the person, and shall send two copies to the Department of Justice, which, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Any person who after the first day of August, 1950, is convicted in the State of California of the commission or attempt to commit any of the above-mentioned offenses and who is released on probation or discharged upon payment of a fine shall, prior to such release or discharge, be informed of his duty to register under this section by the court in which he has been convicted and the court shall require the person to read and sign such form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him. The court shall obtain the address where the person expects to reside upon his release or discharge and shall report within three days such address to the Department of Justice. The court shall give one copy of the form to the person, and shall send two copies to the Department of Justice, which, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Such registration shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the Department of Justice, and (b) the fingerprints and photograph of such person. Within three days thereafter the registering law enforcement agency shall forward such statement, fingerprints and photograph to the Department of Justice.

If any person required to register hereunder changes his residence

address he shall inform, in writing within 10 days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three days after receipt of such information, forward it to the Department of Justice. The Department of Justice shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

Any person required to register under the provisions of this section who shall violate any of the provisions thereof is guilty of a misdemeanor.

The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

SEC. 71. Section 830.3 of the Penal Code, as amended by Chapter 1695 of the Statutes of 1971, is amended to read:

830.3. (a) The Deputy Director, Assistant Directors, Investigative Chiefs and Assistant Chiefs, special agents of the Department of Justice, 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 officers; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any horseracing enclosure licensed pursuant to the Horse Racing Law.

(i) Police officers of a regional park district, appointed or employed pursuant to Section 5561 of the Public Resources Code, and officers and employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of such code are peace officers, provided, that the primary duty of any such peace officer shall be the enforcement of the law as such duties are set forth in Sections 5561 and 5008, respectively, of such code.

(j) 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, regulary 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.

SEC. 72. Section 2082 of the Penal Code is amended to read:

2082. The Director of Corrections shall within 30 days after receiving persons convicted of crime and sentenced to serve terms in the respective prisons under the jurisdiction of the Director of Corrections, except those cases under juvenile court commitment, furnish to the Department of Justice two copies of a report containing the fingerprints, photographs and descriptions, including complete details of marks, scars, deformities or other peculiarities, and a statement of the nature of the offense for which the person is committed. One copy shall be transmitted by the Department of Justice to the Federal Bureau of Investigation. He shall notify the Department of Justice whenever any of such prisoners dies, escapes, is discharged, released on parole, transferred to or returned from a state hospital, taken out to court or returned therefrom, or whose custody is terminated in any other manner. The Director of Corrections may furnish to the Department of Justice such other fingerprints, photographs and information as may be useful for law enforcement purposes. Any expenditures incurred in carrying out the provisions of this section shall be paid for out of the appropriation made for the support of state's prisons and/or the Department of Corrections.

SEC. 73. Section 4852.12 of the Penal Code is amended to read:

4852.12. In any proceeding for the ascertainment and declaration of the fact of rehabilitation under this chapter, the court, upon the filing of the application for petition of rehabilitation, shall require from the district attorney an investigation of the residence of the petitioner, the criminal record of the petitioner as shown by the records of the Department of Justice, and the investigation of any representation made to the court by the applicant, and the district attorney shall file with the court a full and complete report of the results of said investigations, and shall require from the district attorney and the chief of police or sheriff having jurisdiction as provided in subdivision (a) of Section 4852.02 written reports setting forth all matters within their knowledge relating to the conduct of the petitioner during his period of rehabilitation, including all matters mentioned in Section 4852.11.

SEC. 74. Section 4852.14 of the Penal Code is amended to read:

4852.14. The clerk of the court shall immediately transmit certified copies of the certificate of rehabilitation to the Governor, to the Adult Authority and the Department of Justice, and, in the case of persons twice convicted of a felony, to the Supreme Court.

SEC. 75. Section 4852.17 of the Penal Code is amended to read:

4852.17. Whenever a person is issued a certificate of rehabilitation or granted a pardon from the Governor under this chapter, the fact shall be immediately reported to the Department of Justice by the court, Governor, officer, or governmental agency by whose official action the certificate is issued or the pardon granted. The Department of Justice shall immediately record the facts so reported on the former criminal record of the person, and transmit such facts to the Federal Bureau of Investigation at Washington, D.C. When the criminal record is thereafter reported by said department, it shall also report the fact that the person has received a certificate of rehabilitation, or pardon, or both.

Whenever a person is granted a full and unconditional pardon by the Governor, based upon a certificate of rehabilitation, the pardon shall entitle the person to exercise thereafter all civil and political rights of citizenship, including but not limited to: (1) the right to vote; (2) the right to own, possess, and keep any type of firearm that may lawfully be owned and possessed by other citizens; except that this right shall not be restored, and Sections 12001 and 12021 of the Penal Code shall apply, if the person was ever convicted of a felony involving the use of a dangerous weapon.

SEC. 76. The heading of Chapter 1 (commencing with Section 11000) of Title 1 of Part 4 of the Penal Code is amended to read:

CHAPTER 1. INVESTIGATION, IDENTIFICATION, AND INFORMATION RESPONSIBILITIES OF THE DEPARTMENT OF JUSTICE

SEC. 77. Section 11000 of the Penal Code is repealed.

SEC. 78. Section 11005 of the Penal Code is repealed.

SEC. 79. Section 11006 of the Penal Code is amended to read:

11006. The Attorney General shall appoint such agents and other employees as he deems necessary to carry out the provisions of this chapter.

SEC. 79.5. Section 11007 of the Penal Code is repealed.

SEC. 80. Section 11050 of the Penal Code is amended to read:

11050. In any crime of statewide importance, the Attorney General may, upon the request of any district attorney, sheriff or chief of police, assign to such officer so requesting, an investigator or investigators for the investigation or detection of crimes, and the apprehension or prosecution of criminals.

SEC. 81. Section 11050.5 of the Penal Code is amended to read:

11050.5. The Attorney General may, upon the request of any district attorney, sheriff, chief of police, or other local, state or federal

law enforcement official, make available to such official so requesting, the department's laboratory facilities and personnel and the department's technical experts, including but not limited to such personnel as fingerprint examiners, criminalists, document examiners and intelligence specialists for the purpose of assisting in the investigation or detection of crimes and the apprehension or prosecution of criminals.

SEC. 82. Section 11051 of the Penal Code is amended to read:

11051. The Department of Justice shall perform such other duties in the investigation, detection, apprehension, prosecution or suppression of crimes as may be assigned by the Attorney General in the performance of his duties under Article V, Section 21 of the Constitution.

SEC. 82.1. Section 11102 of the Penal Code is amended to read:

11102. The department may use the following systems of identification: the Bertillon, the fingerprint system, and any system of measurement that may be adopted by law in the various penal institutions of the state.

SEC. 82.2. 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 summary criminal history 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 department.

(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. 82.3. Section 11107 of the Penal Code is amended to read.

11107. Each sheriff, chief of police and city marshal shall furnish to the department daily reports on standard forms to be prepared by the department listing all violations of Sections 314, 647a, subdivision (a) or (d) of Section 647, and any offense involving lewd and lascivious conduct under Section 272, and all felonies committed in his jurisdiction, describing the nature and character and noting all peculiar circumstances of each such crime together with any additional or supplemental data or information including all statements and conversations of persons arrested, and listing any crime theretofore reported which may be of aid in the investigation of such crime and the apprehension and conviction of the perpetrators thereof.

SEC. 83. Section 11110 of the Penal Code is amended to read.

11110. The Department of Justice shall maintain records of all reports of suspected infliction of physical injury upon a minor by other than accidental means and reports of arrests for, and convictions of, violation of Section 273a. On receipt from a city police department, sheriff or district attorney of a copy of a report of suspected infliction of physical injury upon a minor by other than accidental means received from a physician and surgeon, dentist, resident, intern, chiropractor, religious practitioner, registered nurse employed by a public health agency, school, or school district, director of a county welfare department, or any superintendent of schools of any public or private school system or any principal of any public or private school, the department shall transmit to the city police department, sheriff or district attorney, information detailing all previous reports of suspected infliction of physical injury upon the

same minor or another minor in the same family by other than accidental means and reports of arrests for, and convictions of violation of Section 273a, concerning the same minor or another minor in the same family.

The department may adopt rules governing recordkeeping and reporting under Section 11161.5.

SEC. 83.5. Section 11113 of the Penal Code is amended to read:

11113. Each coroner shall furnish the Department of Justice promptly with copies of fingerprints on standardized eight-inch by eight-inch cards, and descriptions and other identifying data, including date and place of death, of all deceased persons whose deaths are in classifications requiring inquiry by the coroner. When it is not physically possible to furnish prints of the 10 fingers, prints or partial prints of any fingers, with other identifying data, shall be forwarded by the coroner to the department.

In all cases where there is a criminal record on file in the department for the decedent, the department shall notify the Federal Bureau of Investigation and each California sheriff and chief of police, in whose jurisdiction the decedent has been arrested, of the date and place of death of decedent.

SEC. 84. Section 11115 of the Penal Code is amended to read:

11115. In any case in which a sheriff, police department or other law enforcement agency makes an arrest and transmits a report of the arrest to the Department of Justice or to the Federal Bureau of Investigation, it shall be the duty of such law enforcement agency to furnish a disposition report to such agencies whenever the arrested person is transferred to the custody of another agency or is released without having a complaint or accusation filed with a court.

If either of the following dispositions is made, the disposition report shall so state:

(a) "Arrested for intoxication and released," when the arrested party is released pursuant to paragraph (2) of subdivision (b) of Section 849.

(b) "Detention only," when the detained party is released pursuant to paragraph (1) of subdivision (b) of Section 849. In such cases the report shall state the specific reason for such release, indicating that there was no ground for making a criminal complaint because (1) further investigation exonerated the arrested party, (2) the complainant withdrew the complaint, (3) further investigation appeared necessary before prosecution could be initiated, (4) the ascertainable evidence as insufficient to proceed further, (5) the admissible or adducible evidence was insufficient to proceed further, or (6) other appropriate explanation for release.

When a complaint or accusation has been filed with a court against such an arrested person, the law enforcement agency having primary jurisdiction to investigate the offense alleged therein shall receive a disposition report of that case from the appropriate court and shall transmit a copy of the disposition report to all the bureaus to which arrest data has been furnished.

SEC. 85. Section 11116 of the Penal Code is amended to read:

11116. Whenever a criminal complaint or accusation is filed in any superior, municipal or justice court, the clerk, or, if there be no clerk, the judge of that court shall furnish a disposition report of such case to the sheriff, police department or other law enforcement agency primarily responsible for the investigation of the crime alleged in a form prescribed or approved by the Department of Justice.

The disposition report shall state one or more of the following, as appropriate:

(a) "Dismissal in furtherance of justice, pursuant to Section 1385 of the Penal Code." In addition to this disposition label, the court shall set forth the particular reasons for the dismissal as stated in its order entered upon the minutes.

(b) "Case compromised; defendant discharged because restitution or other satisfaction was made to the injured person, pursuant to Sections 1377 and 1378 of the Penal Code."

(c) "Court found insufficient cause to believe defendant guilty of a public offense; defendant discharged without trial pursuant to Section 871 of the Penal Code."

(d) "Dismissal due to delay; action against defendant dismissed because the information was not filed or the action was not brought to trial within the time allowed by Section 1381, 1381 5, or 1382 of the Penal Code."

(e) "Accusation set aside pursuant to Section 995 of the Penal Code." In addition to this disposition label, the court shall set forth the particular reasons for the disposition.

(f) "Defective accusation; defendant discharged pursuant to Section 1008 of the Penal Code," when the action is dismissed pursuant to that section after demurrer is sustained, because no amendment of the accusatory pleading is permitted or amendment is not made or filed within the time allowed.

(g) "Defendant became a witness for the people and was discharged pursuant to Section 1099 of the Penal Code."

(h) "Defendant discharged at trial because of insufficient evidence, in order to become a witness for his codefendant pursuant to Section 1100 of the Penal Code."

(i) "Proceedings suspended; defendant found presently insane and committed to state hospital pursuant to Sections 1367 to 1372 of the Penal Code." If defendant later becomes sane and is legally discharged pursuant to Section 1372, his disposition report shall so state.

(j) "Convicted of (state offense)." The disposition report shall state whether defendant was convicted on plea of guilty, on plea of nolo contendere, by jury verdict, or by court finding and shall specify the sentence imposed, including probation granted, suspension of sentence, imposition of sentence withheld, or fine imposed, and if fine was paid.

(k) "Acquitted of (state offense)," when a general "not guilty"

verdict or finding is rendered.

(*l*) "Not guilty by reason of insanity," when verdict or finding is that defendant was insane at the time the offense was committed.

(m) "Acquitted; proof at trial did not match accusation," when defendant is acquitted by reason of variance between charge and proof pursuant to Section 1151.

(n) "Acquitted; previously in jeopardy," when defendant is acquitted on a plea of former conviction or acquittal or once in jeopardy pursuant to Section 1151.

(o) "Judgment arrested; defendant discharged," when the court finds defects in the accusatory pleading pursuant to Sections 1185 to 1187, and defendant is released pursuant to Section 1188.

(p) "Judgment arrested; defendant recommitted," when the court finds defects in the accusatory pleading pursuant to Sections 1185 to 1187, and defendant is recommitted to answer a new indictment or information pursuant to Section 1188.

(q) "Mistrial; defendant discharged." In addition to this disposition label, the court shall set forth the particular reasons for its declaration of a mistrial.

(r) "Mistrial; defendant recommitted." In addition to this disposition label, the court shall set forth the particular reasons for its declaration of a mistrial.

(s) Any other disposition by which the case was terminated. In addition to the disposition label, the court shall set forth the particular reasons for the disposition.

Whenever a court shall dismiss the accusation or information against a defendant under the provisions of Section 1203.4 of this code, and whenever a court shall order the record of a minor sealed under the provisions of Section 851.7 or Section 1203.45 of this code, the clerk, or, if there be no clerk, the judge of that court shall furnish a report of such proceedings to the Department of Justice and shall include therein such information as may be required by said department.

SEC. 86. Section 11117 of the Penal Code is amended to read:

11117. The Department of Justice shall prescribe and furnish the procedures and forms to be used for the disposition reports required in this article. The department shall add the disposition reports received to all appropriate criminal records.

The disposition reports required in this article shall be forwarded to the department and the Federal Bureau of Investigation within 30 days after the release of the arrested or detained person or the termination of court proceedings.

Neither the disposition reports nor the disposition labels required in this article shall be admissible in evidence in any civil action.

SEC. 86.1. Section 11120 of the Penal Code, as added by Chapter 1439 of the Statutes of 1971, is amended to read:

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 Department of Justice, and which is commonly known

as "arrest record," "criminal record sheet," or "rap sheet." "Record" does not include any other records of the department.

SEC. 86.2. Section 11122 of the Penal Code, as added by Chapter 1439 of the Statutes of 1971, is amended to read:

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 department, an application form furnished by the department which shall require his fingerprints in addition to such other information as the department 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.

SEC. 86.3. Section 11123 of the Penal Code, as added by Chapter 1439 of the Statutes of 1971, is amended to read:

11123. The applicant shall submit the completed application directly to the department. The application shall be accompanied by a fee of five dollars ($5) or such higher amount, not to exceed ten dollars ($10) that the department determines equals the costs of processing the application and making a record available for examination. All fees received by the department 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.

SEC. 86.4. Section 11124 of the Penal Code, as added by Chapter 1439 of the Statutes of 1971, is amended to read:

11124. When an application is received by the department, the department shall determine whether a record pertaining to the applicant is maintained. If such record is maintained, the department 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 department. 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.

SEC. 86.5. Section 11125 of the Penal Code, as added by Chapter 1439 of the Statutes of 1971, is amended to read:

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 department pursuant to this section, the department 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.

SEC. 86.6. Section 11126 of the Penal Code, as added by Chapter 1439 of the Statutes of 1971, is amended to read:

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 department 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 department 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 department 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 department, which shall correct the record accordingly. The department 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.

SEC. 86.7. Section 11127 of the Penal Code, as added by Chapter 1439 of the Statutes of 1971, is amended to read:

11127. The department shall adopt all regulations necessary to carry out the provisions of this article

SEC. 87. Section 11150 of the Penal Code is amended to read:

11150. Prior to the release of a person convicted of arson from an institution under the jurisdiction of the Department of Corrections, the Director of Corrections shall notify the State Fire Marshal and the Department of Justice in writing. The notice shall state the name of the person to be released, the county in which he was convicted and, if known, the county in which he will reside.

SEC. 88. Section 11152 of the Penal Code is amended to read:

11152. Upon receipt of a notice as provided in Sections 11150 or 11151, the State Fire Marshal shall notify all regularly organized fire departments in the county in which the person was convicted and, if known, in the county in which he is to reside and the Department of Justice shall notify all police departments and the sheriff in such county or counties.

SEC. 89. Section 11161.5 of the Penal Code, as amended by Chapter 1729 of the Statutes of 1971, 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 Department of Justice. If the records of the Department of Justice 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 department 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.

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(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. 90. Section 12030 of the Penal Code is amended to read:

12030. The officer having custody of any firearms which may be useful to the State Guard, the Coast Guard Auxiliary or to any military or naval agency of the federal or state government may upon the authority of the legislative body of the city, city and county, or county by which he is employed and the approval of the Adjutant General of the state deliver such firearms to the commanding officer of a unit of the State Guard, the Coast Guard Auxiliary or any other military agency of the state or federal government in lieu of destruction as required by this chapter. The officer delivering the firearms shall take a receipt for them containing a complete description thereof and shall keep the receipt on file in his office as a public record.

Any law enforcement agency which has custody of any firearms or any parts of any firearms which are subject to destruction as required by this chapter may, in lieu of destroying such weapons, retain and use any of them as may be useful in carrying out the official duties of such agency, or may turn over to the criminalistics laboratory of the Department of Justice or the criminalistics laboratory of a police department, sheriff's office or district attorney's office any such weapons as may be useful in carrying out the official duties of their respective agencies.

Any firearm or part of any firearm which, rather than being destroyed, is used for official purposes pursuant to this section shall be destroyed by the agency using such weapon when it is no longer needed by the agency for use in carrying out its official duties.

Any law enforcement agency that retains custody of any firearm pursuant to this section or that destroys a firearm pursuant to Section 12028 shall notify the Department of Justice of such retention or destruction. This notification shall consist of a complete description of each firearm, including the name of the manufacturer or brand name, model, caliber, and serial number.

SEC. 91. Section 12052 of the Penal Code, as amended by Chapter 1309 of the Statutes of 1971, is amended to read.

12052. The fingerprints of each applicant shall be taken and two copies on forms prescribed by the Department of Justice shall be forwarded to the department. Upon receipt of the fingerprints and the fee as prescribed in Section 12054, the department 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 department.

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 Department of Justice, 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 Department of Justice on the copy of any subsequent license submitted to the department in conformance with Section 12053 and no additional application form or fingerprints shall be required.

SEC. 92. Section 12053 of the Penal Code is amended to read:

12053. When any such license is issued a record thereof shall be maintained in the office of the licensing authority. Copies of each license issued shall be filed immediately by the issuing officer or authority with the Department of Justice.

SEC. 93. Section 12054 of the Penal Code, as amended by Chapter 1309 of the Statutes of 1971, 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 Department of Justice. 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. 94. Section 12075 of the Penal Code is amended to read:

12075. The State Printer upon issuing a register shall forward to the Department of Justice the name and business address of the dealer together with the series and sheet numbers of the register. The register shall not be transferable. If the dealer moves his business to a different location he shall notify the department of such fact in writing within 48 hours.

SEC. 95. Section 12076 of the Penal Code, as amended by Chapter 1309 of the Statutes of 1971, 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 Department of Justice 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 department that the purchaser resides in a district other than that to which a copy of the original sheet is required to be mailed, the department 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 department 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. 96. Section 12077 of the Penal Code, as amended by Chapter 1309 of the Statutes of 1971, 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 Department of Justice 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.

Serial 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. 97. Section 12078 of the Penal Code is amended to read.

12078. The preceding provisions of this article do not apply to sales of concealable firearms made to persons properly identified as full-time paid officers of a city police department, sheriff's department, district attorney's office, the California Highway Patrol, or the State Department of Justice, nor to sales of concealable

firearms made to authorized representatives of cities, cities and counties, counties, state or federal governments for use by such governmental agencies. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser is employed, identifying the purchaser and authorizing the purchase. The certification shall be delivered to the seller at the time of purchase and the purchaser shall identify himself as the person authorized in such certification. On the day the sale is made, the dealer shall forward by prepaid mail to the Department of Justice a report of such sale and the type of information concerning the buyer and the firearm sold as is indicated in Section 12077.

SEC. 98. Section 12079 of the Penal Code is amended to read:

12079. Any person, other than a dealer licensed under the provisions of Section 12071, or a manufacturer or wholesaler of weapons, who orders by mail any pistol, revolver, or firearm capable of being concealed upon the person shall, at least five days before ordering such weapon, file with the chief of police, or other head of the police department of the city, county, or city and county wherein such person maintains his residence or principal place of business, a record in duplicate of such order. When such person resides or has his principal place of business where there is no municipal police department, then such record, in duplicate, shall be filed with the sheriff of the county where such person resides or maintains his principal place of business. Such record shall be substantially in the following form:

RECORD OF ORDER OF CONCEALABLE FIREARM

Name _____ Date of birth _____
Permanent address _____
Height ____ feet ____ inches. Occupation _____
Color _____, skin _____, eyes _____, hair _____
Description of arm
(state whether revolver or pistol) _____
Maker _____, caliber _____
Name and address of seller _____
Signature _____

The city, county, or city and county may charge a fee not exceeding one dollar ($1) for filing such record and shall send the duplicate of such record to the Department of Justice at Sacramento.

Within 14 days after receipt of such ordered weapon, the person who ordered such weapon shall transmit to the Department of Justice at Sacramento the serial number and a description of such weapon.

Any violation of this section is a misdemeanor.

SEC. 99. Section 12090 of the Penal Code is amended to read:

12090. Any person who changes, alters, removes or obliterates the name of the maker, model, manufacturer's number, or other

mark of identification, including any distinguishing number or mark assigned by the Department of Justice on any pistol or revolver, without first having secured written permission from the bureau to make such change, alteration or removal shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

SEC. 100. Section 12092 of the Penal Code is amended to read:

12092. The Department of Justice upon request may assign a distinguishing number or mark of identification to any pistol or revolver whenever it is without a manufacturer's number, or other mark of identification or whenever the manufacturer's number or other mark of identification or the distinguishing number or mark assigned by the department has been destroyed or obliterated.

SEC. 101. Section 12094 of the Penal Code is amended to read:

12094. Any person who knowingly buys, receives, disposes of, sells, offers for sale, or has in his possession any pistol or revolver which does not bear the manufacturer's number or other mark of identification in its original condition or as restored, or a distinguishing number or mark assigned to it by the Department of Justice is guilty of a misdemeanor.

SEC. 102. Section 12230 of the Penal Code, as amended by Chapter 1748 of the Statutes of 1971, is amended to read.

12230. The Department of Justice may issue permits for the possession and transportation or possession or transportation of such machineguns, upon a satisfactory showing 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. 103. Section 12231 of the Penal Code is amended to read:

12231. Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address and a full description of the use to which the firearms are to be put.

Applications and permits shall be uniform throughout the state on forms prescribed by the Department of Justice.

SEC. 104. Section 12250 of the Penal Code is amended to read:

12250. The Department of Justice may grant licenses in a form to be prescribed by it effective for not more than one year from the date of issuance, to permit the sale at the place specified in the license of machineguns subject to all of the following conditions, upon breach of any of which the license shall be revoked:

1. The business shall be carried on only in the place designated in the license.

2. The license or a certified copy thereof must be displayed on the premises in a place where it may easily be read.

3. No machinegun shall be delivered to any person not authorized to receive the same under the provisions of this chapter.

4. A complete record must be kept of sales made under the authority of the license, showing the name and address of the

purchaser, the descriptions and serial numbers of the weapons purchased, the number and date of issue of the purchaser's permit, if any, and the signature of the purchaser or purchasing agent. This record shall be open to the inspection of any peace officer or other person designated by the Attorney General.

SEC. 105. Section 12251 of the Penal Code is amended to read:

12251. It shall be a public nuisance to possess any machinegun in violation of this chapter, and the Attorney General, any district attorney or any city attorney may bring an action before the superior court to enjoin the possession of any such machinegun.

Any such machinegun found to be in violation of this chapter shall be surrendered to the Department of Justice, and the department shall destroy such machinegun so as to render it unusable and unrepairable as a machinegun, except upon the filing of a certificate with the department by a judge or district attorney stating that the preservation of such machinegun is necessary to serve the ends of justice.

SEC. 106. Section 12305 of the Penal Code is amended to read:

12305. Every dealer, manufacturer, importer, and exporter of any destructive device, or any motion picture or television studio using destructive devices in the conduct of its business, shall obtain a permit for the conduct of such business from the Department of Justice. Such permit shall be issued upon a satisfactory showing to him that good cause exists for the issuance thereof and after the payment of a fee of fifty dollars ($50). Such permit shall be valid for a period of one year only.

SEC. 107. Section 12306 of the Penal Code is amended to read:

12306. Any person, firm or corporation, other than those included in Section 12305, shall obtain a permit from the Department of Justice before possessing or transporting any destructive device. The department may issue such a permit upon a satisfactory showing that good cause exists for the issuance thereof, and after the payment of a fee of ten dollars ($10). The department shall issue a permit without payment of a fee upon a satisfactory showing that the possessor of such destructive devices is a bona fide collector of destructive devices. Such permit shall be valid for a period of one year only.

SEC. 108. Section 12307 of the Penal Code is amended to read:

12307. The possession of any destructive device in violation of this chapter shall be deemed to be a public nuisance and the Attorney General or district attorney of any city, county, or city and county may bring an action before the superior court to enjoin the possession of any such destructive device.

Any such destructive device found to be in violation of this chapter shall be surrendered to the Department of Justice, and the department shall destroy such destructive device so as to render it unusable and unrepairable as a destructive device, except upon the filing of a certificate with the department by a judge or district attorney stating that the preservation of such destructive device is

necessary to serve the ends of justice.

SEC. 109. Section 12403 of the Penal Code, as amended by Chapter 298 of the Statutes of 1971, is amended to read:

12403. After January 1, 1969, nothing in this chapter shall prohibit any person who is a sheriff; undersheriff; deputy sheriff; policeman; reserve or auxiliary deputy sheriff or policeman; marshal; deputy marshal; constable; deputy constable; member of the California Highway Patrol; member of the California State Police Division; Chiefs, Assistant Chiefs, or special agents of the investigative bureaus of the Department of Justice; investigator who is regularly employed and paid as such in the office of the Attorney General and is designated by the Attorney General; investigator who is regularly employed and paid as such in the office of a district attorney and is designated by the district attorney; deputy of the Department of Fish and Game; hospital administrator or police officer of the Department of Mental Hygiene; warden, superintendent, supervisor, or guard of the Department of Corrections; enforcement officers of the Department of Alcoholic Beverage Control described in subdivision (c) of Section 830.3; any superintendent, assistant superintendent, supervisor, or employee having custody of wards, of each institution of the Department of the Youth Authority; or any transportation officer of the Department of the Youth Authority, from purchasing, possessing, or transporting any tear gas weapon for official use in the discharge of their duties, if such weapon has been certified as acceptable under Article 5 (commencing with Section 12450) of this chapter and if such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officers Standards and Training in the use of tear gas.

SEC. 110. Section 12423 of the Penal Code is amended to read:

12423. The Department of Justice may issue a permit for the possession and transportation of tear gas weapons upon proof that good cause exists for the issuance thereof to the applicant for such permit. The permit may also allow the applicant to install, maintain, and operate a protective system involving the use of tear gas weapons in any place which is accurately and completely described in the application for the permit.

SEC. 111. Section 12424 of the Penal Code is amended to read:

12424. Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address, a full description of the place or vehicle in which the tear gas weapons are to be transported, kept, installed, or maintained.

If the tear gas weapons are to be used in connection with, or to constitute, a protective system, the application shall also contain the name of the person who is to install the protective system.

Applications and permits shall be uniform throughout the state upon forms prescribed by the Department of Justice.

SEC. 112. Section 12435 of the Penal Code is amended to read:

12435. The Department of Justice may grant licenses in a form to be prescribed by it effective for not more than one year from the date of issuance, to permit the sale at retail at the place specified in the license of tear gas weapons, and to permit the installation and maintenance of protective systems involving the use of tear gas weapons subject to all of the following conditions upon breach of any of which the license shall be subject to forfeiture:

(a) The business shall be carried on only in the building designated in the license.

(b) The license or certified copy thereof shall be displayed on the premises in a place where it may easily be read.

(c) No tear gas weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of this chapter. No protective system involving the use of tear gas weapons shall be installed, nor shall supplies be sold for the maintenance of such system, unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of the system.

(d) A complete record shall be kept of sales made under the authority of the license, showing the name and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent. No sale shall be made unless the permit authorizing possession and transportation of tear gas weapons is displayed to the seller and the information required by this section is copied therefrom. This record shall be open to the inspection of any peace officer or other person designated by the Attorney General.

SEC. 113. Section 12450 of the Penal Code is amended to read:

12450. No tear gas weapon shall be possessed, sold or transported in this state after January 1, 1971, unless, pursuant to the provisions of this article, the Department of Justice has certified that particular type and brand of weapon to be acceptable.

SEC. 114. Section 12452 of the Penal Code is amended to read:

12452. Any person engaged in the manufacture, sale, or transportation of tear gas weapons may apply to the Department of Justice, hereinafter referred to as the "department" in this article, for certification that a particular type and brand of tear gas weapon manufactured, sold, or transported by that person is acceptable.

SEC. 115. Section 12454 of the Penal Code is amended to read:

12454. Within 180 days after the filing of an application as provided for in Section 12452, or such additional period as may be agreed upon by the department and the applicant, the department shall either:

(a) Issue an order certifying such weapon as acceptable.

(b) Give the applicant notice for an opportunity for a hearing before the department on the question whether such weapon is acceptable. If the applicant elects to accept the opportunity for hearing by written request within 30 days after such notice, such

hearing shall commence not more than 60 days after receiving such request unless the department and the applicant otherwise agree. Such hearing shall be heard on an expedited basis and the department shall issue an order granting or denying certification within 90 days after the date fixed by the department for filing final briefs.

SEC. 116. Section 12455 of the Penal Code is amended to read:

12455. The department shall issue an order refusing to certify a tear gas weapon as acceptable if after due notice to the applicant the department finds any of the following:

(a) That the weapon is not acceptable.

(b) That the application contains any misrepresentation of a material fact.

(c) That the application is materially incomplete.

(d) That the State Department of Public Health has recommended that the weapon is not acceptable.

SEC. 117. Section 12456 of the Penal Code is amended to read:

12456. The department shall issue an order revoking certification if, after due notice to the applicant, the department finds any of the following:

(a) That experience or additional testing show that the weapon is not acceptable.

(b) That the application contains any misrepresentation of a material fact.

SEC. 118. Section 12457 of the Penal Code is amended to read:

12457. The department may adopt and promulgate regulations for the fair and efficient enforcement of this article.

SEC. 119. Section 12458 of the Penal Code is amended to read:

12458. Prior to certification, the department shall request from the State Department of Public Health a report on each type and brand of tear gas weapon submitted to it by the department. The State Department of Public Health shall prepare and transmit such report to the department, and shall also submit supplemental reports whenever the facts warrant such action. Such reports shall be for the purpose of aiding the department in determining whether the particular type and brand of tear gas weapon is acceptable, shall contain such facts as will enable it to make such a determination, shall state conclusions concerning the health hazards, if any, of the weapon tested and a recommendation as to the acceptability of the weapon, and shall be based on any one or more of the following:

(a) Investigations conducted by the facilities of the State Department of Public Health

(b) Investigations conducted by independent laboratories.

(c) Any other investigations approved by the State Department of Public Health.

The applicant shall reimburse the State Department of Public Health for any actual expenses incurred by it in preparing such reports.

SEC. 119.1. Article 1 (commencing with Section 13000) of

Chapter 1 of Title 3 of Part 4 of the Penal Code is repealed.

SEC. 119.2. Section 13010 of the Penal Code is amended to read:

13010. It shall be the duty of the department:

(a) To collect data necessary for the work of the department from all persons and agencies mentioned in Section 13020 and from any other appropriate source;

(b) To prepare and distribute to all such persons and agencies, cards or other forms used in reporting data to the department. Such cards or forms may, in addition to other items, include items of information needed by federal bureaus or departments engaged in the development of national and uniform criminal statistics;

(c) To recommend the form and content of records which must be kept by such persons and agencies in order to insure the correct reporting of data to the department;

(d) To instruct such persons and agencies in the installation, maintenance, and use of such records and in the reporting of data therefrom to the department;

(e) To process, tabulate, analyze and interpret the data collected from such persons and agencies;

(f) To supply, at their request, to federal bureaus or departments engaged in the collection of national criminal statistics data they need from this state;

(g) To present to the Governor, on or before July 1st, a printed annual report containing the criminal statistics of the preceding calendar year and to present at such other times as the Attorney General may approve reports on special aspects of criminal statistics. A sufficient number of copies of all reports shall be printed or otherwise prepared to enable the Attorney General to send a copy to all public officials in the state dealing with criminals and to distribute them generally in channels where they will add to the public enlightenment; and

(h) To periodically review the requirements of units of government using criminal justice statistics, and to make recommendations for changes it deems necessary in the design of criminal justice statistics systems, including new techniques of collection and processing made possible by automation.

SEC. 119.3. Section 13011 of the Penal Code is amended to read:

13011. The department may serve as statistical and research agency to the Department of Corrections, the Adult Authority, the Board of Corrections, the Department of the Youth Authority and the California Women's Board of Terms and Parole.

SEC. 119.4. Section 13012 of the Penal Code is amended to read:

13012. The annual report of the department provided for in Section 13010 shall contain statistics showing:

(a) The amount and the types of offenses known to the public authorities,

(b) The personal and social characteristics of criminals and delinquents; and

(c) The administrative actions taken by law enforcement, judicial,

penal and correctional agencies or institutions in dealing with criminals or delinquents.

It shall be the duty of the department to give adequate interpretation of such statistics and so to present the information that it may be of value in guiding the policies of the Legislature and of those in charge of the apprehension, prosecution and treatment of the criminals and delinquents, or concerned with the prevention of crime and delinquency. The report shall include also statistics which are comparable with national uniform criminal statistics published by federal bureaus or departments heretofore mentioned.

SEC. 119.5. Section 13020 of the Penal Code is amended to read:

13020. It shall be the duty of every constable, city marshal, chief of police, railroad and steamship police, sheriff, coroner, district attorney, city attorney and city prosecutor having criminal jurisdiction, probation officer, county board of parole commissioners, work furlough administrator, the Department of Justice, Youth and Adult Corrections Agency, Department of Corrections, Adult Authority, Department of Youth Authority, California Women's Board of Terms and Parole, Department of Mental Hygiene, Department of Public Health, Department of Social Welfare, State Fire Marshal, Liquor Control Administrator, constituent agencies of the State Department of Investment, and every other person or agency dealing with crimes or criminals or with delinquency or delinquents, when requested by the Attorney General:

(a) To install and maintain records needed for the correct reporting of statistical data required by him;

(b) To report statistical data to the department at such times and in such manner as the Attorney General prescribes;

(c) To give to the Attorney General, or his accredited agent, access to statistical data for the purpose of carrying out the provisions of this title.

SEC. 119.6. Section 13021 of the Penal Code is amended to read:

13021. Local law enforcement agencies shall report to the Department of Justice such information as the Attorney General may by regulation require relative to misdemeanor violations of Chapter 7.5 (commencing with Section 311) of Title 9 of Part 1 of this code.

SEC. 119.7. Section 13022 of the Penal Code is amended to read:

13022. Each sheriff and chief of police shall annually furnish the Department of Justice, on a form prescribed by the Attorney General, a report of all justifiable homicides committed in his jurisdiction. In cases where both a sheriff and chief of police would be required to report a justifiable homicide under this section, only the chief of police shall report such homicide.

SEC. 120. Section 504 of the Welfare and Institutions Code is amended to read:

504. The Department of Justice shall not knowingly transmit to any person or agency any information relating to an arrest or taking into custody of a minor under the age of 18 years at the time of such arrest or taking into custody unless such information also includes the

disposition resulting therefrom.

"Disposition," as used herein, includes a release of such minor from custody without the filing of an accusatory pleading or the filing of a petition under the provisions of this chapter, a determination of the issue of wardship by the juvenile court, or a determination by the juvenile court that such minor is not a fit subject to be dealt with under the provisions of this chapter.

This section shall not be construed to prohibit the Department of Justice from transmitting fingerprints or photographs of a minor under the age of 18 years to a law enforcement agency for the purpose of obtaining identification of the minor or from requesting from such agency the history of the minor.

This section shall not be construed to prohibit the Department of Justice from transmitting any information relating to an arrest or taking into custody of a minor under the age of 18 years received by said department prior to the effective date of this section.

SEC. 121. Section 5328.2 of the Welfare and Institutions Code is amended to read:

5328.2. Notwithstanding Section 5328, movement and identification information and records regarding a patient who is committed to the department or to a state hospital for observation or for an indeterminate period as a mentally disordered sex offender, or regarding a patient who is committed to the department or to a state hospital under Section 1026 or 1370 of the Penal Code, shall be forwarded immediately without prior request to the Department of Justice. Except as otherwise provided by law, information automatically reported under this section shall be restricted to name, address, fingerprints, date of admission, date of discharge, date of escape or return from escape, date of any home leave, parole or leave of absence. The Department of Justice may in turn furnish information reported under this section pursuant to Section 11105 of the Penal Code. It shall be a misdemeanor for recipients furnished such information to in turn furnish such information to any person or agency other than those specified in Section 11105 of the Penal Code.

SEC. 122. Section 8104 of the Welfare and Institutions Code is amended to read:

8104 The Department of Mental Hygiene shall keep and maintain records necessary to identify any person who comes within any of the provisions of this chapter. Such records shall be made available to the Department of Justice upon request. The Department of Justice 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 department 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.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 123. Section 8104 is added to the Welfare and Institutions Code, 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 Department of Justice upon request. The Department of Justice 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 department 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.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 124. 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 department or the county or city inspection service, as the case may be, shall secure from the Federal Bureau of Investigation or Department of Justice 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 Social Welfare, 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.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 125. Section 16018 is added to the Welfare and Institutions Code, 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 Department of Justice 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.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 126. It is the intent of the Legislature, that, if Reorganization Plan No. 1 of 1970 becomes operative, Sections 11655.5 and 11722 of the Health and Safety Code and Sections 8104 and 16018 of the Welfare and Institutions Code, as respectively amended by Sections 51.5, 56.5, 122, and 124 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Sections 11655.5 and 11722 of the Health and Safety Code and Sections 8104 and 16018 of the Welfare and Institutions Code, as respectively added by Sections 52, 57, 123, and 125 of this act, which include the changes in such sections made by both Reorganization Plan No. 1 of 1970 and Sections 51.5, 56.4, 122, and 124 of this act, shall become operative.

SEC. 127. Except as otherwise expressly provided in this act, in the event any other act or acts of the 1972 Regular Session of the Legislature have any effect on any section of any code affected by this act, the provisions of such act or acts shall prevail over the conflicting provisions of this act.

SEC. 128. Section 20 of this act shall be operative until June 30, 1974, and as of that date is repealed.

SEC. 129. Government Code Section 20017.75 as amended by Section 20.1 of this act shall become operative on July 1, 1974.

CHAPTER 1378

An act to amend Sections 35050, 35051, 35052, 35053, 35054, 35055, 35152, 35252, 35254, and 35255 of, and to add Section 35002 to, the Education Code, and to repeal Section 2 of Chapter 815 of the Statutes of 1970, relating to the Public Service Internship Program.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972]

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

SECTION 1. Section 35002 is added to the Education Code, to read:

35002. The provisions of this division shall remain in effect until June 30, 1976, and shall have no force or effect after that date.

SEC. 2. Section 35050 of the Education Code is amended to read:

35050. The Public Service Internship Program shall be administered by the Advisory Coordinating Council on Public Personnel Management.

SEC. 3. Section 35051 of the Education Code is amended to read:

35051. The council shall, within the provisions of this division establish the policies and standards for administration of the internship program.

SEC. 4. Section 35052 of the Education Code is amended to read:

35052. The council shall appoint such staff as may be necessary to carry out the program.

SEC. 5. Section 35053 of the Education Code is amended to read:

35053. The council shall maintain a systematic and continuous inventory and evaluation of all internships, of the type described by this division, and related preservice training opportunities within the state. The inventory shall be published and made available to educational program counselors, public agency training personnel and others who would directly benefit in their occupational capacities.

SEC. 6. Section 35054 of the Education Code is amended to read:

35054. The council shall encourage and support academic institutions in collaboration with governmental agencies in developing interinstitutional and regional cooperative programs in geographical areas where collaboration will improve the overall governmental-academic institution effort.

SEC. 7. Section 35055 of the Education Code is amended to read:

35055. The council shall be the designated state agency for accepting federal grants as well as contributions from private foundations and other sources for the state and local internships and related public service training activities. Nothing in this division shall preclude any state or local agency from soliciting or receiving public or private grants or contributions to finance internship programs.

SEC. 8. Section 35152 of the Education Code is amended to read:

35152. Internship programs shall be established and approved under standards set forth by the Advisory Coordinating Council on Public Personnel Management as provided in Chapter 2 (commencing with Section 35050) of this division.

SEC. 9. Section 35252 of the Education Code is amended to read:

35252. In jurisdictions which do not now employ interns, the council, for the purposes of initiating a program, may, to the extent federal funds are available therefor, pay the stipends of interns for

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an initial period not to exceed three years, the number of interns to be so financed to be determined by the council.

SEC. 10. Section 35254 of the Education Code is amended to read:

35254. Educational institutions may apply to the council for state funds, if such funds are appropriated by the Legislature, to finance experimental, or innovative, programs including those which involve interinstitutional cooperation. Educational institutions may also apply for federal funds, to the extent they are available, for such purpose.

SEC. 11. Section 35255 of the Education Code is amended to read:

35255. The council may establish the salary limits for each category of intern stipends to be financed by grants administered by the council.

SEC. 12. Section 2 of Chapter 815 of the Statutes of 1970 is repealed.

CHAPTER 1379

An act to amend Section 985 of, to add Section 987.16 to, and to repeal Sections 984, 987.16, and 987.16a of, the Military and Veterans code, relating to veterans benefits.

[Approved by Governor December 26, 1972 Filed with Secretary of State December 26, 1972]

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

SECTION 1. Section 984 of the Military and Veterans Code is repealed.

SEC. 2. Section 985 of the Military and Veterans Code is amended to read:

985. Definitions.

(a) "Farm" means a tract of land, which, in the opinion of the department, is capable of producing sufficient to provide a living for the purchaser and his dependents.

(b) "Home" means a parcel of real estate upon which there is a dwelling house and such other buildings as will, in the opinion of the department, suit the needs of the purchaser and his dependents as a place of abode. It includes a "condominium," as defined in subdivision (h) of this section. It also includes a "mobilehome" as defined in subdivision (i) of this section.

(c) "Purchaser" means a veteran or any person who has entered into a contract of purchase of a farm or home from the department.

(d) "Purchase price" means the price which the department pays for any farm or home.

(e) "Selling price" means the price for which the department sells any farm or home.

(f) "Initial payment" means the first payment to be made by a

purchaser to the department for a farm or home.

(g) As used in this article, "progress payment plan" means payment by the department for improvements on real property in installments as work progresses.

(h) As used in this article, "condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential building on such real property, such as an apartment, which, in the opinion of the department, suits the needs of the purchaser and his dependents as a place of abode. A condominium may include in addition a separate interest in other portions of such real property.

(i) As used in this article, "mobilehome" means either a parcel of real estate, or an undivided interest in common in a portion of a parcel of real property, on which is situate a mobilehome as will, in the opinion of the department, suit the needs of the purchaser and his dependents as a place of abode and meets all requirements of local governmental jurisdictions.

SEC. 2.5. Section 985 of the Military and Veterans Code is amended to read:

985. Definitions.

(a) "Farm" means a tract of land, which, in the opinion of the department, is capable of producing sufficient to provide a living for the purchaser and his dependents.

(b) "Home" means a parcel of real estate upon which there is a dwelling house and such other buildings as will, in the opinion of the department, suit the needs of the purchaser and his dependents as a place of abode. It includes a "condominium," as defined in subdivision (h) of this section. It also includes a "mobilehome" as defined in subdivision (k) of this section.

(c) "Purchaser" means a veteran or any person who has entered into a contract of purchase of a farm or home from the department.

(d) "Purchase price" means the price which the department pays for any farm or home.

(e) "Selling price" means the price for which the department sells any farm or home.

(f) "Initial payment" means the first payment to be made by a purchaser to the department for a farm or home.

(g) As used in this article, "progress payment plan" means payment by the department for improvements on real property in installments as work progresses.

(h) As used in this article, "condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential building on such real property, such as an apartment, which, in the opinion of the department, suits the needs of the purchaser and his dependents as a place of abode. A condominium may include in addition a separate interest in other portions of such real property

(i) "Effective rate of interest" means the average interest rate of the interest on the unpaid balance due on a participation contract to which the interest of the department is subject and the interest rate on the unpaid balance of the purchase price, as determined by the department.

(j) "Participation contract" means an obligation secured by a deed of trust or mortgage, or other security interest established pursuant to regulations of the department.

(k) As used in this article, "mobilehome" means either a parcel of real estate, or an undivided interest in common in a portion of a parcel of real property, on which is situate a mobilehome as will, in the opinion of the department, suit the needs of the purchaser and his dependents as a place of abode and meets all requirements of local governmental jurisdictions.

SEC. 3. Section 987.16 of the Military and Veterans Code is repealed.

SEC. 4. Section 987.16a of the Military and Veterans Code is repealed.

SEC. 5. Section 987.16 is added to the Military and Veterans Code, to read:

987.16. (a) Any veteran for whom a farm or home is purchased under this article may be granted a subsequent opportunity to purchase another farm or home when the farm or home purchased under this article is sold because of any of the following:

(1) Condemnation proceedings instituted by a public agency.

(2) A change in the veteran's employment which compels a change in residence location.

(3) The health of a veteran or of a member of his immediate family compels a change in residence location.

(4) Any increase or decrease in the veteran's obligation to provide housing for dependents has resulted in the livable area of the house being inadequate or excessive for the veteran's current housing needs.

(5) Increased real property taxes beyond the veteran's ability to pay.

(b) The provisions of subdivision (a) shall apply only if the veteran pays his purchase contract in full, applies for a subsequent loan within six months from date of sale and pays toward the purchase of the new farm or home the net equity received from sale of the former property.

(c) Only one farm or home 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.

(d) Any veteran for whom a farm or home is purchased under this article may be granted a subsequent opportunity to purchase another farm or home if he has paid his purchase contract in full, and qualifies as a veteran as described in Section 980, under another separate period of service, or the veteran and the veteran's spouse each qualify as a veteran as described in Section 980.

(e) A member of the armed forces, eligible for military retirement who meets the residence requirements of Section 980, or a veteran as described in Section 980 who is receiving military retirement pay, for whom a farm or home was purchased under this article while in active military service, may be granted a subsequent opportunity to purchase another farm or home provided he has paid his purchase contract in full and has served during more than one period for which eligibility is granted.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill No. 2249 are both chaptered and amend Section 985 of the Military and Veterans Code, and this bill is chaptered after Assembly Bill No. 2249, that the amendments to Section 985 proposed by both bills be given effect and incorporated in Section 985 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 Assembly Bill No. 2249 are both chaptered, both amend Section 985, and Assembly Bill No. 2249 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 1380

An act to amend Sections 29007 and 29007.5 of the Education Code, relating to postsecondary education.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. Section 29007 of the Education Code is amended to read:

29007. Except as otherwise provided by law, no person, firm, association, partnership or corporation may issue, confer or award an academic or honorary "degree" or "title" (meaning any designation, mark, appellation, series of letters or words such as, but not limited to, associate, bachelor, master, doctor or fellow) which signifies, purports or is generally taken to signify satisfactory completion of the requirements of an academic, technological, or professional program of study beyond the secondary school level unless such person, firm, association, partnership or corporation meets the requirements of any one of the three subdivisions of subdivision (a) of this section.

No person, firm, association, partnership or corporation may issue, confer, or award any "diploma" bearing the words diploma, certificate, transcript, document or other writing, other than the awarding of a "degree" title, representing that any person has completed any course of study beyond high school unless such person, firm, association, partnership or corporation meets the requirements of subdivision (2) of subdivision (a) of this section or

one of the subdivisions (b), (c), or (d) of this section or Section 29007.5.

(a) (1) A person, firm, association, partnership or corporation which at the time of the issuance of a "degree" has full accreditation of the institution, program, or specific course of study upon which the "degree" is based by a national or applicable regional accrediting agency recognized by the United States Department of Health, Education, and Welfare, Office of Education, and provided further that the educational institution has filed with the Superintendent of Public Instruction an affidavit by the administrative head of the institution stating that the institution is so accredited.

(2) A person, firm, association, partnership or corporation approved by the Superintendent of Public Instruction to award or issue specified degrees. Such permission shall be granted by the Superintendent of Public Instruction for one year upon the initial approval and shall be granted for periods of three years upon each subsequent renewal. Application for such authorization shall be on forms furnished by the State Department of Education. The Superintendent of Public Instruction shall not approve an institution to issue degrees until it is determined, based on information submitted to him, that the institution has the facilities, financial resources, administrative capabilities, faculty, and other necessary educational expertise and resources to afford students and require of students the completion of a program of education which will prepare them for the attainment of a recognized professional, vocational, or educational objective, including, but not limited to, a degree; and the curriculum is consistent in quality with curricula offered by established institutions that issue the appropriate degree upon the satisfactory completion thereof. For the purpose of this subdivision the Superintendent of Public Instruction may compare with the requirements and standards of an accrediting agency generally accepted by the class of institution concerned. This shall include the determination that the course for which the degree is granted achieves its professed or claimed objective for higher education. 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 Superintendent of Public Instruction made pursuant to this subdivision.

Those institutions authorized to confer degrees pursuant to this subdivision may also be authorized by the Superintendent of Public Instruction to issue diplomas for the completion of courses of study, within their approved degree program, but which do not fully meet the degree requirements.

(3) A corporation which has filed with the Superintendent of Public Instruction an affidavit by the president or other head of the corporation, stating that the corporation owns an interest in real or personal property or both real and personal property used exclusively for the purpose of education, of a fair market value of not less than fifty thousand dollars ($50,000). Such affidavit shall be

accompanied by an appraisal by a state inheritance tax appraiser appointed for the county in which the institution is located, describing the real or personal property or both, and showing the value of the interest of the corporation therein to be at least fifty thousand dollars ($50,000). The value of the interest of the property required to be owned by the corporation for the purposes of this section shall be deemed to be the appraised value of the interest owned by the corporation less the unpaid balance on any note secured by a mortgage or deed of trust thereon or the unpaid balance on a contract of sale thereof. Such a corporation shall file a statement of "full disclosure" by recording with the county recorder, in the county in which the school operates, an affidavit describing the institutional objectives and proposed methods of achieving them, the curriculum, instruction, faculty (with qualifications), physical facilities, administrative personnel, educational records, tuition and fee schedule, scholastic regulations, diplomas and degrees to be conferred, graduation requirements and financial stability. Certified copies of all statements and affidavits required to be filed by this section shall be forwarded by United States mail to the Department of Education within 48 hours after the filings are made with the county recorder. Filing pursuant to this section shall not be interpreted to mean, and it shall be unlawful for any corporation to expressly or impliedly represent by any means whatsoever, that the State of California, the Superintendent of Public Instruction, the State Board of Education, the California State Department of Education, or any division or bureau thereof, has made any evaluation, recognition, accreditation, approval, or endorsement of the course of study.

(b) A hospital licensed under the provisions of Division 2, Chapter 2 (commencing with Section 1400) of the Health and Safety Code, which issues diplomas in connection with the operation of a hospital.

(c) A person, firm, association, partnership or corporation which is accredited, approved, or licensed by a state board or agency as a school and which issues or confers diplomas in the profession, vocation or occupation controlled by the board or agency accrediting, approving, or licensing it; provided, that this subdivision shall not be construed as authorizing the issuing of a diploma which is not customarily granted for the training given and which is limited to the profession, vocation or occupation controlled by the accrediting, approving, or licensing board.

(d) A person, firm, association, partnership, or corporation which at the time of the issuance of a "diploma," as defined in Section 29001, has accreditation of the institution, program or specific course of study upon which the "diploma" is based by a national or applicable regional accrediting agency recognized by the United States Department of Health, Education, and Welfare, Office of Education; provided, that the educational institution has filed with the Superintendent of Public Instruction an affidavit by the administrative head of the institution stating that the course of study

is so accredited.

SEC. 2. Section 29007.5 of the Education Code is amended to read:

29007.5. Except as otherwise provided for in this code, no course of education or training leading to an educational, technological, professional or vocational objective shall be offered, and no diploma or honorary degree shall be issued or conferred, by any person, firm, association, partnership, or corporation which has not been approved by the Superintendent of Public Instruction. Application for such approval shall be made in writing on application forms provided by the Department of Education. Pending final approval of new or added courses of instruction, the Superintendent of Public Instruction shall issue a temporary approval upon submission of the complete application. Courses offered for adults by any parochial or denominational school, or persons, firms, associations, partnerships, or corporations that have met the requirements of other sections of this division, or are offered solely for avocational or recreational purposes, will not be required to be approved under this section.

The Superintendent of Public Instruction may approve the application for recognition of such courses for a period of one year and shall grant subsequent approvals for periods of three years when an institution is found by the Department of Education to meet the following criteria:

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools or other private schools, or both, in the state, with recognized accepted standards; or that the course, curriculum, and instruction meet recognized accepted standards for reaching the professed or claimed objective for that particular course.

(2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of the quality needed to attain the objective of that particular course.

(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(4) The institution maintains written records of the student's previous education and training with recognition where applicable.

(5) A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to tardiness, absence, grading policy and rules of operation and conduct is available to students upon enrollment

(6) The institution maintains adequate records to show attendance, progress, and grades.

(7) The institution complies with all local city, county, municipal, state and federal regulations such as fire, building, and sanitation codes. The Department of Education may require evidence of compliance.

(8) The institution is financially capable of fulfilling its commitments for its approved courses.

(9) The institution does not utilize advertising of any type which

is erroneous or misleading, either by actual statement, omission, or intimation. With respect to a school having courses approved by the Superintendent of Public Instruction, the school can advertise to the effect that the particular course has been approved by the Superintendent of Public Instruction.

(10) The institution does not exceed enrollment facilities and equipment.

(11) The institution's administrator, director, owner, and instructors are of good reputation and character.

(12) The institution has and maintains a policy in reference to refund of the unused portion of tuition fees and other charges in the event the student fails to enter the course, or withdraws therefrom at any time prior to completion of the course:

Upon completion of training, the institution may award a "diploma," as defined in Section 29001, to the student indicating the training and attendance completed.

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 Superintendent of Public Instruction made pursuant to this section.

Sections 1292, 1293, and 1294 of the Labor Code shall not apply to work experience education programs established pursuant to this section, provided there is continuous and competent supervision by a qualified person.

CHAPTER 1381

An act to amend Section 53090 of the Government Code, to amend Sections 27144, 27166, 27281, and 27300 of the Streets and Highways Code, and to amend Section 5 of Chapter 805 of the Statutes of 1969, relating to bridge and highway districts.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. Section 53090 of the Government Code is amended to read:

53090. As used in this article:

(a) "Local agency" means an agency of the state for the local performance of governmental or proprietary function within limited boundaries. "Local agency" does not include the state, a city, a county, a rapid transit district whose board of directors is appointed by public bodies or officers within the area comprising the district, the San Francisco Port Authority, or a district organized pursuant to Part 3 (commencing with Section 27000) of Division 16 of the Streets and Highways Code

(b) "Building ordinances" means ordinances of a county or city regulating building and construction and removal of buildings, including ordinances relating to the matters set forth in Section 38660 and similar matters, and including ordinances relating to building permits and building inspection.

SEC. 2. Section 27144 of the Streets and Highways Code is amended to read:

27144. The board shall adopt rules to govern its proceedings, including the use of motions in connection with such proceedings.

SEC. 3. 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 to the exercise of the powers granted in this part, or in any provision of law, to the district. 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. 4. Section 27281 of the Streets and Highways Code is amended 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 any payments to be made 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 amended to read.

27300. The board may 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 any payments to be made 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. Section 5 of Chapter 805 of the Statutes of 1969 is amended to read:

Sec. 5. The district may study, construct, acquire, improve, maintain, and operate any and all modes of transportation within or partly without the district, including, but not limited to, water transportation; may join with any cities, counties, cities and counties, districts, or state agencies, or any combinations thereof, to study and to provide any such mode or modes of transportation as may be deemed by the board of directors of the district to be reasonable and appropriate to provide or to assist in providing transportation within or partly without the district; and may pay for or finance, in whole or in part, any such study and the provision of any such mode of transportation from the district's net revenue.

CHAPTER 1382

An act to amend Sections 8101 and 8352 of, and to add Section 8352.6 to, the Revenue and Taxation Code, and to amend Section 186 of the Streets and Highways Code, relating to revenues derived from taxes on motor vehicle fuel, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. This act is known and may be cited as the "Chappie-Gregorio Off-Highway Gas Tax Act of 1972."

SEC. 2. Section 8101 of the Revenue and Taxation Code is amended to read:

8101. The following persons who have paid a license tax for motor vehicle fuel, either directly or to the vendor from whom it was purchased, or indirectly by the adding of the amount of the tax to the price of the fuel, shall, except as otherwise provided in this part, be reimbursed and repaid the amount of the tax:

(a) Any person who buys and uses the motor vehicle fuel for purposes other than operating motor vehicles upon the public highways of the state, except vehicles subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code

which are used for recreational purposes or are rented or leased for recreational purposes.

(b) Any person who exports the motor vehicle fuel for use outside of this state. Motor vehicle fuel carried from this state in the fuel tank of a motor vehicle is not deemed to be exported from this state unless the motor vehicle fuel becomes subject to tax as an "import" under the laws of the destination state.

(c) Any person who sells the motor vehicle fuel to the armed forces of the United States for use in ships or aircraft or for use outside this state, under circumstances that would have entitled him to an exemption from the payment of the license tax under Section 7401 had he been the distributor of this fuel.

(d) Any person who buys and uses the motor vehicle fuel in any construction equipment which is exempt from vehicle registration pursuant to the Vehicle Code, while operated within the confines and limits of a construction project.

(e) Any consulate officer or consulate employee of a foreign government who is not engaged in any private occupation for gain within the State of California, whose government has entered into a treaty with the United States providing for the exemption of such representative from national, state, and municipal taxes, who uses the motor vehicle fuel in a vehicle registered exempt from fees pursuant to Section 9100 of the Vehicle Code.

SEC. 3. Section 8352 of the Revenue and Taxation Code, as amended by Chapter 1243 of the Statutes of the 1971 Regular Session of the Legislature, is amended to read:

8352. Subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, the money deposited to the credit of the Motor Vehicle Fuel Account is hereby appropriated for expenditure, allocation, or transfer as provided in Sections 8352.1 to 8352.6, inclusive.

SEC. 4. Section 8352.6 is added to the Revenue and Taxation Code, to read:

8352.6. Subject to the provisions of Sections 8352 and 8352.1, there shall be transferred from money deposited in the Motor Vehicle Fuel Account to the Off-Highway Vehicle Fund created by Section 38225 of the Vehicle Code the following amounts:

(a) Prior to October 1, 1973, the amount of the estimate contained in the report prepared pursuant to this section for the 1972–1973 fiscal year, less the amount of any refunds reimbursed and repaid pursuant to Section 8101, which is attributable to fuel for vehicles identified under Division 16.5 (commencing with Section 38000) of the Vehicle Code.

(b) Prior to October 1, 1974, and prior to the first day of October of each year thereafter, an amount equal to the estimate contained in the most recent report prepared pursuant to this section.

(c) The amounts described in subdivisions (a) and (b) represent the portion of receipts in the Motor Vehicle Fuel Account attributable to taxes imposed upon distributions of motor vehicle fuel

used in off-highway operation of vehicles identified under Division 16.5 (commencing with Section 38000) of the Vehicle Code for which a refund has not been claimed. Payments made pursuant to this section shall be made prior to payments pursuant to Section 8352.2.

(d) On or before August 15, 1973, and every two years thereafter, the Department of Public Works shall prepare, or cause to be prepared, in cooperation with the Department of Parks and Recreation, a report setting forth the current estimate of the amount of money credited to the Motor Vehicle Fuel Account attributable to taxes imposed on distribution of motor vehicle fuel used in the off-highway operations of vehicles identified under Division 16.5 (commencing with Section 38000) of the Vehicle Code for which a refund has not been claimed; and shall submit a copy of such report to the Legislature.

SEC. 5. Section 186 of the Streets and Highways Code is amended to read:

186. For general administration and for maintenance, the department and the commission shall be limited in expenditures, out of the money available each year in the State Highway Account, to an amount not exceeding the net revenue derived from one and one-eighth cents ($0.01125) per gallon tax on motor vehicle fuel and on the use of fuel under Part 3 (commencing with Section 8601) of Division 2 of the Revenue and Taxation Code, except that during the 1972–73 fiscal year the limit on such expenditures shall not exceed the net revenue derived from one and one-fourth cents ($0.0125) per gallon of such tax. Of that amount the department shall expend such proportion as the commission determines is necessary for each of the following:

(a) General administration purposes.

(b) Maintenance of all state highways, including all traversable highways between the termini of and approximately on authorized state highway routes.

(c) Maintenance of highways in state parks.

SEC. 6. In addition to the report required by Section 8352.6 of the Revenue and Taxation Code, the Department of Public Works, on or before July 1, 1973, shall prepare or cause to be prepared, in cooperation with the Department of Parks and Recreation, a report setting forth the estimated amount of motor vehicle fuel revenues attributable to propelling motor vehicles in off-highway recreational use by motor vehicles subject to on-highway registration and license fees. The report required by this section is for purposes of information only and shall not be used for purposes of transferring funds from the Motor Vehicle Fuel Account.

The Department of Public Works shall submit a copy of such report to the Legislature.

SEC. 7. (a) Section 2 of this act shall become operative on January 1, 1973.

(b) All other sections of this act shall take effect immediately and shall become operative in the manner specified in such sections.

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

In order to afford state agencies adequate time to prepare the reports required by this act and in order to make Section 2 of this act take effect at the proper time, it is necessary for this act to take effect immediately.

CHAPTER 1383

An act to amend Section 6304.1 of the Harbors and Navigation Code, relating to harbors and navigation.

[Approved by Governor December 26, 1972 Filed with Secretary of State December 26, 1972]

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

SECTION 1. Section 6304.1 of the Harbors and Navigation Code, as added by Chapter 1763 of the Statutes of 1971, is amended 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 any portion of its land and water area which has been freed from the public trust for commerce, navigation, or fisheries for the development of marine-oriented apartments and townhouses. 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 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.

Any lease of real property so freed from the public trust which is proposed to be let under the provisions of this section shall first be submitted to the State Lands Commission and to the Attorney General for review and approval, and no such lease shall be let unless the State Lands Commission and the Attorney General find that the proposed lease would be in the public interest and would not be in violation of any provision of the California Constitution or of any

term of a grant of tidelands or submerged lands and would not be inconsistent with the public trust for commerce, navigation, or fisheries.

CHAPTER 1384

An act to amend Sections 1652, 24353, 26885, and 53857 of the Government Code, to amend Sections 4746.1 and 4790 of the Health and Safety Code, and to amend Section 2601 of the Revenue and Taxation Code, relating to government financing.

[Approved by Governor December 26, 1972 Filed with Secretary of State December 26, 1972]

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

SECTION 1. Section 1652 of the Government Code is amended to read:

1652. No premium or charge paid by the state, a county, city, or district shall exceed one-half of 1 percent per annum on the amount of the bond, but a minimum premium or charge of twenty-five dollars ($25) per annum may be imposed.

SEC. 1.5. Section 24353 of the Government Code is amended to read:

24353. Each officer of a county or judicial district authorized to collect money shall pay into the county treasury at the time required by law, but in any event on or before the fifth day of each month, all money collected by him or under his control during the preceding month that is payable into the treasury and file with the county auditor, on or before the fifth day of each month, a cash statement, in such form as the auditor requires, of all money handled by him in his official capacity during the preceding month, showing cash on hand at the beginning of the month, collections and payments during the month, and cash on hand at the end of the month. Each item shall be properly classified as to whether or not it is payable into the county treasury and the county auditor may require that each item be properly classified as to funds and accounts affected.

Whenever the business of a court requires, any officer of a judicial district authorized to collect money, with prior approval of the county auditor, shall pay into the county treasury all money collected by him or under his control during the preceding month that is payable into the treasury, and file the cash statement required herein, on or before the 15th day of each month.

SEC. 1.7. Section 26885 of the Government Code is amended to read:

26885. The provisions of this chapter shall become operative only upon their adoption by a resolution passed by a unanimous vote of the board of supervisors at a regular meeting at which all members

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are present. Any resolution adopted pursuant to this section may be repealed by the board of supervisors at any time by a three-fifths vote.

SEC. 2. Section 53857 of the Government Code is amended to read:

53857. Notwithstanding the provisions in Section 53856, any note issued pursuant to this article shall be a general obligation of the local agency, and, to the extent not paid from the taxes, income, revenue, cash receipts or other moneys of the local agency pledged for the payment thereof shall be paid with the interest thereon from any other moneys of the local agency lawfully available therefor; provided, however, that any tax levied by a county for interest on notes for borrowed money shall be in addition to all other taxes and shall not be less than sufficient to pay the interest on notes for borrowed money as is to become due before the time for making the next general tax levy.

SEC. 3. Section 4746.1 of the Health and Safety Code is amended to read.

4746.1. If funds are needed to meet current expenses of maintenance and operation, a district may incur indebtedness by the issuance of negotiable promissory notes pursuant to this section, without an election. The notes shall be general obligations of the district payable in the same manner as bonds of the district, shall mature not later than two years from the date thereof, and shall bear interest at a rate not to exceed 7 percent per annum, payable as provided therein. The aggregate amount of the notes outstanding at any one time shall not exceed an amount equal to seven cents ($0.07) on each one hundred dollars ($100) of the assessed valuation of the taxable real property within the district as shown on the last equalized assessment roll of the county. If such assessed valuation is not obtainable, the county auditor's estimate of the assessed valuation of the taxable real property within the district for the fiscal year in which the indebtedness is to be incurred shall be used.

All such notes shall be issued after the adoption of a resolution by a four-fifths vote of the district board setting forth the following:

(a) The necessity for such borrowing.

(b) The assessed valuation of the taxable real property within the district, or the auditor's estimate thereof.

(c) The amount of funds to be borrowed.

(d) The date, maturity, denomination, and form of such notes.

The notes shall be signed by the chairman of the district board and countersigned by the county treasurer and the seal of the district board shall be affixed.

The district board shall cause the board of supervisors to levy and collect taxes to pay the interest on and the principal of the notes as the same comes due and, if the maturity of the notes begins more than one year after the date thereof, to constitute a sinking fund for the payment of the principal thereof at maturity.

Before selling such notes, the district board shall give notice

inviting sealed bids in such manner as the board may prescribe. If satisfactory bids are received, the notes offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the district board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the district board may reject all bids received, if any, and either readvertise or sell the notes at private sale.

SEC. 4. Section 4790 of the Health and Safety Code is amended to read:

4790. The bonds shall be signed by the chairman of the district board, and countersigned by the county treasurer, and the seal of the district board shall be affixed. The interest coupons of the bonds shall be numbered consecutively and signed by the county treasurer. 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.

SEC. 5. Section 2601 of the Revenue and Taxation Code is amended to read:

2601. (a) On or before the fourth Monday in September, the auditor shall deliver the secured roll to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that I received the assessment roll from the assessor, with his affixed affidavit: that I have corrected it as required by the State Board of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes, as required by law."

If the roll is a machine-prepared roll, the auditor shall deliver the assessment roll to the assessor and shall deliver the roll on which he has extended taxes to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that the attached roll is a reproduction of the roll prepared by the assessor and corrected by the State Board of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes as required by law."

(b) If the roll is a machine-prepared roll, and the tax bills are, with the consent of the tax collector and the approval of the board of supervisors, also machine-prepared by the auditor, the auditor shall, on or before the fourth Monday in September, deliver the assessment roll to the assessor, and shall, on or before October 16, deliver the roll on which he has extended taxes to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that the attached roll is a reproduction of the roll prepared by the assessor and corrected by the State Board of Equalization; and that I have

reckoned the respective sums due as taxes and have added the columns of valuations and taxes as required by law."

(c) If the extended roll is retained in electronic data-processing equipment and no physical document is prepared and if the tax bills are, with the consent of the tax collector and the approval of the board of supervisors, machine prepared, the auditor shall, on or before the fourth Monday in September, deliver the assessment roll to the assessor, and shall, on or before October 16, deliver the completed tax bills to the tax collector with an affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that the tax bills herewith submitted to you are the result of extending the roll prepared by the assessor and corrected by the State Board of Equalization and that I have determined the respective sums due as taxes, in the total amount of $_____, as required by law."

CHAPTER 1385

An act to amend Section 410 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor December 26, 1972 Filed with Secretary of State December 26, 1972]

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

SECTION 1. Section 410 of the Unemployment Insurance Code is amended to read:

410. A decision of the appeals board is final, except for such action as may be taken by a judicial tribunal as permitted or required by law.

A decision of the appeals board is binding on the director with respect to the parties involved in the particular appeal.

The director shall have the right to seek judicial review from an appeals board decision irrespective of whether or not he appeared or participated in the appeal to the referee or to the appeals board.

Notwithstanding any other provision of law, the right of the director, or of any other party except as provided by Sections 1035, 1055, 1182, and 5308, to seek judicial review from an appeals board decision shall be exercised not later than six months after the date of the decision of the appeals board or the date on which the decision is designated as a precedent decision, whichever is later.

The appeals board shall attach to all of its decisions where a request for review may be taken, an explanation of the party's right to seek such review.

CHAPTER 1386

An act to amend Section 6319 of the Labor Code, relating to safety.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. Section 6319 of the Labor Code is amended to read:

6319. No officer or employee of the division shall divulge to any person not connected with the administration of this part any information that is confidential pursuant to the provisions of Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code concerning the failure to keep any place of employment safe or concerning the violation of any order, rule, or regulation issued by the board or division. However, the division or its officers or employees shall transmit in letter form to the complaining party, or his representative, and the employer, advice as to the time the onsite inspection was made, a clear description of the unsafe conditions found, the nature of the requirements imposed to render the employment condition safe, and the time given to comply therewith, excepting therefrom confidential information and trade secrets. Violation of this section is a misdemeanor.

SEC. 2. Section 6319 of the Labor Code is amended to read:

6319. Except as provided in Section 6321, no officer or employee of the division shall divulge to any person not connected with the administration of this part any information that is confidential pursuant to the provisions of Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code concerning the failure to keep any place of employment safe or concerning the violation of any order, rule, or regulation issued by the board or division. However, the division or its officers or employees shall transmit in letter form to the complaining party, or his representative, and the employer, advice as to the time the onsite inspection was made, a clear description of the unsafe conditions found, the nature of the requirements imposed to render the employment condition safe, and the time given to comply therewith, excepting therefrom confidential information and trade secrets. Violation of this section is a misdemeanor.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 381 are both chaptered and amend Section 6319 of the Labor Code, and this bill is chaptered after Senate Bill No. 381, that the amendments to Section 6319 proposed by both bills be given effect and incorporated in Section 6319 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. 381 are both chaptered, both amend Section 6319 of the Labor Code, and Senate Bill No. 381 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 1387

An act to amend Section 11546 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. Section 11546 of the Business and Professions Code is amended to read:

11546. The governing body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision.

(b) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreation facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less.

The provisions of this section do not apply to industrial subdivisions, nor do they apply to condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

SEC. 2. Section 11546 of the Business and Professions Code is amended to read:

11546. The governing body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map or of a parcel

map for a division of land not a subdivision, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or of a parcel map for a division of land not a subdivision.

(b) The ordinance includes definite standards for determining the proportion of a subdivision or division of land not defined as a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision or division of land not defined as a subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreation facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision or division of land not defined as a subdivision.

(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less or in divisions of land not defined as subdivisions.

The provisions of this section do not apply to industrial subdivisions or to divisions of land for industrial purposes which divisions are not defined as subdivisions; nor do they apply to condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

SEC. 3. Section 11546 of the Business and Professions Code is amended to read:

11546. The governing body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision.

(b) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreation facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less.

The provisions of this section do not apply to industrial subdivisions; nor do they apply to condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

Land or fees required under this section may be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if the agency elects to accept the land or fee. The local agency accepting such land or fees shall develop the land or use the fees in the manner provided herein.

In the event park and recreational services and facilities are provided by a public agency other than a city or county, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the city or county having jurisdiction and such public agency.

If there is no such special purpose local agency, the governing body of a city or county may still require compliance with the provisions of this section.

SEC. 4. Section 11546 of the Business and Professions Code is amended to read:

11546. The governing body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map or of a parcel map for a division of land not a subdivision, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or of a parcel map for a division of land not a subdivision.

(b) The ordinance includes definite standards for determining the proportion of a subdivision or division of land not defined as a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision or division of land not defined as a subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreation facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision or division of land not defined as a subdivision.

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(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less or in divisions of land not defined as subdivisions.

The provisions of this section do not apply to industrial subdivisions or to divisions of land for industrial purposes which divisions are not defined as subdivisions; nor do they apply to condominium projects which consists of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

Land or fees required under this section may be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if the agency elects to accept the land or fee. The local agency accepting such land or fees shall develop the land or use the fees in the manner provided herein.

In the event park and recreational services and facilities are provided by a public agency other than a city or county, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the city or county having jurisdiction and such public agency.

If there is no such special purpose local agency, the governing body of a city or county may still require compliance with the provisions of this section.

SEC. 5. It is the intent of the Legislature that if this bill and Assembly Bill No. 376 or Assembly Bill No. 1435, or both, are chaptered and amend Section 11546 of the Business and Professions 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. 376 are both chaptered and amend Section 11546 of the Business and Professions Code, but Assembly Bill No. 1435 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 376, the amendments proposed by both bills shall be given effect and incorporated in Section 11546 in the form set forth in Section 2 of this act. Therefore, if Assembly Bill No. 376 is chaptered before this bill and both bills amend Section 11546 and Assembly Bill No. 1435 is not chaptered or as chaptered does not amend that section, Section 2 of this act shall be operative and Sections 1, 3 and 4 of this act shall not become operative.

(b) If this bill and Assembly Bill No. 1435 are both chaptered and amend Section 11546 of the Business and Professions Code, but Assembly Bill No. 376 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 1435, the amendments proposed by both bills shall be given effect and incorporated in Section 11546 in the form set forth in Section 3 of this act. Therefore, if Assembly Bill No. 1435 is chaptered before

this bill and both bills amend Section 11546, and Assembly Bill No. 376 is not chaptered or as chaptered does not amend that section, Section 3 shall be operative and Sections 1, 2 and 4 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 376 and Assembly Bill No. 1435 are all chaptered, and all three bills amend Section 11546 of the Business and Professions Code, and this bill is chaptered after Assembly Bill No. 376 and Assembly Bill No. 1435, the amendments proposed by all three bills shall be given effect and incorporated in Section 11546 in the form set forth in Section 4 of this act. Therefore, if Assembly Bill No. 376 and Assembly Bill No. 1435 are both chaptered before this bill and all three bills amend Section 11546 of the Business and Professions Code, Section 4 of this act shall be operative and Sections 1, 2 and 3 of this act shall not become operative.

CHAPTER 1388

An act to amend Section 11546 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor December 26, 1972 Filed with Secretary of State December 26, 1972]

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

SECTION 1. Section 11546 of the Business and Professions Code is amended to read:

11546. The governing body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map, or parcel map for a division of land not defined as a subdivision, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or of a parcel map for a division of land not defined as a subdivision.

(b) The ordinance includes definite standards for determining the proportion of a subdivision or division of land not defined as a subdivision, to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision, or division of land not defined as a subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreation facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park

and recreational facilities by the future inhabitants of the subdivision or division of land not defined as a subdivision.

(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less or in divisions of land not defined as subdivisions.

(h) The division of land for which a parcel map is required is to be made by or on behalf of a person engaged in the business of developing and selling real estate as distinguished from a private owner making an occasional sale. A person shall not be deemed to be engaged in the developing and selling of real estate if he has made no more than four sales in either of the last two preceding years. Divisions of land not amounting to a subdivision and not used for residential purposes shall be exempted from the requirements of this section; provided however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within two years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

Land or fees required under this section shall be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if such agency elects to accept the land or fee. The local agency accepting such land or funds shall develop the land or use the funds in the manner provided herein.

In the event park and recreational services and facilities are provided by a public agency other than a city or a county, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the city or county having jurisdiction and such public agency.

The provisions of this section do not apply to industrial subdivisions or to divisions of land for industrial purposes which divisions are not defined as subdivisions.

SEC. 2. Section 11546 of the Business and Professions Code is amended to read:

11546. The governing body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map or parcel map for a division of land not defined as a subdivision, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or parcel map for a division of land not defined as a subdivision.

(b) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

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(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision or division of land not defined as a subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreation facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision or division of land not defined as a subdivision.

(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less or in divisions of land not defined as subdivisions.

(h) The division of land for which a parcel map is required is to be made by or on behalf of a person engaged in the business of developing and selling real estate as distinguished from a private owner making an occasional sale. A person shall not be deemed to be engaged in the developing and selling of real estate if he has made no more than four sales in either of the last two preceding years. Divisions of land not amounting to a subdivision and not used for residential purposes shall be exempted from the requirements of this section; provided however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within two years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

Land or fees required under this section shall be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if such agency elects to accept the land or fee. The local agency accepting such land or funds shall develop the land or use the funds in the manner provided herein.

In the event park and recreational services and facilities are provided by a public agency other than a city or a county, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the city or county having jurisdiction and such public agency.

The provisions of this section do not apply to industrial subdivisions; nor do they apply to condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

SEC. 3. It is the intent of the Legislature that if this bill and Assembly Bill No. 1363 are both chaptered and amend Section 11546 of the Business and Professions Code, that the amendments proposed

by both bills shall be given effect and incorporated in Section 11546 in the form set forth in Section 2 of this act. Therefore, in the event A.B. 1363 is enacted and amends Section 11546, Section 2 of this act shall become operative at the same time that Section 11546 as amended by A.B. 1363 becomes operative, and at that time Section 11546 of the Business and Professions Code as amended by Section 1 of this act is repealed.

CHAPTER 1389

An act to amend Section 3074 of the Labor Code, relating to apprenticeship programs.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972]

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

SECTION 1. Section 3074 of the Labor Code is amended to read:

3074. The preparation of trade analyses and outlines of instruction, and the administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of state and local boards responsible for vocational education. Such responsibility shall not preclude the establishment of off-campus related and supplemental instruction when approved and developed in cooperation with state and local school boards responsible for vocational education, and when such instruction meets all other requirements of this chapter.

The Department of Education and the Board of Governors of the California Community Colleges may provide related and supplemental instruction to isolated apprentices as a direct instructional service, on a contractual basis with local school districts, by correspondence, or by a combination of these means. For the purpose of this section, an isolated apprentice is an apprentice registered with the Division of Apprenticeship Standards in the Department of Industrial Relations who cannot be enrolled in a class of related and supplementary instruction for apprentices because of the small number of apprentices available for an appropriate class or because there is no existing apprenticeship program within a reasonable travel distance.

Community colleges may refuse to provide related and supplemental instruction to an apprenticeship program when the sponsor of such a program fails to demonstrate good faith in the implementation of the requirements of the State of California Plan for Equal Opportunity in Apprenticeship as determined exclusively by either the Division of Apprenticeship Standards or the California

Apprenticeship Council. In the event that a community college refuses to supply related and supplemental instruction under the stated conditions, no other public school district shall provide such instruction until such time as the Division of Apprenticeship Standards or the California Apprenticeship Council declares the sponsor to be in a position to proceed in good faith in the implementation of the requirements of the State of California Plan for Equal Opportunity in Apprenticeship.

CHAPTER 1390

An act to amend Section 11513 of the Government Code, relating to examination of witnesses.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. Section 11513 of the Government Code is amended to read:

11513. (a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

(d) The hearing shall be conducted in the English language. The proponent of any testimony to be offered by a witness who does not proficiently speak the English language shall provide an interpreter, approved by the hearing officer conducting the proceeding as proficient in the English language and the language in which the

witness will testify, to serve as interpreter during the hearing. The cost of the interpreter shall be paid by the agency having jurisdiction over the matter if the hearing officer so directs, otherwise by the party providing the interpreter. The Office of Administrative Hearings may compile and publish a list of interpreters known to be proficient in various languages. Any person whose name appears upon such a list shall be deemed to be approved by the hearing officer hearing the case.

CHAPTER 1391

An act to amend Section 1 of Chapter 966 of the Statutes of 1970, relating to the public schools.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. Section 1 of Chapter 966 of the Statutes of 1970 is amended to read:

Section 1. Upon the application of the governing board of an elementary or unified school district, the Superintendent of Public Instruction may exempt for five fiscal years from the minimum class size standards and reporting requirements prescribed by Section 17507 of the Education Code, as follows:

(a) Five school districts shall be afforded the exemption, in each instance, for not more than four elementary schools and one junior high school maintained by the district.

(b) A sixth district shall be afforded the exemption for one elementary school maintained by the district.

No exemption shall be renewed unless a full report and evaluation of the results of the pilot program has been presented to the Legislature and to the Superintendent of Public Instruction, and the Superintendent of Public Instruction determines that the results warrant an extension of the exemption. Any exemption may be extended for a period not to exceed five fiscal years.

CHAPTER 1392

An act to amend Sections 6268.2, 6268.6, 6268.7, 6268.8, 6268.10, 6268.12, 6268.14, 6268.15, 6268.16, 6268.20, and 6268.22 of, and to add Sections 6257.5, 6268.9, 6268.24, 6268.26, and 6268.28 to, the Education Code, relating to vocational education.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. Section 6257.5 is added to the Education Code, to read:

6257.5. Each local vocational education advisory committee shall be responsible for executing Section 6268.26.

SEC. 1.1. Section 6268.2 of the Education Code is amended to read:

6268.2. In a minimum of four vocational areas, an area vocational planning committee shall be selected pursuant to Section 6268.8 to assume the responsibility of developing recommendations for the short-term improvement of existing vocational educational programs and a master plan for the improvement of vocational education within the area; subject to appropriations by the Legislature, an area vocational planning committee shall be selected pursuant to Section 6268.2 in a maximum of nine vocational areas for such purposes.

The selection of such vocational areas shall be made by the Director of Human Resources Development, the Director of Vocational Education, and the Chancellor of the California Community Colleges. The selected vocational areas shall be sufficiently representative of all the vocational areas to demonstrate the feasibility of extending this system of planning throughout the state.

SEC. 2. Section 6268.6 of the Education Code is amended to read:

6268.6. Each area vocational planning committee shall be composed of 21 members, as follows:

(a) Three members who shall be members of governing boards of community college districts within the area;

(b) Three members who shall be members of governing boards of school districts maintaining high schools within the area;

(c) One representative of the Department of Human Resources Development;

(d) Five public members who, through knowledge and experience, are representative of business and industry, and labor organizations in the area;

(e) Three public members who, through personal involvement and experience, are knowledgeable about the disadvantaged. At least one such member shall be representative of the private organizations concerned with manpower training programs or opportunity programs, or both, for the disadvantaged in the area;

(f) Three members representing private postsecondary educational institutions within the area which have been authorized or approved under the provisions of paragraph (2) of subdivision (a), and subdivisions (b), (c), and (d) of, Section 29007, and Section 29007.5;

(g) One member representing a county office of education within the area.

(h) One member representing a regional occupational center or

program within the area. If a regional occupation center or program does not exist in the area, the member shall be a person who is knowledgeable about such programs.

(i) One member representing a multicounty joint apprenticeship committee or joint training committee, established pursuant to Chapter 4 of Division 3 of the California Labor Code and serving the subject area.

SEC. 3. Section 6268.7 of the Education Code is amended to read:

6268.7. Each area vocational planning committee shall determine a system of membership rotation so that, after the first two years of operation, the terms of approximately one-third of the committee membership will expire each year. The term of appointment for each area vocational planning committee member shall extend for a period of three years.

SEC. 4. Section 6268.8 of the Education Code is amended to read:

6268.8. The members of each area vocational planning committee shall be selected in the following manner:

(a) Each of the three members of governing boards of community college districts within the area shall be selected by a plurality of the votes cast in an election by the governing boards of community college districts within the area. The governing board of each community college district within the area shall have one vote in each election.

(b) Each of the three members of governing boards of school districts maintaining high schools within the area shall be selected by a plurality of the votes cast in an election by the governing boards of school districts maintaining high schools within the area. The governing board of each school district maintaining high schools within the area shall have one vote in each election.

(c) The representative of the Department of Human Resources Development shall be selected by the Director of the Department of Human Resources Development.

(d) Each of the eight public members shall be selected jointly by the Director of the Department of Human Resources Development, the Director of Vocational Education, and the Chancellor of the California Community Colleges.

(e) The representative of a county office of education shall be selected by a plurality vote of the county superintendents of schools in the area.

(f) Each of the three representatives of the private postsecondary educational institutions shall be selected by a plurality of the votes cast in an election by the administrators of the private postsecondary educational institutions in the area. Each private postsecondary educational institution shall have one vote in the election for each representative. The election shall be conducted in a manner to insure that each representative shall be connected with a different private postsecondary educational institution in the area.

(g) The representative of a regional occupation center or program within the area shall be selected by the Director of Education.

(h) The representative of apprenticeship shall be selected by the Department of Industrial Relations.

SEC. 5. Section 6268.9 is added to the Education Code, to read:

6268.9. Pursuant to Section 6268.22, provision shall be made for the selection of alternate representatives, not to exceed two each for categories described in subdivisions (a), (b), and (f) of Section 6268.6.

Interim vacancies in the committee membership shall be filled as follows: (a) the seating of an alternate representative, provided such person exists, or, lacking such alternate, (b) a selection for the appropriate category pursuant to Section 6268.8.

SEC. 6. Section 6268.10 of the Education Code is amended to read:

6268.10. Members of each area vocational planning committee shall serve without compensation, but they shall receive their actual and necessary traveling expenses in performing their duties under this article.

SEC. 7. Section 6268.12 of the Education Code is amended to read:

6268.12. Each area vocational planning committee shall, within two years following the initial meeting of the committee, develop and submit to the State Board of Education and to the Board of Governors of the California Community Colleges, and to any other appropriate policymaking body, an area master plan providing for maximum coordination between vocational, technical, adult, and continuation education agencies within the area, together with recommendations for the implementation of such master plan in the area.

SEC. 8. Section 6268.14 of the Education Code is amended to read:

6268.14. Each area vocational planning committee shall at the end of six months and one year following the committee's initial meeting, submit a report in each instance to the State Board of Education, the Board of Governors of the California Community Colleges, and the California Advisory Council on Vocational Education and Technical Training on the progress of the committee toward the development of a master plan, and the committee's recommendations on short-term improvement of existing vocational education programs.

SEC. 9. Section 6268.15 of the Education Code is amended to read:

6268.15. Each area vocational planning committee shall arrange for at least one meeting each year for county superintendents of schools and superintendents of secondary and community college districts located in the area for the purpose of communicating progress toward the development of the area master plan and for the purpose of jointly planning vocational education opportunities as predicated upon employment projections within the area.

Copies of the minutes of such meetings shall be submitted to the Superintendent of Public Instruction and to the Chancellor of California Community Colleges.

SEC. 10. Section 6268.16 of the Education Code is amended to read:

6268.16. Within one year of the receipt of the area plans from each of the area vocational planning committees, the State Board of Education and the Board of Governors of the California Community Colleges, with the advice of the California Advisory Council on Vocational Education and Technical Training, shall develop, and thereafter shall amend annually, the state master plan in accordance with area master plans.

SEC. 11. Section 6268.20 of the Education Code is amended to read:

6268.20. It is the intent of the Legislature in enacting this article that the area vocational planning committees formed hereunder, in forming their area master plans, shall give due consideration to all relevant planning efforts in the vocational area, both prior and concurrent, and to planning guidelines developed by the State Board of Education, the Board of Governors of the California Community Colleges, and the California Manpower Coordinating Committee.

SEC. 12. Section 6268 22 of the Education Code is amended to read:

6268.22. It is the intent of the Legislature in enacting this article that (1) the staff of the State Board of Education and the Board of Governors of the California Community Colleges and (2) the Department of Human Resources Development, through the coordination of the Director of Education, shall be responsible for its implementation and administration.

SEC. 13. Section 6268.24 is added to the Education Code, to read:

6268.24. Each area vocational planning committee shall make provision for local dissemination and response to the area vocational planning committee reports, as follows:

(a) The area vocational planning committee shall formally adopt its report to findings and recommendations, by majority vote of its membership, and shall immediately circulate the report to all agencies and organizations of each category prescribed in Section 6268.6 and to all other agencies and organizations requesting the report.

(b) Within 60 days of the receipt of the report, the governing boards of community college districts within the area, the governing boards of school districts maintaining high schools within the area, and the Department of Human Resources Development shall respond regarding acceptance and feasibility of implementing the recommendations.

(c) The area vocational planning committee shall solicit from other parties in receipt of the report their responses regarding acceptance and feasibility of implementing the recommendations.

(d) Within 120 days of the adoption of the report, the area

vocational planning committee shall report, pursuant to Section 6268.14, its evaluation regarding local acceptance of the committee findings and recommendations, acceptance by state agencies of the committee findings and recommendations, the nature and extent of participation by all those agencies and organizations of each category described in Section 6268.6, and ways to improve committee effectiveness in the execution of the provisions of this article.

Pursuant to Section 6268.22, provisions shall be made for appropriate regulation for the implementation of this section.

SEC. 14. Section 6268.26 is added to the Education Code, to read:

6268.26. Each area vocational planning committee shall send a copy of its report to each local vocational education advisory committee within the area established pursuant to Section 6257. Each local committee shall advise its district governing board regarding its findings and recommendations as to the area vocational planning committee report.

SEC. 15. Section 6268.28 is added to the Education Code, to read:

6268.28. The Legislative Analyst shall evaluate and analyze the effectiveness of the area vocational planning committees in their execution of the provisions of this article, as regards: (a) local acceptance of the findings and recommendations of the area vocational planning committees, (b) acceptance by state agencies of the findings and recommendations of the area vocational planning committees, (c) nature and extent of participation by all those agencies and organizations of each category prescribed in Section 6268.6, (d) recommendations for improving the effectiveness of the area vocational planning committees in the execution of the provisions of this article, (e) findings and recommendations regarding the capability of the area vocational planning committees for area master planning, (f) the potential and capacity of the area vocational planning committees for supporting the development and maintenance of the state master plan for vocational and technical education pursuant to Section 6268.16, (g) the nature and extent of involvement and support activities by the respective state agencies regarding the particular area vocational planning committees in their carrying out of items (a) through (f), inclusive, (h) the practical and statutory limitations and capabilities for vocational area planning committees to be an integral part of the advisory bodies and vehicle for carrying out the planning provisions of Title X, Part B of the Higher Education Act of 1965, as amended by the 92nd Congress, Public Law 318, of the Education Amendments of 1972.

On or before March 1, 1973, the Legislative Analyst shall report to the Legislature his preliminary findings and recommendations on items (e) through (h), inclusive; provided that said report may also include items (a) through (d), inclusive. The final report shall be due August 1, 1973.

CHAPTER 1393

An act to add Part 2.5 (commencing with Section 34700) to Division 24 of the Health and Safety Code, relating to housing.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972]

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

SECTION 1. Part 2.5 (commencing with Section 34700) is added to Division 24 of the Health and Safety Code, to read:

PART 2.5. HOUSING AUTHORITIES FOR AFTERCARE PROGRAMS

CHAPTER 1. DEFINITIONS

34700. As used in this part "department" means the Department of Corrections, the Department of Mental Hygiene, the Department of Rehabilitation, or the Department of the Youth Authority.

34701. "Persons requiring aftercare" includes persons who are subject to the jurisdiction of, under the supervision of, or receiving benefits from, the department, but who are not confined to any institution under the jurisdiction of the department.

CHAPTER 2. HOUSING FOR PERSONS REQUIRING AFTERCARE

34705. Notwithstanding any other provision of law, the department shall have all the powers granted to housing authorities pursuant to Part 2 (commencing with Section 34200) of this division for the purpose of providing low-rent housing pursuant to Section 23 of the United States Housing Act of 1937 (42 U.S.C., Sec. 1421b) for any person requiring aftercare who is not financially able to provide adequate housing for himself and those persons who are dependent upon him.

The department, however, shall not operate any housing program pursuant to this part in any city or county unless the governing body of the city or county has, by resolution, authorized the department to operate such program within the jurisdiction of the city or county.

34706. Any person requiring aftercare who is not financially able to provide adequate housing for himself and those persons who are dependent upon him may apply to the department which is providing such aftercare for housing pursuant to the provisions of this part.

34707. The department shall adopt and enforce such rules and regulations as the department deems necessary to implement the provisions of this part for the purpose of providing low-rent housing for those persons requiring aftercare who are most in need of such

housing and to provide such housing in such a manner as to promote the purposes of the program for persons requiring aftercare. The department shall annually submit its requirements for dwelling units proposed to be provided pursuant to this part to the Department of Housing and Community Development.

34708. The Department of Housing and Community Development shall provide technical assistance and coordination between the departments in developing and administering housing programs pursuant to this part.

CHAPTER 3. CONTRACT AUTHORITY

34710. Notwithstanding the provision of Section 37111, the Department of Housing and Community Development shall have the power to:

(a) Enter into contracts with the federal government for the purpose of disbursing funds to the department or local agencies to provide housing pursuant to Section 34705.

(b) Enter into contracts with local agencies which administer programs similar to the programs administered by the department for persons requiring aftercare in order to further the purposes of this part.

(c) Enter into contracts with housing authorities created pursuant to Part 2 (commencing with Section 34200) of this division for the management by the local authority of units leased by the department.

CHAPTER 1394

An act to add Article 2.5 (commencing with Section 15371) to Chapter 2 of Division 11 of, and to amend Section 15458 of, the Education Code, relating to factory-built schools.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972]

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

SECTION 1. Article 2.5 (commencing with Section 15371) is added to Chapter 2 of Division 11 of the Education Code, to read:

Article 2.5. Factory-Built School Buildings

15371. It is the intent of this article to provide an alternative procedure to Article 4 (commencing with Section 15451) for the construction and installation of factory-built school buildings not over 1,000 square feet in area designed or intended for use as school buildings. As used in this article, a "factory-built building" means any

building designed or intended for use as a school building which is either wholly manufactured or is in substantial part manufactured at an offsite location in accordance with standards prescribed by the Department of General Services, to be assembled or erected on a school site. Any such building purchased or leased by a school district shall be deemed to be the construction or alteration of a school building as those terms are used in Article 3 (commencing with Section 15401) and Article 4 (commencing with Section 15451) of this chapter, and all of the provisions of each of those articles, not inconsistent with the provisions of this article, shall apply with respect to factory-built buildings designed or intended for use as school buildings.

15372. The Department of General Services shall adopt standards as to the safety of design and construction of factory-built buildings for use as school buildings, and shall prescribe procedures for the plans, specifications, methods of construction, and estimates of cost of a factory-built school building to be submitted to the department for approval as provided in Section 15373. Such standards shall comply with but not be limited by the provisions of Article 3 (commencing with Section 15401) and Article 4 (commencing with Section 15451) of this chapter.

15373. A manufacturer of factory-built buildings designed or intended for use as school buildings shall submit to the Department of General Services and the Department of Education for approval, its plans, specifications, methods of construction, and estimates of cost of such buildings. At the same time the manufacturer shall pay to the Department of General Services a deposit to be applied toward the actual expenses in an amount as determined by the Department of General Services based on the estimated cost of such factory-built buildings, but not exceeding 0.5 percent of such estimated cost. The minimum deposit in any case shall be fifty dollars ($50). The manufacturer shall reimburse the Department of General Services and the Department of Education for the actual expenses incurred by those departments in the review of such plans and specifications.

All fees received by the Department of General Services pursuant to this article are subject to the provisions of Section 15458.

15373.5. All plans, specifications and estimates shall be prepared by a certified architect holding a valid license under Chapter 3 (commencing with Section 5500) of Division 3 of the Business and Professions Code or by a structural engineer holding a valid certificate to use the title structural engineer under Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, and the supervision of the work of construction in the factory shall be under the responsible charge of such an architect or structural engineer.

15374. The Department of General Services, in accordance with standards and procedures adopted pursuant to Section 15372, and as such standards and procedures may thereafter be modified, shall

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either approve or reject such plans, specifications, and methods of construction. Approval shall not be given unless such plans, specifications, and methods of construction are in accordance with standards adopted by the department pursuant to Section 15372. The department may establish procedures for the inspection of the facilities and manufacturing processes of a manufacturer to determine the manufacturer's ability to produce factory-built school buildings in accordance with the plans, specifications, and methods of construction which the manufacturer has submitted to the department. The Department of General Services shall notify the State Department of Education of its approval of a manufacturer's plans, specifications, and methods of construction of a factory-built school building.

15374.5. The Department of General Services shall provide for competent, adequate, and continuous inspection during construction in the factory to insure that all work has been performed and materials used and installed, in every particular, in accordance with the approved plans and specifications. The manufacturer shall reimburse the department for the costs incurred for such inspection as determined by the department.

15374.6. From time to time, as the work of construction in the factory progresses and whenever the Department of General Services requires, the certified architect or structural engineer in responsible charge of the supervision of the work of construction in the factory, the inspector on the work, and the manufacturer shall each make to the Department of General Services a report, duly verified by him, upon a form prescribed by the Department of General Services, showing, of his own personal knowledge, that the work during the period covered by the report has been performed, and materials used and installed, in every particular, in accordance with the approved plans and specification, setting forth such detailed statements of fact as are required by the Department of General Services.

15375. Upon the Department of General Services' approval of a manufacturer's plans, specifications, and methods of construction of a factory-built school building, a school district, whenever it is otherwise required by any of the provisions of Article 3 (commencing with Section 15401), or Article 4 (commencing with Section 15451) of this chapter to submit to the Department of General Services or to the State Department of Education the plans and specifications for the construction of a school building may, instead, include in its application for approval to each of such departments a notification that it intends to utilize such factory-built school building. The plans and specifications for the factory-built building to be utilized shall be submitted with the application and notification for identification purposes. Before granting its approval for the use of such buildings, the Department of General Services shall insure that the plans, specifications, and methods of construction of such buildings have been approved and are in

accordance with standards adopted by the department pursuant to Section 15372 which are in effect at the time such application for approval is passed upon by the department. Whenever a school district complies with the alternative procedure prescribed by this section it shall not be required to pay the filing fee prescribed by Sections 15407 and 15457, except that a fee shall be charged for onsite work pursuant to Section 15376. If the submitted plans and specifications have not been previously approved the application shall be rejected. In such case a new application together with required documents shall be filed for approval of plans and specifications by either the manufacturer pursuant to the provisions of Section 15373 or by the school district pursuant to the provisions of Article 4 (commencing with Section 15451) of this chapter.

15376. Whenever a school district has contracted for the purchase or lease of a factory-built school building and where such building is to be supported by foundations, underpinning, pedestals, or similar type elements which extend more than 18" above natural grade at any point, or on temporary blocks or jacks of any height, all the provisions of Article 4 (commencing with Section 15451) of this chapter shall apply to the design and construction of onsite work except that, for fee purposes, only the estimated cost of onsite work need be considered. The minimum amount in any case shall be fifty dollars ($50).

15377. The provisions of Sections 15406, 15410, 15411, 15457, 15459, and 15461 shall not apply with respect to the manufacture, sale, or lease of factory-built school buildings if the provisions of this article are otherwise complied with.

15378. The provisions of Sections 15455, 15459, 15460, 15461, and 15463 shall not apply with respect to the design and construction of onsite work except where required by the provisions of Section 15376.

SEC. 2. Section 15458 of the Education Code is amended to read:

15458. All fees shall be paid into the State Treasury and credited to the Division of Architecture Public Building Fund, which fund is continued in existence and is retitled the Architecture Public Building Fund, and are available without regard to fiscal years for the use of the Department of General Services, subject to approval of the Department of Finance, in carrying out the provisions of this article (commencing at Section 15451) and Article 2.5 (commencing with Section 15371).

Adjustments in the amounts of the fees, as determined by the Department of General Services and approved by the Department of Finance, will be made within the limits set in Sections 15373 and 15457 in order to maintain a reasonable working balance in the fund.

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CHAPTER 1395

An act to add Section 269 to the Education Code, and to amend Section 7185 of the Financial Code, relating to loans for vocational education.

[Approved by Governor December 26, 1972 Filed with Secretary of State December 26, 1972.]

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

SECTION 1. Section 269 is added to the Education Code, to read:

269. The Superintendent of Public Instruction shall approve courses of vocational training for the purposes of loans authorized by Section 7185 of the Financial Code.

SEC. 2. Section 7185 of the Financial Code is amended to read:

7185. An association may, with or without security, make loans, advance credit, and purchase obligations representing loans and advances of credit (all of which are hereinafter referred to in this section as "loans") for the payment of expenses of college or university education or for the payment of expenses of vocational education, but no association shall have loans under this section, exclusive of any loan which is or which at the time of its making was otherwise authorized, aggregating at any one time more than 5 percent of its total assets. An association making a loan under this section may require a comaker or comakers, insurance, guaranty under a government student loan guarantee plan, or other protection against contingencies. The borrower shall certify to the association that the proceeds of the loan are to be used by a full-time student solely for the payment of expenses of college or university education or for the payment of expenses of vocational education. For the purpose of this section the term "college or university education" means education at an institution which provides an education program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit towards such a degree. For the purpose of this section the term "vocational education" means any course of training designed to increase the ability of a person to obtain or advance in employment of any kind and approved by the Superintendent of Public Instruction pursuant to Section 269 of the Education Code.

CHAPTER 1396

An act to amend the heading of Chapter 12.5 (commencing with Section 7800) of Division 3, and Sections 101, 7800, 7801, 7804, 7805, 7806, 7810, 7811, 7813, 7814, 7817, 7820, 7823, 7824, 7825, 7832, 7833, 7834, 7835, 7837, 7839, 7840, 7841, 7842, 7843, 7845, 7847, 7851, 7860, 7872, 7880, 7881, 7884, 7885, 7886 and 7887 of, and to add Sections

7802.1, 7803.1, 7804.1, 7807.1, 7830.1, 7835.1, 7839.1, 7841.1, 7842.1, 7843.1, 7845.1, 7847.6, 7848.1, 7850.1, 7850.6, and 7852.1 to, and to amend, add and repeal Section 101 of, the Business and Professions Code, relating to geologists and geophysicists, and making an appropriation therefor.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. This act is enacted in order to introduce qualifying criteria in a presently unregulated professional field. Such action recommends itself through benefits to the safety, health, and property of the people of California to the promotion of the public welfare. These benefits are in the fields of geology and geophysics as related to seismology, engineering, ground water, mineral exploration and development, geologic hazards, the further development of the sciences of geology and geophysics, and other geological and geophysical matters of concern to the people of the state.

SEC. 2. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of:

(a) The Board of Dental Examiners of California.

(b) The Board of Medical Examiners of the State of California.

(c) The State Board of Optometry.

(d) The California State Board of Pharmacy.

(e) The Board of Examiners in Veterinary Medicine.

(f) The State Board of Accountancy.

(g) The California State Board of Architectural Examiners.

(h) The State Board of Barber Examiners.

(i) The State Board of Registration for Professional Engineers.

(j) The Contractors' State License Board.

(k) The State Board of Cosmetology.

(*l*) The State Board of Funeral Directors and Embalmers.

(m) The Structural Pest Control Board.

(n) The 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 Behavioral Science Examiners.

(s) The State Athletic Commission.

(t) The Cemetery Board.

(u) The State Board of Guide Dogs for the Blind.

(v) The Bureau of Collection and Investigative Services.

(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 Bureau of Repair Services.

(aa) The Bureau of Employment Agencies.

(ab) The Board of Osteopathic Examiners.

(ac) The Division of Investigation.

(ad) The Bureau of Automotive Repair.

(ae) The State Board for Registration of Geologists and Geophysicists.

(af) Any other boards, offices, or officers subject to its jurisdiction by law.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative, and on such date is repealed.

SEC. 3. Section 101 is added to the Business and Professions Code, 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 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 Collection and Investigative Services.

(o) The Certified Shorthand Reporters Board.

(p) The California State Board of Landscape Architects.

(q) The Bureau of Automotive Repair.

(r) The Bureau of Repair Services.

(s) The Bureau of Employment Agencies.

(t) The Division of Investigation.

(u) The State Board for Registration for Geologists and Geophysicists.

(v) Any other boards, offices, or officers subject to its jurisdiction by law.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 4. The heading of Chapter 12.5 (commencing with Section 7800) of Division 3 of the Business and Professions Code is amended to read:

CHAPTER 12.5. GEOLOGISTS AND GEOPHYSICISTS

SEC. 5. Section 7800 of the Business and Professions Code is amended to read:

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

SEC. 6. Section 7801 of the Business and Professions Code is amended to read:

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

SEC. 7. Section 7802.1 is added to the Business and Professions Code, to read:

7802.1. "Geophysics," as used in this chapter, refers to that science which involves study of the physical earth by means of measuring its natural and induced fields of force, including, but not limited to, electric, gravity, and magnetic, and its responses to natural and induced energy and the interpreting of these measurements and the relating of them to the geology of the earth.

SEC. 8. Section 7803.1 is added to the Business and Professions Code, to read:

7803.1. "Geophysicist," as used in this chapter, refers to a person engaged in the practice of geophysics.

SEC. 9. Section 7804 of the Business and Professions Code is amended to read:

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

SEC. 10. Section 7804.1 is added to the Business and Professions Code, to read:

7804.1. Only a person registered as a geophysicist under the provisions of this chapter shall be entitled to take and use the title "Registered Geophysicist." Only a person registered as a geophysicist and certified under the provisions of this chapter shall be entitled to take and use the title of a registered certified specialty geophysicist.

SEC. 11. Section 7805 of the Business and Professions Code is amended to read:

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

SEC. 12. Section 7806 of the Business and Professions Code is amended to read:

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

SEC. 13. Section 7807.1 is added to the Business and Professions Code, to read:

7807.1. A qualified geophysicist is a person who possesses all the qualifications specified in Section 7841.1 for registration except that he is not registered.

SEC. 14. Section 7810 of the Business and Professions Code is amended to read:

7810. The State Board of Registration for Geologists and Geophysicists is within the department and is subject to the jurisdiction of the department. The board shall consist of eight members appointed by the Governor, two of whom shall be public members, five of whom shall be geologists, and one of whom shall be a geophysicist.

SEC. 15. Section 7811 of the Business and Professions Code is amended to read:

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

SEC. 15.5. Section 7813 of the Business and Professions Code is amended to read:

7813. Each of the five geologist members of the board shall be appointed from each of the districts established in Section 7812.

Except as otherwise provided in Section 7814, as each geologist member's term expires, his place shall be filled by the appointment of a registered geologist whose principal office for the practice of geology is in the same administrative district as the person in the expiring term.

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

SEC. 16. Section 7814 of the Business and Professions Code is amended to read:

7814. The terms of the members of the board first appointed shall expire as follows: two members, January 1, 1970; two members, January 1, 1971; and three members, January 1, 1972. The term of the geophysicist member of the board first appointed shall be one year. Thereafter, except as provided in Section 130 of this code, appointments shall be for a four-year term. 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. Vacancies occurring prior

to the expiration of the term shall be filled by appointment for the unexpired term.

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

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 geologist member from Administrative District No. 5 whose term expires January 1, 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.

SEC. 17. Section 7817 of the Business and Professions Code is amended to read:

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

SEC. 18. Section 7820 of the Business and Professions Code is amended to read:

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

SEC. 19. Section 7823 of the Business and Professions Code is amended to read:

7823. The board shall have the authority to appoint committees as required or as deemed advisable to perform such duties as the board may direct. Such committees shall be composed of persons registered under this chapter, except that until the first anniversary of the effective date of this chapter qualified geologists may serve, and until the first anniversary of the effective date of the amendments to this section enacted at the 1972 Regular Session of the Legislature, qualified geophysicists may serve.

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

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

SEC. 20. Section 7824 of the Business and Professions Code is amended to read:

7824. The board shall establish such professional affairs committees, as needed, to represent each of the specialties into which the board determines certification of registration may be divided. Each such committee shall establish qualifications, which shall include a written examination, for certification in its specialty, and shall establish a definition of that specialty, subject to approval of the board; and shall advise the board on professional affairs in which the committee is concerned. Membership of each such committee shall be made up exclusively of geologists or geophysicists, or both, certified or qualified in the particular specialty involved. Definition of specialties shall be substantially the same as

are on the effective date of this chapter in use in local ordinances throughout the state, subject to the approval of the board. Qualifications for certification in a specialty shall be substantially the same as, but no less than, those in existence under local ordinances throughout the state.

SEC. 21. Section 7825 of the Business and Professions Code is amended to read:

7825. The board shall establish relations with bodies which regulate the practice of geology and geophysics, or closely related geologic and geophysical disciplines, or which register geologists and geophysicists in the other states, and may establish relations with such bodies in other countries, for the purposes of working toward (1) uniformly high professional standards and (2) mutual recognition of registration.

SEC. 22. Section 7830.1 is added to the Business and Professions Code, to read:

7830.1. After one year following the effective date of this section it shall be unlawful for anyone other than a geophysicist registered under this chapter to stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a registered geophysicist, or registered certified specialty geophysicist, or to use in any manner the title "Registered Geophysicist" or the title of any registered certified specialty geophysicist unless registered, or registered and certified, under this chapter.

SEC. 23. Section 7832 of the Business and Professions Code is amended to read:

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

SEC. 24. Section 7833 of the Business and Professions Code is amended to read:

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

SEC. 25. Section 7834 of the Business and Professions Code is amended to read:

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

SEC. 26. Section 7835 of the Business and Professions Code is amended to read:

7835. All geologic plans, specifications, reports or documents shall

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be prepared by a registered geologist, or registered certified specialty geologist, or by a subordinate employee under his direction. In addition, they shall be signed by such registered geologist, or registered certified specialty geologist or stamped with his seal, either of which shall indicate his responsibility for them.

SEC. 27. Section 7835.1 is added to the Business and Professions Code, to read:

7835.1. All geophysical plans, specifications, reports or documents shall be prepared by a registered geophysicist, registered certified specialty geophysicist, registered geologist, registered certified specialty geologist, or by a subordinate employee under his direction. In addition, they shall be signed by such registered geophysicist, registered certified specialty geophysicist, registered geologist, or registered certified specialty geologist, or stamped with his seal, either of which shall indicate his responsibility for them.

SEC. 28. Section 7837 of the Business and Professions Code is amended to read:

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

SEC. 29. Section 7839 of the Business and Professions Code is amended to read:

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

SEC. 30. Section 7839.1 is added to the Business and Professions Code, to read:

7839.1. This chapter shall not empower a geologist registered under this chapter to practice or offer to practice geophysics for others in this state except as such geophysical work is related to his practice of geology.

This chapter shall not empower a geophysicist registered under this chapter to practice or offer to practice geology for others in this state except as such geological work is related to his practice of geophysics.

SEC. 31. Section 7840 of the Business and Professions Code is amended to read:

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

SEC. 31.5. Section 7841 of the Business and Professions Code is amended to read:

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

(a) Be of good moral character.

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

(1) Graduation with a major in geology.

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

(c) Have at least seven years of professional geological work which shall include either a minimum of three years of professional geological work under the supervision of a registered geologist or a registered civil or petroleum engineer, except that prior to July 1, 1970, professional geological work shall qualify under this subdivision if it is under the supervision of a qualified geologist or a registered civil or petroleum engineer, or a minimum of five years' experience in responsible charge of geological work. Professional geological work does not include routine sampling, laboratory work, or geological drafting.

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

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

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

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

(d) Successfully pass a written examination.

SEC. 32. Section 7841.1 is added to the Business and Professions Code, to read:

7841.1. An applicant for registration as a geophysicist shall have all of the following qualifications. This section shall not apply to applicants for registration as geologists.

(a) Be of good moral character.

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

(1) Graduation with a major in a geophysical related science or any other discipline which in the opinion of the board is relevant to geophysics.

(2) Completion of a combination of at least 30 semester hours, in

courses which in the opinion of the board are relevant to geophysics. At least 24 semester hours, or the equivalent, shall be in the third or fourth year, or graduate courses.

(c) Have at least seven years of professional geophysical work which shall include either a minimum of three years of professional geophysical work under the supervision of a registered geophysicist, except that prior to July 1, 1973, professional geophysical work shall qualify under this subdivision if it is under the supervision of a qualified geophysicist or a minimum of five years' experience in responsible charge of geophysical work. Professional geophysical work does not include the routine maintenance or operation of geophysical instruments, or, even if carried out under the responsible supervision of a professional geophysicist, the routine reduction or plotting of geophysical observations.

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

Teaching in the geophysical sciences referred to in this section at a college level shall be credited year for year toward meeting the requirement in this category, provided that the total teaching experience includes six semester units per semester, or equivalent if on the quarter system, of third or fourth year or graduate courses.

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

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

(d) Successfully pass a written examination.

SEC. 33. Section 7842 of the Business and Professions Code is amended to read:

7842. An applicant for certification in a specialty in geology shall meet all of the requirements of Section 7841 and, in addition, his seven years of professional geological work shall include one of the following:

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

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certification or under the supervision of a registered civil engineer if the applicant is seeking certification as an engineering geologist or under the supervision of a registered petroleum engineer if the applicant is seeking certification as a petroleum geologist.

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

SEC. 34. Section 7842.1 is added to the Business and Professions Code, to read:

7842.1. An applicant for certification in a specialty in geophysics shall meet all of the requirements of Section 7841.1 and in addition, his seven years of professional geophysical work shall include one of the following:

(a) A minimum of three years performed under the supervision of a geophysicist, certified in the specialty for which he is seeking certification.

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

SEC. 35. Section 7843 of the Business and Professions Code is amended to read:

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

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

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

SEC. 36. Section 7843.1 is added to the Business and Professions Code, to read:

7843.1. The board shall waive the examination requirement for registration as a geophysicist or for registration as a geophysicist and certification as a specialty geophysicist for one who complies with the following:

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

(b) Who complies with the provisions of subdivisions (a), (b), and (c) of Section 7841.1.

SEC. 37. Section 7845 of the Business and Professions Code is amended to read:

7845. Examinations for registration as a geologist or registered certified specialty geologist shall test the applicant's knowledge of geology and of any established specialty for which he applies and his ability to apply that knowledge and to assume responsible charge in the professional practice of geology or a certified specialty geology, or both geology and a certified specialty geology.

SEC. 38. Section 7845.1 is added to the Business and Professions Code, to read:

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7845.1. Examinations for registration as a geophysicist or registered certified specialty geophysicist shall test the applicant's knowledge basic to geophysics and his ability to apply that knowledge and to assume responsible charge in the professional practice of geophysics or a certified specialty geophysics, or both geophysics and a certified specialty geophysics.

SEC. 39. Section 7847 of the Business and Professions Code is amended to read:

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

SEC. 40. Section 7847.6 is added to the Business and Professions Code, to read:

7847.6. The board, upon application therefor, on its prescribed form, and upon the payment of the application and registration fees fixed by this chapter, which fees shall be retained by the board, may issue a certificate of registration as a geophysicist, without written examination, to any person who has at least 14 years of professional geophysical work and who meets the requirements of subdivisions (a) and (b) of Section 7841.1. The 14 years of professional geophysical work shall include either a minimum of three years of professional geophysical work under the supervision of a registered or qualified geophysicist or a minimum of five years' experience in responsible charge of geophysical work.

In lieu of the requirements contained in subdivision (b) of Section 7841.1, an applicant shall be considered qualified pursuant to this section, upon majority vote of the board, if he can demonstrate to its satisfaction, or to a committee of examiners appointed by it, that he has acquired sound scientific knowledge and proficiency in geophysics at least equivalent to that of a college graduate who has majored in the field of geophysics or one of the related fields referred to in Section 7841.1.

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

SEC. 41. Section 7848.1 is added to the Business and Professions Code, to read:

7848.1. A temporary authorization for the practice of geophysics or a certified specialty geophysics, or both geophysics and a certified specialty geophysics, may be granted, for a specific project, upon

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application and payment of the fee prescribed in Section 7887 for a period not to exceed 60 consecutive days in any calendar year provided:

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

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

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

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

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

SEC. 42. Section 7850.1 is added to the Business and Professions Code, to read:

7850.1. Any applicant who has passed the examination and has otherwise qualified hereunder as a geophysicist, upon payment of the registration fee fixed by this chapter shall have a certificate of registration issued to him as a geophysicist.

SEC. 42.5. Section 7850.6 is added to the Business and Professions Code, to read:

7850.6. An applicant who has passed the examination for a certified specialty geophysicist and has otherwise qualified under this chapter in the specialty, upon payment of the fee fixed by this chapter shall have a certificate issued to him as a certified specialty geophysicist. A certificate of certified specialty geophysicist shall be signed by the president and secretary and issued under the seal of the board.

SEC. 43. Section 7851 of the Business and Professions Code is amended to read:

7851. If an applicant for registration as a geologist or geophysicist is found by the board to lack the qualifications required for admission to the examination for such registration, the board shall, notwithstanding the provisions of Section 158 of this code, refund to him one-half of the amount of his application fee.

SEC. 44. Section 7852.1 is added to the Business and Professions Code, to read:

7852.1. (a) Each geophysicist registered under this chapter may, upon registration, obtain a seal of the design authorized by the board

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bearing the registrant's name, number of his certificate, and the legend "Registered Geophysicist."

(b) Each specialty geophysicist certified under this chapter may, upon certification, obtain a seal of the design authorized by the board bearing the registrant's name, number of his certificate and the legend "Certified Specialty Geophysicist."

SEC. 45. Section 7860 of the Business and Professions Code is amended to read:

7860. The board may receive and investigate complaints against registered geologists, and geophysicists and persons granted temporary authorizations pursuant to Sections 7848, and 7848.1 and make findings thereon.

By a majority vote, the board may reprove, privately or publicly, or may suspend for a period not to exceed two years, or may revoke the certificate of any geologist or geophysicist registered hereunder, or may reprove, privately or publicly, or revoke the authorization granted to any person pursuant to Sections 7848 or 7848.1:

(a) Who has been convicted of a felony, arising from or in connection with the practice of geology or geophysics, or of a crime involving moral turpitude.

(b) Who has not a good character.

(c) Who has committed any deceit, misrepresentation, violation of contract, fraud or incompetency in his practice.

(d) Who has committed any fraud or deceit in obtaining his certificate.

(e) Who aids or abets any person in the violation of any provisions of this chapter.

(f) Who violates any provision of this chapter.

SEC. 46. Section 7872 of the Business and Professions Code is amended to read:

7872. Every person is guilty of a misdemeanor and for each offense of which he is convicted is punishable by a fine of not more than five hundred dollars ($500) or by imprisonment not to exceed three months, or by both fine and imprisonment:

(a) Who, unless he is exempt from registration under this chapter, practices or offers to practice geology or geophysics for others in this state according to the provisions of this chapter without legal authorization.

(b) Who presents or attempts to file as his own the certificate of registration of another.

(c) Who gives false evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.

(d) Who impersonates or uses the seal of any other practitioner.

(e) Who uses an expired or revoked certificate of registration.

(f) Who shall represent himself as, or use the title of, registered geologist, or any other title whereby such person could be considered as practicing or offering to practice geology for others, unless he is qualified by registration as a geologist under this chapter, or who shall represent himself as, or use the title of, registered geophysicist,

or any other title whereby such person could be considered as practicing or offering to practice geophysics for others, unless he is qualified by registration as a geophysicist under this chapter.

(g) Who manages, or conducts as manager, proprietor, or agent, any place of business from which geologic or geophysical work is solicited, performed or practiced for others, unless such work is supervised or performed by a registered geologist, or unless such geophysical work is supervised or performed by a registered geophysicist or geologist.

SEC. 47. Section 7880 of the Business and Professions Code is amended to read:

7880. A certificate of registration as a geologist or as a specialty geologist or as a geophysicist or as a specialty geophysicist expires at 12 p.m. on June 30 of each even-numbered year, if not renewed. To renew an unexpired certificate, the certificate holder shall, on or before June 30, of each even-numbered year, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

SEC. 48. Section 7881 of the Business and Professions Code is amended to read:

7881. Except as otherwise provided in this article, certificates of registration as a geologist or as a geophysicist, or certified specialty certificates, may be renewed at any time within five years after expiration on filing an application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate is renewed more than 30 days after its expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the certificate shall continue in effect through the date provided in Section 7880 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

SEC. 49. Section 7884 of the Business and Professions Code is amended to read:

7884. Certificates of registration as a geologist or as a geophysicist or certified specialty certificates which are not renewed within five years after expiration may not be renewed, restored, reinstated, or reissued thereafter. The holder of such certificate may apply for and obtain a new certificate, however, if:

(a) He is of good moral character.

(b) No fact, circumstance, or condition exists which, if the certificate were issued, would justify its revocation or suspension.

(c) He takes and passes the examination, if any, which would be required of him if he were then applying for the certificate for the first time.

The board may, by regulation, provide for the waiver or refund of

all or any part of the application fee in those cases in which a certificate is issued without an examination pursuant to the provisions of this section.

SEC. 50. Section 7885 of the Business and Professions Code is amended to read:

7885. The board shall report each month to the State Controller the amount and source of all revenue received by it pursuant to this chapter and at the same time pay the entire amount thereof into the State Treasury for credit to the Geology and Geophysics Fund, which fund is hereby created.

SEC. 51. Section 7886 of the Business and Professions Code is amended to read:

7886. The money paid into the Geology and Geophysics Fund is continuously appropriated to the board to carry out the provisions of this chapter.

SEC. 52. Section 7887 of the Business and Professions Code is amended to read:

7887. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for registration as a geologist or a geophysicist at not more than forty dollars ($40).

(b) The registration fee for a geologist or for a geophysicist and the fee for the certification in a specialty shall be fixed at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, with respect to certificates which will expire less than one year after issuance, the fee shall be fixed at an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The duplicate certificate fee at not more than three dollars ($3).

(d) The temporary registration fee for a geologist or for a geophysicist at not more than forty dollars ($40).

(e) The renewal fee for a geologist or for a geophysicist shall be fixed by the board at not more than eighty dollars ($80).

(f) The renewal fee for a specialty geologist or for a specialty geophysicist at not more than ten dollars ($10).

(g) The delinquency fee for a certificate is an amount equal to the renewal fee in effect on the date of its expiration.

SEC. 53. If any of the provisions of this chapter, or if any rule, regulation or order thereunder, or the application of such provision to any person or circumstance shall be held invalid, the remainder of this chapter and the application of such provision of this chapter or such rule, regulation or order to persons or circumstances, other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this act are severable.

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SEC. 54. It is the intent of the Legislature that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 101 of the Business and Professions Code, as amended by Section 2 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative, and on that date Section 101 of the Business and Professions Code, as added by Section 3 of this act which includes changes made by both Reorganization Plan No. 1 of 1970 and Section 2 of this act, shall become operative.

CHAPTER 1397

An act to amend Sections 1662, 1665, 1751, and 1760.5 of the Insurance Code, relating to insurance.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. Section 1662 of the Insurance Code is amended to read:

1662. An applicant for a license to act as an insurance broker, or for renewal of such license, shall, as part of his application, file the bond as required by this article, and, if licensed, shall continuously maintain such bond in force. Any such license shall automatically terminate immediately upon there being no bond in force, and the license shall be returned by its lawful custodian to the commissioner for cancellation.

SEC. 2. Section 1665 of the Insurance Code is amended to read:

1665. The bond of an insurance broker shall be in the amount of five thousand dollars ($5,000), and the total aggregate liability on such bond shall be limited to such amount. Such bond shall be contingent on the accounting by the broker to any person requesting the broker to obtain insurance, for moneys or premiums collected by the broker for insurance other than life.

SEC. 3. Section 1751 of the Insurance Code is amended to read:

1751. The commissioner shall require in advance as a fee for filing the following documents:

(a) Application for registration of change in membership of a copartnership licensed as:

(1) Insurance agent, seven dollars ($7).

(2) Insurance broker, eighteen dollars ($18).

(3) Life agent, resident, seven dollars ($7).

(4) Life agent, nonresident:

(A) In the case of a licensee maintaining an office within 50 miles of the border of the State of California whose normal operation would include the transaction of insurance on both sides of that border, seven dollars ($7).

(B) In all other cases, ten dollars ($10).

(b) Application for endorsement removing from any life agent's, insurance agent's or insurance broker's license issued to an organization the name of any natural person named thereon, two dollars ($2).

(c) First amendment to an application, two dollars ($2); a second and each subsequent amendment to an application, four dollars ($4).

(d) Original application to be given the qualifying examination for a license of a fire and casualty licensee, ten dollars ($10) for each person to be examined.

(e) Original application to be given the qualifying examination for a license of a life licensee, or a license as a variable annuity agent, ten dollars ($10) for each person to be examined.

(f) Application for reexamination for any of the licenses mentioned in this section, fifteen dollars ($15) for each person to be reexamined.

(g) Application which includes a request for a certificate of convenience pursuant to Article 8 of this chapter, ten dollars ($10) in addition to, and not in lieu of, fees otherwise required.

(h) Application or request for approval of true or fictitious name pursuant to Section 1724.5 of this chapter, five dollars ($5), except that there shall be no fee when such name is contained in an original application.

(i) "A ratification of appointments of agents" whereby the surviving insurer in a merger or consolidation assumes responsibility for all agents then lawfully appointed for one of the constituent insurers and makes each its agent, fifty dollars ($50).

(j) An application or request for approval of:

(1) A training course pursuant to Section 1689 or 1690, except when filed by a degree-conferring college or university, a public educational institution, or by a private nonprofit educational institution, fifty dollars ($50).

(2) An arrangement whereby an insurer may qualify trainees pursuant to Section 1689 or 1690 by means of an approved course given on the insurer's behalf by a school or organization other than itself, twenty-five dollars ($25).

(k) A bond, pursuant to Article 5 (commencing with Section 1662) of this chapter or Section 1760.5 or 1765, except when such bond constitutes part of an original application filing, five dollars ($5).

(*l*) An application or request for a copy of, or a duplicate license, issued pursuant to Chapters 5 (commencing with Section 1621), 6 (commencing with Section 1760), 7 (commencing with Section 1800), or 8 (commencing with Section 1831) of this division or Sections 12280 and 12280.2, five dollars ($5).

SEC. 4. Section 1760.5 of the Insurance Code is amended to read:

1760.5. The provisions of this chapter limiting the insurance which may be placed with nonadmitted insurers and requiring any report thereof shall not apply to:

(a) Reinsurance of the liability of an admitted insurer.

(b) Insurance against perils of navigation, transit or transportation upon hulls, freights or disbursements, or other shipowner interests; upon goods, wares, merchandise and all other personal property and interests therein, in course of exportation from or importation into any country, or transportation coastwise, including transportation by land or water from point of origin to final destination and including war risks; and marine builder's risks, drydocks and marine railways, including insurance of ship repairer's liability, and protection and indemnity insurance, but excluding insurance covering bridges or tunnels.

(c) Aircraft insurance.

(d) Insurance on property or operations of railroads engaged in interstate commerce.

The insurance specified in the foregoing paragraphs (b), (c), and (d), may be placed with a nonadmitted insurer only by and through a special lines' surplus line broker. The license of a special lines' surplus line broker shall be applied for and procured and shall be subject to the same fees for filing on issuance in the same manner as the license of a surplus line broker, except that in lieu of the bond required by Section 1765, there shall be delivered to the commissioner a bond in the form, amounts, and conditions specified in Sections 1663, 1664 and 1665 of this code for an insurance broker and only one fee shall be collected from one person for both licenses. Such licensee in respect to such business shall be subject to all the provisions of this chapter except Sections 1761, 1763 and 1775.5.

The commissioner may, in respect to business written or placed under the provisions of this section, require such information and reports thereof as he considers necessary, convenient or advisable for tax or statistical purposes.

Each placing of insurance in violation of this chapter is a misdemeanor.

The commissioner may revoke, suspend or deny any license granted pursuant to this code in accordance with the procedure provided in Article 13 of Chapter 5 of this part, or any certificate of authority granted pursuant to this code in accordance with the procedure provided in Section 704 whenever he finds that the licensee or holder of the certificate has committed a violation of this section.

The premium for insurance placed by or through a special lines' surplus line broker pursuant to this section shall not be subject to the tax imposed upon such broker based upon gross premiums paid for insurance placed under authority conferred by his license.

SEC. 5. This act shall become operative July 1, 1974. Applications for a license to act as an insurance broker made, or for renewal of such license required to be filed, on or after July 1, 1974, shall comply with the bonding requirements of this act. Applications made for such licenses, or for renewal thereof required to be filed, prior to July 1, 1974, shall comply with the one-thousand-dollar ($1,000) bonding

requirements of Article 5 (commencing with Section 1662) of Chapter 5 of Part 2 of Division 1 of the Insurance Code as it read on June 30, 1974, until the time of their renewal on or after the operative date of this act.

CHAPTER 1398

An act to amend, repeal, and add Section 438.3 of the Health and Safety Code, relating to health facilities.

[Approved by Governor December 26, 1972 Filed with Secretary of State December 26, 1972.]

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

SECTION 1. Section 438.3 of the Health and Safety Code is amended to read:

438.3. (a) An applicant may petition the Health Planning Council for a hearing on the decision on appeal. A petition for hearing shall be made within 30 days of the appealed decision.

(b) The required number of members of the board of directors may petition the Health Planning 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.

(c) 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.

(d) Notwithstanding subdivision (c), any member of the board of directors of a voluntary area health planning agency who has signed a petition for hearing by the Health Planning Council may, by filing an affidavit with the council which states that he signed the petition by mistake or inadvertence and requests withdrawal of his signature from the petition, withdraw his signature from the petition at any time prior to the date on which the council grants a hearing pursuant to subdivision (e). This subdivision shall apply to any appeal which is pending on or after the effective date of the amendments to this section made at the 1972 Regular Session of the Legislature.

(e) The Health Planning Council shall grant a hearing if the petition is still signed by the required number of members of the board of directors, and 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.

(f) 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.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 2. Section 438.3 is added to the Health and Safety Code, to read:

438.3. (a) 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.

(b) 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.

(c) 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.

(d) Notwithstanding subdivision (c), any member of the board of directors of a voluntary area health planning agency who has signed a petition for hearing by the Advisory Health Council may, by filing an affidavit with the council which states that he signed the petition by mistake or inadvertence and requests withdrawal of his signature from the petition, withdraw his signature from the petition at any time prior to the date on which the council grants a hearing pursuant to subdivision (e).

(e) The Advisory Health Council shall grant a hearing if the petition is still signed by the required number of members of the board of directors, and 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.

(f) 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.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 3. It is the intent of the Legislature, that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 438.3 of the Health and Safety Code, as amended by Section 1 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Section 438.3 of the Health and Safety Code, as added by Section 2 of this act, which includes the changes in Section 438.3 made by both Reorganization Plan No. 1 of 1970 and Section 1 of this act, shall become operative.

CHAPTER 1399

An act to amend Section 1777.5 of, and to add Section 3098 to, the Labor Code, relating to apprenticeship.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972]

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

SECTION 1. Section 1777.5 of the Labor Code is amended to read:

1777.5. Nothing in this chapter shall prevent the employment of properly indentured apprentices upon public works.

Every such apprentice shall be paid the standard wage paid to apprentices under the regulations of the craft or trade at which he is employed, and shall be employed only at the work of the craft or trade to which he is indentured.

Only apprentices, as defined in Section 3077, who are in training under apprenticeship standards and written apprentice agreements under Chapter 4 (commencing at Section 3070), Division 3, of the Labor Code, are eligible to be employed on public works. The employment and training of each apprentice shall be in accordance with the provisions of the apprenticeship standards and apprentice agreements under which he is training.

When the contractor to whom the contract is awarded by the state or any political subdivision, or any subcontractor under him, in performing any of the work under the contract or subcontract, employs workmen in any apprenticeable craft or trade, the contractor and subcontractor shall apply to the joint apprenticeship committee administering the apprenticeship standards of the craft or trade in the area of the site of the public work for a certificate approving the contractor or subcontractor under the apprenticeship standards for the employment and training of apprentices in the area of the site of the public work. Contractors or subcontractors shall not be required to submit individual applications for approval to local joint apprenticeship committees provided they are already covered by the local apprenticeship standards. The ratio of apprentices to journeymen who shall be employed in the craft or trade on the public work may be the ratio stipulated in the apprenticeship standards under which the joint apprenticeship committee operates, but in no case shall the ratio be less than one apprentice for each five journeymen, except as otherwise provided in this section.

The contractor or subcontractor, if he is covered by this section, shall, upon the issuance of the approval certificate, or if he has been previously approved in such craft or trade, shall, employ the number of apprentices or the ratio of apprentices to journeymen stipulated in the apprenticeship standards. Upon proper showing by the contractor that he employs apprentices in such craft or trade in the state on all of his contracts on an annual average of not less than one apprentice to each eight journeymen, the Division of Apprenticeship

Standards shall grant a certificate exempting the contractor from the 1-to-5 ratio as set forth in this section. This section shall not apply to prime contracts involving less than thirty thousand dollars ($30,000) or 20 working days.

"Apprenticeable craft or trade," as used in this section, shall mean a craft or trade determined as an apprenticeable occupation in accordance with rules and regulations prescribed by the Apprenticeship Council. The joint apprenticeship committee shall have the discretion to grant a certificate exempting a contractor from the 1-to-5 ratio set forth in this section when it finds that any one of the following conditions is met:

(a) In the event unemployment for the previous three-month period in such area exceeds an average of 15 percent, or

(b) In the event the number of apprentices in training in such area exceeds a ratio of 1 to 5, or

(c) If there is a showing that the apprenticeable craft or trade is replacing at least one-thirtieth of its journeymen annually through apprenticeship training, either (1) on a statewide basis, or (2) on a local basis.

(d) If assignment of an apprentice to any work performed under a public works contract would create a condition which would jeopardize his life or the life, safety, or property of fellow employees or the public at large or if the specific task to which the apprentice is to be assigned is of such a nature that training cannot be provided by a journeyman.

When such exemptions are granted to an organization which represents contractors in a specific trade from the 1-to-5 ratio on a local or statewide basis the member contractors will not be required to submit individual applications for approval to local joint apprenticeship committees, provided they are already covered by the local apprenticeship standards.

A contractor to whom the contract is awarded, or any subcontractor under him, who, in performing any of the work under the contract, employs journeymen or apprentices in any apprenticeable craft or trade and who is not contributing to a fund or funds to administer and conduct the apprenticeship program in any such craft or trade in the area of the site of the public work, to which fund or funds other contractors in the area of the site of the public work are contributing, shall contribute to the fund or funds in each craft or trade in which he employs journeymen or apprentices on the public work in the same amount or upon the same basis and in the same manner as the other contractors do, but where the trust fund administrators are unable to accept such funds, contractors not signatory to the trust agreement shall pay a like amount to the California Apprenticeship Council. The contractor or subcontractor may add the amount of such contributions in computing his bid for the contract. The Division of Labor Law Enforcement is authorized to enforce the payment of such contributions to the fund or funds as set forth in Section 227.

The body awarding the contract shall cause to be inserted in the contract stipulations to effectuate this section. Such stipulations shall fix the responsibility of compliance with this section for all apprenticeable occupations with the prime contractor.

In the event a contractor willfully fails to comply with this section, such contractor shall be denied the right to bid on a public works contract for a period of six months from the date the determination is made.

The interpretation and enforcement of this section shall be in accordance with the rules and procedures prescribed by the Apprenticeship Council.

All decisions of the joint apprenticeship committee under this section are subject to the provisions of Section 3081.

SEC. 2. Section 3098 is added to the Labor Code, to read:

3098. An awarding agency whose public works contract falls within the jurisdiction of Section 1777.5 shall, within five days of the award, send a copy of the award to the Division of Apprenticeship Standards. The division shall notify the local joint apprenticeship committee regarding such award. Within five days of a finding of any discrepancy regarding the ratio of apprentices to journeymen, pursuant to the certificated fixed number of apprentices to journeymen, the awarding agency shall notify the Division of Apprenticeship Standards.

CHAPTER 1400

An act making an appropriation to the California Crime Technological Research Foundation for a study relative to explosives.

[Approved by Governor December 26, 1972 Filed with Secretary of State December 26, 1972.]

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

SECTION 1. The sum of twenty thousand dollars ($20,000) is hereby appropriated from the General Fund to the California Crime Technological Research Foundation to study the extent and nature of technical problems relating to the security of explosives storage facilities and the apprehension of persons perpetrating thefts from such facilities, and to recommend to the Legislature, to the extent possible, statewide standards for alarm systems intended to safeguard such facilities and aid in such apprehensions; provided, that the board of directors of the foundation agrees to undertake such study.

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CHAPTER 1401

An act to add and repeal Section 14265 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. Section 14265 is added to the Education Code, to read:

14265. (a) A person retired for service may apply for and receive a disability retirement allowance with the same effective date of the service retirement providing that all of the following conditions are satisfied:

(1) The person can prove that at the time of his service retirement, he was eligible for a disability retirement and was unaware of that fact.

(2) The person was certified by competent medical authority as being disabled prior to the effective date of his service retirement.

(3) The person has an effective date for service retirement in June 1969, and the certification for disability in subdivision (2) was executed prior to June 30, 1970.

(b) If there is an increase in the allowance because of the change from service retirement to a disability retirement, that increase shall be payable from the effective date of the service retirement.

(c) This section shall be inoperative after June 30, 1973, and is repealed as of that date.

CHAPTER 1402

An act relating to sales and use tax exemptions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. There are exempted from the taxes imposed pursuant to Part 1 (commencing with Section 6001), Part 1.5 (commencing with Section 7200), and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code the gross receipts from the sale of, and the storage, use, or other consumption in this state of, tangible personal property leased from any resource conservation district which did not collect the tax due with respect to revenue from such leases from August 1, 1965 until December 31, 1972. For purposes of this section, a "resource

conservation district" is a district described in Chapter 3 (commencing with Section 9074) of Division 9 of the Public Resources Code.

All other terms used in this section shall be construed under the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code, as though this section were a provision of Article 1 (commencing with Section 6351) of Chapter 4 of such part.

The provisions of this section are specifically made retroactive to August 1, 1965, and shall remain in full force and effect to and including December 31, 1972; and shall have no force or effect after such date.

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

Chapter 2 of the Statutes of the 1965 First Extraordinary Session of the Legislature, among other things, brought certain leases of tangible personal property within the coverage of the Sales and Use Tax Law, commencing August 1, 1965. However, some resource conservation districts in California failed to become aware of this change and failed to collect the use tax with respect to leasing transactions. If any such district is now required to pay all such amounts over to the state under Section 6487 of the Revenue and Taxation Code, it will cause a severe financial crisis for such district. Therefore, in order to remedy this situation as soon as possible for all resource conservation districts similarly situated, it is necessary for this act to go into immediate effect.

CHAPTER 1403

An act to add Section 5077.2 to the Public Resources Code, relating to recreational trails.

[Approved by Governor December 26, 1972 Filed with Secretary of State December 26, 1972]

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

SECTION 1. Section 5077.2 is added to the Public Resources Code, to read:

5077.2. Notwithstanding the prohibition contained in Section 5077 against acquiring by eminent domain property or interests in property for trails established pursuant to this article, the department may, pursuant to Section 5006, replace property or interests in property through the exercise of eminent domain whenever a trail, or a portion thereof, has been acquired through the exercise of eminent domain by another public entity, provided that

the property to be acquired is in the immediate vicinity of the property being replaced, and may, pursuant to Section 5006, acquire property or interests in property through the exercise of eminent domain for trails established pursuant to this article in hardship cases as determined by the department.

CHAPTER 1404

An act to amend Sections 73341, 73682, 73683, 73684, and 73692 of the Government Code, relating to courts.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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.

Delta Judicial District	2
Mt. Diablo Judicial District	3
Richmond Judicial District	3
Walnut Creek-Danville Judicial District	2
West Judicial District	2
Any other court established or declared to exist	1

SEC. 1.5. 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 salary at the rate specified in range 87 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 69.
(b) Seven court clerks at salary range 65.
(c) Two deputy clerks II at salary range 65.
(d) One calendar clerk at salary range 65.
(e) Seven deputy clerks I at salary range 53.

(f) Two intermediate stenographer-clerks at salary range 52.
(g) Two junior stenographer-clerks at salary range 45.
(h) Twenty-four intermediate typist-clerks at salary range 47.
(i) Twenty-four junior typist-clerks at salary range 41.
(j) Five court reporters at an annual rate of thirteen thousand one hundred forty-six dollars ($13,146).
(k) The clerk may appoint any combination of stenographer clerks (f) and (g) not to exceed a total of two and may appoint any combination of typist-clerks (h) and (i) not to exceed a total of twenty-four.

SEC. 3. Section 73684 of the Government Code is amended to read:

73684. The following salary schedule shall apply to all officers and attachés of the Fresno Municipal Court;

Salary range	Biweekly Salary 1	2	3	4	5
34	145	153	161	168	177
35	149	156	164	173	181
36	153	161	168	177	186
37	156	164	173	181	190
38	161	168	177	186	195
39	164	173	181	190	199
40	168	177	186	195	204
41	173	181	190	199	210
42	177	186	195	204	215
43	181	190	199	210	220
44	186	195	204	215	225
45	190	199	210	220	231
46	195	204	215	225	236
47	199	210	220	231	242
48	204	215	225	236	248
49	210	220	231	242	254
50	215	225	236	248	261
51	220	231	242	254	267
52	225	236	248	261	274
53	231	242	254	267	281
54	236	248	261	274	288
55	242	254	267	281	294
56	248	261	274	288	302
57	254	267	281	294	309
58	261	274	288	302	317
59	267	281	294	309	325
60	274	288	302	317	333
61	281	294	309	325	341
62	288	302	317	333	349
63	294	309	325	341	358
64	302	317	333	349	366

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65	309	325	341	358	376
66	317	333	349	366	385
67	325	341	358	376	395
68	333	349	366	385	404
69	341	358	376	395	414
70	349	366	385	404	425
71	358	376	395	414	435
72	366	385	404	425	446
73	376	395	414	435	457
74	385	404	425	446	468
75	395	414	435	457	480
76	404	425	446	468	492
77	414	435	457	480	504
78	425	446	468	492	516
79	435	457	480	504	529
80	446	468	492	516	542
81	457	480	504	529	555
82	468	492	516	542	569
83	480	504	529	555	583
84	492	516	542	569	598
85	504	529	555	583	612
86	516	542	569	598	628
87	529	555	583	612	643
88	542	569	598	628	659
89	555	583	612	643	675
90	569	598	628	659	692
91	583	612	643	675	709
92	598	628	659	692	726
93	612	643	675	709	744
94	628	659	692	726	763
95	643	675	709	744	782
96	659	692	726	763	801
97	675	709	744	782	821
98	692	726	763	801	841
99	709	744	782	821	862
100	726	763	801	841	883
101	744	782	821	862	906
102	763	801	841	883	928
103	782	821	862	906	951
104	801	841	883	928	974
105	821	862	906	951	999
106	841	883	928	974	1,023
107	862	906	951	999	1,049
108	883	928	974	1,023	1,074
109	906	951	999	1,049	1,101
110	928	974	1,023	1,074	1,128
111	951	999	1,049	1,101	1,156
112	974	1,023	1,074	1,128	1,184
113	999	1,049	1,101	1,156	1,214

02390 34295 772

114	1,023	1,074	1,128	1,184	1,243
115	1,049	1,101	1,156	1,214	1,275
116	1,074	1,128	1,184	1,243	1,306
117	1,101	1,156	1,214	1,275	1,338
118	1,128	1,184	1,243	1,306	1,371
119	1,156	1,214	1,275	1,338	1,405
120	1,184	1,243	1,306	1,371	1,440
121	1,214	1,275	1,338	1,405	1,476
122	1,243	1,306	1,371	1,440	1,512
123	1,275	1,338	1,405	1,476	1,549
124	1,306	1,371	1,440	1,512	1,587
125	1,338	1,405	1,476	1,549	1,627

Except as provided in Section 73687, initial appointments shall be at step 1 of the appropriate salary range. Thereafter at the recommendation of the clerk, the officer or attaché will be entitled to advance to step 2 after the completion of 13 full pay periods of continuous satisfactory service, and to steps 3, 4, and 5 after completion of 26 full pay periods of continuous satisfactory service at each preceding step. Except as specifically provided in this article to the contrary, all benefits, privileges and other provisions affecting the employment of county employees shall apply to all officers and attachés of the municipal court.

SEC. 4. Section 73692 of the Government Code is amended to read:

73692. Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in the section for reporting testimony and proceedings the official reporters pro tempore shall in all cases receive fifty-five dollars ($55) per day, which shall upon order of the court be a charge against the general fund of the county.

CHAPTER 1405

An act to amend Sections 8101 and 8352 of, and to add Section 8352.6 to, the Revenue and Taxation Code, relating to revenues derived from taxes on motor vehicle fuel, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 26, 1972. Filed with Secretary of State December 26, 1972.]

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

SECTION 1. This act is known and may be cited as the "Chappie-Gregorio Off-Highway Gas Tax Act of 1972."

SEC. 2. Section 8101 of the Revenue and Taxation Code is amended to read:

8101. The following persons who have paid a license tax for motor vehicle fuel, either directly or to the vendor from whom it was purchased, or indirectly by the adding of the amount of the tax to the price of the fuel, shall, except as otherwise provided in this part, be reimbursed and repaid the amount of the tax:

(a) Any person who buys and uses the motor vehicle fuel for purposes other than operating motor vehicles upon the public highways of the state, except vehicles subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code, which are used for recreational purposes or are rented or leased for recreational purposes.

(b) Any person who exports the motor vehicle fuel for use outside of this state. Motor vehicle fuel carried from this state in the fuel tank of a motor vehicle is not deemed to be exported from this state unless the motor vehicle fuel becomes subject to tax as an "import" under the laws of the destination state.

(c) Any person who sells the motor vehicle fuel to the armed forces of the United States for use in ships or aircraft or for use outside this state, under circumstances that would have entitled him to an exemption from the payment of the license tax under Section 7401 had he been the distributor of this fuel.

(d) Any person who buys and uses the motor vehicle fuel in any construction equipment which is exempt from vehicle registration pursuant to the Vehicle Code, while operated within the confines and limits of a construction project.

(e) Any consulate officer or consulate employee of a foreign government who is not engaged in any private occupation for gain within the State of California, whose government has entered into a treaty with the United States providing for the exemption of such representative from national, state, and municipal taxes, or whose government does grant such an exemption to such representatives of the United States, who uses the motor vehicle fuel in a vehicle registered exempt from fees pursuant to Section 9100 of the Vehicle Code.

SEC. 3. Section 8352 of the Revenue and Taxation Code, as amended by Chapter 1243 of the Statutes of the 1971 Regular Session of the Legislature, is amended to read:

8352. Subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, the money deposited to the credit of the Motor Vehicle Fuel Account is hereby appropriated for expenditure, allocation, or transfer as provided in Sections 8352.1 to 8352.6, inclusive.

SEC. 4. Section 8352.6 is added to the Revenue and Taxation Code, to read:

8352.6. Subject to the provisions of Sections 8352 and 8352.1, there

shall be transferred from money deposited in the Motor Vehicle Fuel Account to the Off-Highway Vehicle Fund created by Section 38225 of the Vehicle Code the following amounts:

(a) Prior to October 1, 1973, the amount of the estimate contained in the report prepared pursuant to this section for the 1972–1973 fiscal year, less the amount of any refunds reimbursed and repaid pursuant to Section 8101, which is attributable to fuel for vehicles identified under Division 16.5 (commencing with Section 38000) of the Vehicle Code.

(b) Prior to October 1, 1974, and prior to the first day of October of each year thereafter, an amount equal to the estimate contained in the most recent report prepared pursuant to this section.

(c) The amounts described in subdivisions (a) and (b) represent the portion of receipts in the Motor Vehicle Fuel Account attributable to taxes imposed upon distributions of motor vehicle fuel used in off-highway operation of vehicles identified under Division 16.5 (commencing with Section 38000) of the Vehicle Code for which a refund has not been claimed. Payments made pursuant to this section shall be made prior to payments pursuant to Section 8352.2.

(d) On or before August 15, 1973, and every two years thereafter, the Department of Public Works shall prepare, or cause to be prepared, in cooperation with the Department of Parks and Recreation, a report setting forth the current estimate of the amount of money credited to the Motor Vehicle Fuel Account attributable to taxes imposed on distributions of motor vehicle fuel used in the off-highway operation of vehicles identified under Division 16.5 (commencing with Section 38000) of the Vehicle Code for which a refund has not been claimed; and shall submit a copy of such report to the Legislature.

SEC. 5. In addition to the report required by Section 8352.6 of the Revenue and Taxation Code, the Department of Public Works, on or before July 1, 1973, shall prepare or cause to be prepared, in cooperation with the Department of Parks and Recreation, a report setting forth the estimated amount of motor vehicle fuel revenues attributable to propelling motor vehicles in off-highway recreational use by motor vehicles subject to on-highway registration and license fees. The report required by this section is for purposes of information only and shall not be used for purposes of transferring funds from the Motor Vehicle Fuel Account.

The Department of Public Works shall submit a copy of such report to the Legislature.

SEC. 6. (a) Section 2 of this act shall become operative on January 1, 1973.

(b) All other sections of this act shall take effect immediately and shall become operative in the manner specified in such sections.

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 to afford state agencies adequate time to prepare the reports required by this act and in order to make Section 2 of this act take effect at the proper time, it is necessary for this act to take effect immediately.

CHAPTER 1406

An act to amend Sections 17301, 17303, 17303.5, 17402, 17407, 17411, 17507, 17655.5, 17656, 17660, 17664, 17665, 17665.5, 17675, 17702, 17702.2, 17706, 17910, 18102, 18102.2, 18102.4, 18102.6, 18451, 18452, and 18455 of, to add Sections 13520.3 and 17401.5 to, and to add Chapter 6.10 (commencing with Section 6499.230) to Division 6 of, Section 18105 to, and Article 6 (commencing with Section 20902) to Chapter 3 of Division 16 of, to repeal Sections 17674 and 20814.5 of, and Article 7.1 (commencing with Section 17920) of Chapter 3 of Division 14 of, and to repeal Chapter 3.5 (commencing with Section 20910) of Division 16 of the Education Code, to amend Section 16153 of, to repeal Section 16120 of, and to repeal Chapter 1 (commencing with Section 16100) of Part 1 of Division 4 of Title 2 of, to add Section 16120 to, and to add Chapter 1 (commencing with Section 16100), Chapter 1.5 (commencing with Section 16110), Chapter 2.5 (commencing with Section 16130), Chapter 4 (commencing with Section 16160), and Chapter 5 (commencing with Section 16170) to Part 1 of Division 4 of Title 2 of, the Government Code, to amend Section 23332.5 of, to repeal Sections 218, 219, 2611.5, 6051, 6052.5, 6201, 6376, 7102, 7202, 7203, 23151, 23184, 23186, 23333, and 23501 of, to add Chapter 1.5 (commencing with Section 2161) to Part 4 of Division 1 of, and to add Sections 218, 219, 401.4, 2611.5, 6051, 6052.5, 6201, 7102, 7202, 7203, 17053.5, 23151, 23184, 23186, 23333, and 23501 to, the Revenue and Taxation Code, and to repeal Section 11450 of, and to add Sections 11006.1, 11450, and 15204.1 to, the Welfare and Institutions Code, relating to the imposition of state taxes to provide subventions to local government to compensate for property tax limitations, making an appropriation therefore, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 18, 1972 Filed with Secretary of State December 26, 1972]

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

SECTION 1. This act is known and may be cited as the "Property Tax Relief Act of 1972."

SEC. 1.5. Chapter 6.10 (commencing with Section 6499.230) is added to Division 6 of the Education Code, to read:

CHAPTER 6.10. EDUCATIONALLY DISADVANTAGED YOUTH PROGRAMS

6499.230. It is the intent of the Legislature to provide quality educational opportunities for all children in the California public schools. The Legislature recognizes that because of differences in family income, differing language barriers, and pupil transiency, differing levels of financial aid are necessary to provide quality education for all students.

6499.231. From the funds appropriated by the Legislature for the purposes of this chapter, the Superintendent of Public Instruction, with the approval of the State Board of Education, shall administer this chapter and make apportionments to school districts to meet the total approved expense of the school districts incurred in establishing education programs for pupils who qualify economically and educationally in preschool, kindergarten, or any of grades 1 through 12, inclusive. Nothing in this chapter shall in any way preclude the use of federal funds for educationally disadvantaged youth. Districts which receive funds pursuant to this chapter shall not reduce existing district resources which have been utilized for programs to meet the needs of low-income students.

6499 232. Maximum apportionments allowable to school districts shall be determined by the following factors:

(a) An index of "potential impact of bilingual-bicultural pupils" determined by dividing the percent of pupils in the district with Spanish and Oriental surnames, and Indian pupils, as determined by the annual ethnic survey conducted by the Department of Education, by the statewide average percentage of such pupils for unified, elementary, or secondary districts, as appropriate.

(b) A ratio of the district's "index of family poverty," defined as the district's Elementary and Secondary Education Act, Title I entitlement, divided by its average daily attendance in grades 1 through 12, or any thereof maintained, divided in turn by the state average index of family poverty for unified, elementary, or secondary districts, as appropriate.

(c) A ratio of the district's "index of pupil transiency," as computed from the relationship between the district's average daily attendance and its total annual enrollment, divided by the state average index of pupil transiency for unified, elementary, or secondary districts, as appropriate.

The district's total maximum apportionment under this chapter shall be determined by computing the product of (1) one-third the sum of the above three factors, except that if the resulting figure is higher than 2, the resulting figure shall be deemed to be 2, and if the resulting figure is lower than 1 no entitlement shall be computed for such a district, (2) the number of pupils receiving aid for dependent children support, and (3) a constant amount of three hundred dollars ($300), or such amount as the Superintendent of Public Instruction may determine so that the sum of all allocations will not exceed the

funds appropriated by the Legislature for the purposes of this chapter.

6499.234. In approving programs under this chapter, the State Board of Education shall give due consideration to the effectiveness of the program and shall not continue in operation any program that, upon evaluation, has been shown to be of low effectiveness and which has only limited possibility of improved effectiveness.

For the fiscal year 1973–1974 and for each year thereafter, districts which demonstrate a high degree of program effectiveness shall receive amounts up to their entitlement limits. Districts which demonstrate low levels of program effectiveness shall continue to receive their initial apportionments but the Superintendent of Public Instruction may reduce the additional computed apportionments due such districts, if he determines that such programs have limited possibilities of improved achievement.

6499.235. The Superintendent of Public Instruction shall apportion the funds available for programs in accord with procedures specified in this chapter and policies which may be adopted by the State Board of Education. Funds shall be allocated to each district within its entitlement based upon a plan submitted by the district to the Superintendent of Public Instruction, and approved by the State Board of Education. The plan shall include (1) an explicit statement of what the district seeks to accomplish, (2) a description of the program and activities designed to achieve these purposes, and (3) a planned program of annual evaluation, including a statement of the criteria to be used to measure the effectiveness of the program.

6499.236. The State Board of Education shall adopt regulations setting forth the standards and criteria to be used in the administration, monitoring, evaluation, and dissemination of programs submitted for consideration. An amount not to exceed 1 percent of the total appropriation for the purposes of this chapter shall be retained by the Department of Education for these purposes. Funds appropriated for the purposes of this chapter not allocated as previously specified shall be allocated by the State Board of Education to promote the intent of this chapter to provide education programs to as many eligible pupils as possible and to stimulate the development, implementation, and evaluation of innovative programs.

6499.237. The Superintendent of Public Instruction shall submit annually to the Governor and to each house of the Legislature a report evaluating the programs established pursuant to this chapter, together with his recommendations concerning whether the same should be continued in operation.

6499.238. In approving projects under the "educational needs factor formula," as described above, the Superintendent of Public Instruction, with the concurrence of the Director of Finance, may, upon the request of the applicant district, designate a portion of the district's entitlement which may be expended for noninstructional

costs, including, but not limited to, costs for vandalism, security, and insurance. In no event, shall the amount of funds in the aggregate designated for such purposes for all districts in the state exceed two million dollars ($2,000,000).

SEC. 1.7. Section 13520.3 is added to the Education Code, to read:

13520.3. When a school district operates on a year-round schedule pursuant to Chapter 7 (commencing with Section 32100) of Division 22, the salaries of employees who are employed for the extended school year may be adjusted in accordance with the ratio of the extension of the school year in months bears to the length of the school year in months prior to the commencement of year-round operation. No classroom teacher may be required to participate in a year-round program without his consent.

SEC. 2. Section 17301 of the Education Code is amended to read:

17301. (a) The State Controller shall during each fiscal year transfer from the General Fund of the state to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction, one hundred eighty dollars ($180).

(b) The Controller shall also transfer, as needed during each fiscal year, such additional amounts from the General Fund to the State School Fund as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual computed apportionments from the State School Fund for the purposes set forth in Section 17303.5; provided that the total of such additional amounts transferred in a fiscal year shall not exceed, except pursuant to subdivision (c) of this section, two hundred five dollars and seventy-two cents ($205.72) for the fiscal year 1973–1974 and fiscal years thereafter, per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction, less the amount, if any, by which seventy cents ($0.70) multiplied by the number of units of average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, community college and adult schools in the state and to the county school tuition funds exceeds twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance.

(c) In addition to the amounts authorized to be transferred to the State School Fund from the General Fund under subdivisions (a) and (b) of this section, the Controller shall transfer from the General Fund to the State School Fund during the fiscal year, upon certification of the Superintendent of Public Instruction, if necessary to meet actual computed apportionments for the fiscal year for the purposes set forth in Sections 17303 and 17303.5, an amount not to exceed the lesser of: (1) 1 percent of the total apportionment from the State School Fund in the preceding fiscal year for the purposes set forth in Sections 17303 and 17303.5, or (2) the net amount, if any, by which the total amounts authorized to be transferred from the General Fund to the State School Fund under subdivisions (a) and (b) of this section in prior fiscal years have exceeded the total amounts actually apportioned in prior fiscal years for the purposes set forth in Sections 17303 and 17303.5.

(d) He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Sections 17303 and 17303.5 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 and 2 (Sections 17301 to 17354, inclusive) of this chapter and in Sections 11256 and 17251, and Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive.

(e) Commencing with the 1974–75 fiscal year, the unit amounts under subdivisions (a) and (b) of this section shall be considered to be increased or decreased, as the case may be, by an amount equal to the percentage increase or decrease of the statewide ratio of assessed valuation per unit of kindergarten through grade 12 statewide average daily attendance, using in such ratios the data for the preceding year compared with the second preceding year.

The Superintendent of Public Instruction shall adjust the foundation program levels prescribed for elementary and high school districts by the percentage increase or decrease in the statewide ratio of assessed valuation per unit of statewide elementary and high school average daily attendance using in such ratios the data for the preceding year compared with the second preceding year.

(f) The amounts transferred pursuant to this section shall include the amounts required to be transferred by Section 16140 of the Government Code, exclusive of the amounts required to be transferred pursuant to Section 16140 of the Government Code for the educational need factor and the Early Childhood Educational Program.

SEC. 2.04. Section 17303 of the Education Code is amended to read:

17303. The amount transferred pursuant to subdivision (a) of Section 17301 shall be expended for basic aid, equalization aid,

allowances for adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance.

SEC. 2.06. Section 17303.5 of the Education Code is amended to read:

17303.5. The amount transferred pursuant to subdivision (b) of Section 17301 shall be expended in accordance with the following schedule:

(a) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance, but not to exceed an amount equal to seventy cents ($0.70) multiplied by the average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds, for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Four dollars and forty cents ($4.40) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds during the preceding school year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(c) Nineteen dollars and fifty-two cents ($19.52) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds during the preceding school year, for the purposes of Sections 18060 and 18062, and Article 11 (commencing with Section 18101) of Chapter 3 of this division.

(d) Three dollars and six cents ($3.06) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds during the preceding school year for allowances to county school service funds pursuant to subdivision (b) of Section 18352.

(e) One dollar and sixty-seven cents ($1.67) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds for allowances to school districts for the purposes of Section 6426.

(f) One hundred sixty-seven dollars and seventy-two cents ($167.72) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds during the preceding school year for basic aid, equalization aid, allowances for adults, and allowances to

the county school tuition funds to be apportioned on account of average daily attendance. The amount expended pursuant to this subdivision shall be annually revised to reflect the adjustment prescribed by subdivision (e) of Section 17301.

(g) Eight dollars and sixty-five cents ($8.65) multiplied by the average daily attendance during the preceding school year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds for purposes of Chapter 7.1 (commencing with Section 6750) of Division 6.

SEC. 2.07. Section 17401.5 is added to the Education Code, to read:

17401.5. If, due to changes in federal legislation, the entitlement under P.L. 874 of the 81st Congress for the 1972–1973 fiscal year has been reduced substantially in a district, the district superintendent may petition the State Superintendent of Public Instruction for an advance of funds during such fiscal year of a part of the principal apportionment to such district for the 1973–1974 fiscal year, which advance shall not exceed the amount of the computed reduction.

If, upon review of a request, the Director of Finance and the Superintendent of Public Instruction deem it necessary to provide an advance of funds, they shall certify to the Controller the amount of the advance to be allowed, and the Controller shall transfer such amount to the school district. The principal apportionment to the school district for the 1973–1974 fiscal year shall be reduced accordingly.

SEC. 2.08. Section 17402 of the Education Code is amended to read:

17402. The Superintendent of Public Instruction shall on or before February 20th of each year apportion to each elementary school district, high school district, community college district, county school service fund, and county school tuition fund the total amounts allowed to them under Sections 6426, 17751, 17801, 17851, 17901, 17902, 17904, 17951, 17952, 18060, 18062, 18102, 18102.2, 18102.4, 18102.6, 18102.9, 18352, 18355, 18358, 18401, and Sections 18451 to 18456, inclusive, whichever are in effect. This apportionment shall be called the first principal apportionment.

SEC. 2.10. Section 17407 of the Education Code is amended to read:

17407. The Superintendent of Public Instruction shall on or before June 25th of each year apportion to each elementary school district, high school district, community college district, county school service fund, and county school tuition fund the total amounts allowed to them under Sections 6426, 17751, 17801, 17851, 17901, 17902, 17904, 17951, 17952, 18060, 18062, 18102, 18102.2, 18102.4, 18102.6, 18102.9, 18352, 18355, 18358, 18401, and Sections 18451 to 18456, inclusive, whichever are in effect. This apportionment shall be called the second principal apportionment.

SEC. 2.12. Section 17411 of the Education Code is amended to read:

17411. The Superintendent of Public Instruction shall withhold from the apportionment to an elementary school district, as a part of the first principal apportionment and second principal apportionment, the amount allowed the elementary school district for the average daily attendance in grades 7 and 8 in a junior high school by reason of the operation of subdivisions (a) and (b) of Section 17601. The amount withheld shall be determined by multiplying the total amount of basic state aid and state equalization aid computed for the district by the foundation program for units of average daily attendance in grades 7 and 8 and dividing the product by the total foundation program of the district.

The Superintendent of Public Instruction shall add the amount withheld to the apportionment required to be made to the high school district maintaining the junior high school.

SEC. 2.14. Section 17507 of the Education Code is amended to read:

17507. Minimum Class Size Standards; Apportionments; Reports; Rules and Regulations

The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades 1 to 3, inclusive, he shall determine the number of classes the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom

teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 17601.1 by the product determined under subdivision (c) of this section.

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 17601.1 by the resulting product.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 17601.1 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964–65 and each year thereafter the information required for the determination to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction. Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular schoolday.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964–65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 17601.1 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.

SEC. 2.18. Section 17655.5 of the Education Code is amended to read:

17655.5. (a) For each district on account of each necessary small

school (giving regard to the number of teachers actually employed or average daily attendance), he shall make one of the following computations, whichever provides the lesser amount:

(1) For each necessary small school which has an average daily attendance during the fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute for the district eighteen thousand eight hundred seventy-five dollars ($18,875).

(2) For each necessary small school which has an average daily attendance during the fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district thirty-seven thousand seven hundred fifty dollars ($37,750).

(3) For each necessary small school which has an average daily attendance during the fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school three teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district fifty-six thousand six hundred twenty-five dollars ($56,625).

(4) For each necessary small school which has an average daily attendance during the fiscal year of 76 or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district seventy-five thousand five hundred dollars ($75,500).

(b) For each district on account of each small school not determined to be a necessary small school under Section 17655 he shall make one of the following computations, whichever applies:

(1) If the total of the units of average daily attendance of the district during the fiscal year, exclusive of pupils attending the seventh and eighth grades of a junior high school, is less than 901, he shall multiply the units of average daily attendance in the school by seven hundred fifty-five dollars ($755).

(2) If the total of the units of average daily attendance in the district during the fiscal year, exclusive of pupils attending the seventh and eighth grades of a junior high school, is 901 or more, he shall multiply the units of average daily attendance by seven hundred sixty-five dollars ($765).

SEC. 2.20. Section 17656 of the Education Code is amended to read:

17656. For each elementary school district which, exclusive of pupils attending the seventh and eighth grades of a junior high school, has an average daily attendance of 101 or more but less than 901 during the fiscal year, he shall compute an amount determined

by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school and pupils for whom a foundation program is computed under Section 17655.5, by seven hundred fifty-five dollars ($755).

For each elementary school district which, exclusive of pupils attending the seventh and eighth grades of a junior high school, has an average daily attendance of 901 or more during the fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, and pupils for whom a foundation program is computed under Section 17655.5, by seven hundred sixty-five dollars ($765).

SEC. 2.22. Section 17660 of the Education Code is amended to read:

17660. For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of less than 901 during the fiscal year, on account of the attendance during the fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 11404 and 5612, he shall multiply the average daily attendance in such grades by seven hundred fifty-five dollars ($755).

For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of 901 or more during the fiscal year, on account of the attendance during the fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 11404 and 5612, he shall multiply the average daily attendance in such grades by seven hundred sixty-five dollars ($765).

SEC. 2.24. Section 17664 of the Education Code is amended to read:

17664. (a) For each district on account of each necessary small high school the Superintendent of Public Instruction shall make one of the following computations selected with regard only to the number of certificated employees employed or average daily attendance, whichever provides the lesser amount:

Average daily attendance	Minimum number of certificated employees	Amount to be computed
1– 20	less than 3	$16,519 per teacher
1– 20	3	83,772
21– 40	4	100,291
41– 60	5	116,810
61– 75	6	133,329
76– 90	7	149,848
91–105	8	166,367
106–120	9	182,886

121–135	10	199,405
136–150	11	205,924
151–180	12	232,443
181–220	13	248,962
221–260	14	265,481
261–300	15	282,000

(b) For each district on account of each small high school not determined to be a necessary small high school under Sections 17663, 17663.5, and 17663.7, he shall make one of the following computations, whichever applies:

(1) If the total of the units of average daily attendance in the district during the fiscal year is less than 301, he shall multiply the units of average daily attendance during the fiscal year in the school by nine hundred forty dollars ($940).

(2) If the total of the units of average daily attendance in the district during the fiscal year is more than 300, he shall multiply the units of average daily attendance during the fiscal year in the school by nine hundred fifty dollars ($950).

For the purposes of this section a "certificated employee" is an equivalent full-time position of an individual holding a credential authorizing service, and performing service in grades 9 through 12 in any secondary school. Any fraction of an equivalent full-time position shall be deemed to be a full-time position.

The foundation program established by this section for high schools with an average daily attendance of less than 301 shall not apply to any high school established after July 1, 1961 unless the establishment of such schools has been approved by the Superintendent of Public Instruction.

SEC. 2.26. Section 17665 of the Education Code is amended to read:

17665. For each high school district which has an average daily attendance of 301 or more during the fiscal year, he shall multiply the average daily attendance by nine hundred fifty dollars ($950).

SEC. 2.28. Section 17665.5 of the Education Code is amended to read:

17665.5. For a high school district which has an attendance credited pursuant to Section 10815, he shall multiply the average daily attendance by nine hundred fifty dollars ($950).

SEC. 2.30. Section 17674 of the Education Code is repealed.

SEC. 2.32. Section 17675 of the Education Code is amended to read:

17675. The increases in foundation programs prescribed by Section 17671 shall in no event be provided for any school district for any elementary school with an average daily attendance of less than 101 which does not qualify as a "necessary small school" under Section 17655, or any high school with an average daily attendance of less than 301 which does not qualify as a "necessary small high school" under Section 17663.

SEC. 2.36. Section 17702 of the Education Code is amended to read:

17702. The Superintendent of Public Instruction shall compute for each district described herein which does not come within the provisions of Section 17702.2 the amount, to be known as district aid, which a tax levied on each one hundred dollars ($100) of 100 percent of the assessed valuation in such district as shown by the equalized assessment roll of the district for the current year would produce if levied, if such tax was:

(a) Two dollars and twenty-three cents ($2.23) in an elementary school district.

(b) One dollar and sixty-four cents ($1.64) in a high school district.

(c) Twenty-five cents ($0.25) in a community college district.

SEC. 2.38. Section 17702.2 of the Education Code is amended to read:

17702.2. The Superintendent of Public Instruction shall compute the areawide aid to be utilized in determining state apportionments to be made for the support of elementary school districts and high school districts with respect to which an areawide foundation program is computed under Article 2.5 (commencing with Section 17680) of this chapter. Areawide aid shall be the amount which a tax levied on each one hundred dollars ($100) of 100 percent of the assessed valuation for the current fiscal year, modified where necessary pursuant to Section 17262, of the area comprising all of such elementary school districts and all of such high school districts would produce, if levied, if such tax were: (a) in the case of the elementary school district area, one dollar ($1); and (b) in the case of the high school district area, eighty cents ($0.80).

If the Superintendent of Public Instruction finds that the difference obtained by subtracting the areawide aid as computed under the above provisions of this section from the areawide foundation program is less than the product obtained by multiplying the average daily attendance used for foundation program purposes by one hundred twenty-five dollars ($125), he shall reduce the areawide aid to an amount which, when added to such product, will equal the amount of the areawide foundation program.

SEC. 2.46. Section 17706 of the Education Code is amended to read:

17706. The Superintendent of Public Instruction shall determine the individual areawide aid for each elementary district included within territory for which an areawide foundation program was computed pursuant to Article 2.5 (commencing with Section 17680) of this chapter, by: (1) dividing the total areawide aid derived by the elementary school districts in the territory under Section 17702.2, by (2) the areawide foundation program derived for the territory under Section 17680, and (3) multiplying the quotient by the foundation program computed for each district under Article 2 (commencing with Section 17651) and Article 2.1 (commencing with Section 17671) of this chapter.

He shall determine the individual areawide aid for each high school district included within territory for which an areawide foundation program was computed pursuant to Article 2.5 (commencing with Section 17680) of this chapter, by: (1) dividing the total areawide aid derived for the high school districts in the territory under Section 17702.2, by (2) the areawide foundation program derived for the territory under Section 17680, and (3) multiplying the quotient by the foundation program computed for each district under Article 2 (commencing with Section 17651) and Article 2.1 (commencing with Section 17671) of this chapter.

The district aid for an elementary school district within an area shall be the sum of the prorated areawide aid received by the district and the yield of one dollar and twenty-three cents ($1.23) levied on each one hundred dollars ($100) of 100 percent of the assessed valuation in such district. The district aid for a high school district within an area shall be the sum of the prorated areawide aid received by the district and the yield of eighty-four cents ($0.84) levied on each one hundred dollars ($100) of assessed valuation in such district.

SEC. 2.52. Section 17910 of the Education Code is amended to read:

17910. The Superintendent of Public Instruction shall compute the state equalization aid pursuant to this article upon the basis that the district's assessed value has not been reduced by the partial exemption for business inventories in the district or reduced by the homeowner's property tax exemption.

SEC. 2.54. Article 7.1 (commencing with Section 17920) of Chapter 3 of Division 14 of the Education Code is repealed.

SEC. 2.56. Section 18102 of the Education Code is amended to read:

18102. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of physically handicapped minors during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of physically handicapped minors by the maximum class size established by law for special day classes for physically handicapped minors, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of twenty-one thousand seven hundred sixty dollars ($21,760).

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of physically handicapped minors in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660.

(2) The product of the average daily attendance of physically

handicapped minors in grades 9 to 12, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of physically handicapped minors in grades 13 and 14, and the foundation program per pupil established for community college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 2.58. Section 18102.2 of the Education Code is amended to read:

18102.2. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of mentally retarded minors during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of mentally retarded minors by the maximum class size established by law for special day classes for mentally retarded minors, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of twenty thousand four hundred dollars ($20,400), and

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of mentally retarded minors in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660, and

(2) The product of the average daily attendance of mentally retarded minors in grades 9 to 14, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of mentally retarded minors in grades 13 and 14, and the foundation program per pupil established for community college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 2.60. Section 18102.4 of the Education Code is amended to read:

18102.4. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of severely mentally retarded minors during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of severely mentally retarded minors by the maximum class size established by law for special day classes for severely mentally retarded minors, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of nineteen thousand eight hundred dollars ($19,800), and

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of severely mentally retarded minors in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660, and

(2) The product of the average daily attendance of severely mentally retarded minors in grades 9 to 14, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of severely mentally retarded minors in grades 13 and 14, and the foundation program per pupil established for community college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 2.62. Section 18102.6 of the Education Code is amended to read:

18102.6. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of educationally handicapped minors during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of educationally handicapped minors, less the enrollment in excess of the maximum class size authorized pursuant to Section 6751.1, by the maximum class size established by law for special day classes for educationally handicapped minors, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of twenty thousand seven hundred forty dollars ($20,740), and

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of educationally handicapped minors in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660, and

(2) The product of the average daily attendance of educationally handicapped minors in grades 9 to 14, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of educationally handicapped minors in grades 13 and 14, and the foundation program per pupil established for community college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 2.63. Section 18105 is added to the Education Code, to read:

18105. The Superintendent of Public Instruction shall annually adjust each total support guarantee amount specified in this article by an inflation index determined jointly by the Department of

Education and the Department of Finance.

SEC. 2.64. Section 18451 of the Education Code is amended to read:

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

(b) The total amount allowed from the State School Fund pursuant to Sections 18060, 18062, 18102, 18102.2, 18102.4, 18102.6, and 18102.9 shall not exceed the amount provided by law therefor.

SEC. 2.66. Section 18452 of the Education Code is amended to read:

18452. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county school tuition funds under Sections 6426, 6762, 17751, 17801, 17851, 17901, 17902, 17904, 17951, 17952, 17970, 18355, 18358, and 18401 on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and county school tuition funds is less than the amount provided by law for such purposes, the balance shall be allowed pursuant to Section 18460.

SEC. 2.68. Section 18455 of the Education Code is amended to read:

18455. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county tuition funds under Sections 17751, 17801, 17851, 17951, 17952, 17901, 17902, 17904, 17970, 18355, 18358, and 18401, on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and county school tuition funds is more than the total amount provided by law for such purposes, the amount allowed each such district as state equalization aid from the State School Fund shall be reduced proportionately.

SEC. 2.70. Section 20814.5 of the Education Code, as added by Chapter 1 of the Statutes of 1971 First Extraordinary Session of the Legislature, is repealed.

SEC. 2.72. Article 6 (commencing with Section 20902) is added to Chapter 3 of Division 16 of the Education Code, to read:

Article 6. Property Tax Revenue Control for School Districts

20902. Notwithstanding any other provisions of law, for the 1973–74 fiscal year, and fiscal years thereafter, the maximum tax rate for school districts other than community college districts shall be as

provided in this article. A community college district may utilize any increase in the otherwise applicable maximum school district tax rate authorized by any law applicable to community college districts.

20903. Commencing on July 1, 1973, the maximum school district tax rate of any school district maintaining kindergarten and any of grades 1 to 12 inclusive, shall be the rate computed pursuant to this article. In addition, each such district may levy a tax as authorized in Section 15517, 15518, 16633, 16635, 16645.9, 19443, 19619, 20911, 20930, or 22101. Any other provision of law fixing the maximum school district tax rate for any such district or authorizing the levy and collection of taxes for any other purpose is hereby superseded and declared inoperative as to such districts.

20904. (a) For the 1973–74 fiscal year only, the county superintendent of public schools shall compute for each school district in the county an amount equal to the sum of (1) the district's 1972–73 fiscal year tax rate plus the unlevied portion of any voted override but exclusive of taxes provided in Section 15517, 15518, 16633, 16635, 16645.9, 19443, 19619, 20911, 20930, or 22101, multiplied by the assessed valuation of the district for the 1972–73 fiscal year, (2) the amount of areawide aid received by the district for the 1972–73 fiscal year, (3) 32½ percent of the residual retirement reserve transferred under SB 1053 of the 1972 legislative session, and (4) the total amount of basic state aid, equalization aid, supplemental support, and inflation cost adjustment which the districts received pursuant to the provisions of this code and the Budget Act of 1972 as computed by the Superintendent of Public Instruction.

(b) The amount computed in subdivision (a) shall be divided by the foundation program average daily attendance in the second principal apportionment and shall be the 1972–73 base revenue per unit of average daily attendance.

(c) The base revenue per unit of average daily attendance for each district shall be divided into the following amounts per unit of average daily attendance: for elementary districts, nine hundred dollars ($900); for high school districts, one thousand one hundred sixty-five dollars ($1,165); for unified districts, nine hundred eighty dollars ($980). If the result is greater than one it shall be deemed to be one.

(d) The quotient determined pursuant to subdivision (c) shall be multiplied by sixty-five dollars ($65) per unit of average daily attendance.

(e) The product determined pursuant to subdivision (d) shall be added to the base revenue per unit of average daily attendance determined pursuant to subdivision (b) and multiplied by the estimated foundation program unit of average daily attendance of the districts for the 1973–74 fiscal year.

(f) The amount computed pursuant to subdivision (e) shall be compared with the total amount computed for the district pursuant to Article 2 (commencing with Section 17651) and Article 2.1 (commencing with Section 17671) of Chapter 3 of Division 14 of the

Education Code. The larger of the two amounts shall be the revenue limit of the district for the 1973–74 fiscal year but in no case shall exceed one hundred fifteen percent (115%) of the 1972–73 base revenue per unit of average daily attendance multiplied by the 1973–74 estimated foundation program average daily attendance. This revenue limit is exclusive of federal funds and state funds except those specified in subdivision (a).

(g) From the revenue limit ascertained from the comparison made pursuant to subdivision (f), there shall be subtracted the total amount of basic state aid and state equalization aid to be received by the district during the 1973–74 fiscal year, as adjusted by repayment of any advances authorized by Section 17401.5.

(h) The amount determined pursuant to subdivision (g) shall be adjusted sufficiently to allow for the mandated increases for district contributions for the State Teachers' Retirement System as required by Section 14100 of the Education Code. Such adjustment, together with any rate levied in 1972–73 pursuant to Section 14111 of the Education Code, shall not exceed the revenue derived by the tax rate provided in Section 14111 of the Education Code.

(i) The amount computed pursuant to subdivision (h) shall be the local revenue limit of the district for the 1973–74 fiscal year. From the local revenue limit, there shall be subtracted 32½ percent of the residual retirement reserve transferred under SB 1053 of the 1972 legislative session.

(j) From the amount computed in subdivision (h), there shall be subtracted the amount of money collected or to be collected as taxes on property on the unsecured roll of the 1973–74 fiscal year, excluding the amounts collected through the levy of taxes provided in Section 15517, 15518, 16633, 16635, 16645.9, 19443, 19619, 20911, 20930, or 22101.

(k) The amount determined pursuant to subdivision (j) shall be divided by the amount of actual assessed valuation of the district on the secured roll. The quotient multiplied by 100 shall be the tax rate on each one hundred dollars ($100) of such assessed valuation and shall be the maximum general purpose rate which may be levied in the district during the 1973–74 fiscal year, exclusive of taxes provided in Section 15517, 15518, 16633, 16635, 16645.9, 19443, 19619, 20911, 20930, or 22101. However, in no case for districts receiving equalization aid, shall the limit be reduced below one dollar ($1) on the elementary level or eighty cents ($0.80) on the high school level or one dollar and eighty cents ($1.80) for unified.

20905. (a) For the 1974–75 fiscal years and thereafter, the maximum tax rate shall be the rate computed pursuant to this section exclusive of taxes provided in Section 15517, 15518, 16633, 16645.9, 19443, 19619, 20911, 20930, or 22101.

(b) The revenue limit per foundation program unit of average daily attendance for the district for the prior fiscal year shall be computed by the Superintendent of Public Instruction and divided into the appropriate foundation program amount per unit of average

daily attendance. If the quotient is greater than one, it shall be deemed to be one.

(c) The foundation program amount per unit of average daily attendance used as the dividend in subdivision (b) shall be determined by the Superintendent of Public Instruction pursuant to this subdivision. For elementary school districts, it shall be the foundation program for districts which have an average daily attendance of 901 or more as determined pursuant to Section 17656. For high school districts it shall be the foundation program determined pursuant to Section 17665. For unified districts, it shall be the sum of (1) the foundation program for districts which have an average daily attendance of 901 or more pursuant to Section 17656 multiplied by the elementary foundation program units of average daily attendance of unified districts in the second principal apportionment plus (2) the foundation program pursuant to Section 17665 multiplied by the high school foundation program units of average daily attendance of unified districts in the second principal apportionment divided by the sum of the elementary and high school units of average daily attendance of unified districts in the school principal apportionment.

(d) The inflation adjustment jointly determined by the Department of Education and the Department of Finance, shall be multiplied by the appropriate foundation program amount.

(e) The product determined pursuant to subdivision (d) shall be multiplied by the quotient determined pursuant to subdivision (b). The resultant amount shall constitute the revenue limit inflation adjustment of the district.

(f) The revenue limit inflation adjustment shall be added to the prior year revenue limit per foundation program unit of average daily attendance of the district and the sum multiplied by the estimated foundation program average daily attendance of the budget year. The product shall be the revenue limit of the district for the budget year.

(g) Any district which had a 1972–73 fiscal year tax rate exclusive of taxes provided in Section 15517, 15518, 16633, 16635, 16645.9, 19443, 19619, 20911, 20930, or 22101 which was greater than or equal to the appropriate rate prescribed under Section 17702, and which has a revenue limit computed pursuant to subdivision (f) which is less than the foundation program computed for the district pursuant to Article 2 and 2.1 of Chapter 3 of Division 14 of the Education Code may increase its revenue limit computed pursuant to subdivision (f) to the lesser of the foundation program level of the district or the prior year revenue limit increased by fifteen percent (15%).

(h) From the amount computed pursuant to subdivision (f) or (g), there shall be subtracted the basic and equalization aid estimated for the budget year.

(i) The amount determined pursuant to subdivision (h) shall be adjusted sufficiently to allow for the mandated increases for district contributions for the State Teachers' Retirement System as required

by Section 14100 of the Education Code. Such adjustment, together with any rate levied in any prior year pursuant to Section 14111 of the Education Code, shall not exceed the revenue derived by the tax rate provided in Section 14111 of the Education Code. The adjusted amount shall be the local revenue limit of the district for the budget year.

(j) From the amount computed pursuant to subdivision (i), there shall be subtracted the amount of money collected or to be collected as taxes on property on the unsecured roll of the budget year, excluding the amounts collected through the levy of taxes provided in Section 15517, 15518, 16633, 16635, 16645.9, 19443, 19619, 20911, 20930, or 22101.

(k) The amount determined pursuant to subdivision (j) shall be divided by the amount of actual assessed valuation of the district on the secured roll. The quotient multiplied by 100 shall be the tax rate on each one hundred dollars ($100) of such assessed valuation and shall be the maximum general purpose rate which may be levied in the district during the budget year, exclusive of taxes provided in Section 15517, 15518, 16633, 16645.9, 19443, 19619, 20911, 20930, or 22101. However, in no case for districts receiving equalization aid, shall the limit be reduced below one dollar ($1) on the elementary level or eighty cents ($0.80) on high school level or one dollar and eighty cents ($1.80) for unified.

20906. Commencing with the 1973–74 fiscal year, the maximum tax rate prescribed by Sections 20904 and 20905 may be exceeded upon approval of a majority of the electors of the district voting on a proposition to that effect pursuant to Section 20803. Such approval may be granted for any period of time, and shall be in addition to the revenue limit computed pursuant to this article. Income from this voted increase is not included in adjusting permitted inflation increments in subsequent years.

20907. Whenever the computation required by Section 20904 or 20905 results, because of estimating error, in a total income limit in an amount more or less than actual data would have produced, the revenue limit for the succeeding fiscal year shall be reduced a like amount if the total produced was more, and may be increased by such amount if the total produced was less.

20909. If the electors of a district approve an increase in the maximum tax rate during the 1972–73 fiscal year, the revenue from that increase shall be deemed to have been a part of the district's revenue for that fiscal year even if the tax rate does not become operative until the 1973–74 fiscal year.

20910. If the term of a voter approved increase in the maximum tax rate of a district expired and the increase was not available for the 1972–73 fiscal year, the revenues which would have been derived from such an increase shall be excluded from the computation of base revenue for the district during the 1972–73 fiscal year for purposes of Section 20904.

20910.5. If the electors of a district have approved an increase in

the maximum tax rate of the district and if any portion of such voted increase had not been levied in any year since it had been authorized, the district may levy the unused portion of the voted increase in the maximum tax rate in 1973–74 or in any subsequent year. Such levy shall be in addition to all other tax rates authorized by this code.

20911. The unexpended proceeds of any permissive tax rate, the authorization for the levy and collection of which has been made inoperative by this article, shall be transferred to the general fund of the district on July 1, 1973. The consolidation of all tax rates previously permitted and now included to the extent needed within the total general fund rate does not preclude districts from expending funds for the purposes normally supported by such permissive restricted overrides in prior years.

20912. It is the intent of the Legislature that an interim study be conducted on wealth equalizing among school districts; including but not limited to such means of wealth equalizing as variable foundation programs, power or wealth equalizing and wealth pulling.

SEC. 2.74. Chapter 3.5 (commencing with Section 20910) of Division 16 of the Education Code is repealed.

SEC. 4. Chapter 1 (commencing with Section 16100) of Part 1 of Division 4 of Title 2 of the Government Code, as such chapter exists after the enactment of Chapter 1066 of the Statutes of the 1972 Regular Session of the Legislature, is repealed.

SEC. 5. Chapter 1 (commencing with Section 16100) is added to Part 1 of Division 4 of Title 2 of the Government Code, to read:

CHAPTER 1. APPROPRIATION

16100. There is hereby continuously appropriated from the State General Fund to the Controller an amount sufficient to pay the subventions required by this part.

16101. It is the purpose of this part to provide property tax relief to the citizens of this state, as undue reliance on the property tax to finance various functions of government has resulted in serious detriment to one segment of the taxpaying public. The subventions from the State General Fund required under this part will serve to partially equalize tax burdens among all citizens, and the state as a whole will benefit.

SEC. 6. Chapter 1.5 (commencing with Section 16110) is added to Part 1 of Division 4 of Title 2 of the Government Code, to read:

CHAPTER 1.5. PERSONAL PROPERTY SUBVENTIONS

16110. It is the purpose of this chapter to provide replacement revenues to local government by reason of the repeal or reduction of the property tax on the following classes of property affected by the following provisions of the Revenue and Taxation Code: (1)

business inventories under Section 219; (2) motion pictures under Section 988; (3) livestock under Section 5523; and (4) wine and brandy under Section 992.

16111. (a) Out of the amount appropriated to the Controller from the State General Fund by Section 16100 so much as may be necessary shall be allocated in accordance with the terms and conditions set forth in this section to local taxing authorities which have lost revenue by reason of the operation of Section 988 of the Revenue and Taxation Code.

(b) Upon, and only upon, application by a local taxing authority, the Controller shall determine the loss occasioned by the operation of Section 988 of the Revenue and Taxation Code by multiplying the current tax rate of the local entity times each one hundred dollars ($100) of assessed valuation attributable to motion pictures, including the negatives and prints thereof, and taxable by such local entity and shall pay to the claimant the amount so computed, provided the assessed valuation upon which the loss is determined is in excess of five thousand dollars ($5,000) and the amount of tax loss is one hundred dollars ($100) or more.

(c) For the purposes of the computation under subdivision (b) of this section, the assessed valuation of motion pictures, including the negatives and prints thereof, taxable by any claimant local entity shall be the average assessed value of such property which was taxable by such local entity during the four-year period including and ending with the 1968–1969 fiscal year.

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

16112. (a) Out of the amount appropriated to the Controller from the General Fund by Section 16100, he shall pay so much as may be necessary to make allocations pursuant to Section 17254 of the Education Code according to the terms and conditions herein set forth to school districts which have lost revenue by reason of the operation of Section 992 of the Revenue and Taxation Code.

(b) Upon, and only upon, application by an eligible school district, determined pursuant to Section 17254 of the Education Code, the Controller shall determine replacement revenue for the loss occasioned by the operation of Section 992 of the Revenue and Taxation Code by multiplying the current tax rate of the school district times each one hundred dollars ($100) of the loss in assessed valuation attributable to wine, winery products, or brandy, and shall pay to the school district the amount so computed.

(c) For the purposes of the computation under subdivision (b) of this section, the loss in assessed valuation of wine, winery products, and brandy shall be the average assessed value of such property which would not have been taxable by the school district if Section 992 of the Revenue and Taxation Code had been in effect during the four-year period including and ending with the 1969–1970 fiscal year.

The county auditor shall compute the loss and certify the amount of the loss to the Controller.

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

16113. (a) Each county auditor shall file a claim with the Controller on or before the last day of August of each year for reimbursement to local governmental agencies for the tax loss attributable to property on the unsecured roll by reason of a partial exemption for business inventories provided for in Section 219 of the Revenue and Taxation Code.

(b) Each county auditor shall file a claim with the Controller on or before October 31st of each fiscal year for reimbursement to local governmental agencies for the tax loss attributable to property on the secured roll by reason of the partial exemption for business inventories provided for in Section 219 of the Revenue and Taxation Code.

(c) Each county auditor shall file a claim with the Controller on or before March 31st for tax losses attributable to Sections 219 and 5523 of the Revenue and Taxation Code on taxes delinquent on February 15th, and shall file a claim on or before August 31st for tax losses attributable to such sections on taxes delinquent on August 15th.

16114. For the 1971–1972 fiscal year and each fiscal year thereafter, the Controller shall make, or may request the State Board of Equalization to make, such audits of claims submitted pursuant to Section 16113 as he deems appropriate. There shall be deducted from the payment to the county provided by Section 16115 for the following fiscal year:

(a) The amount claimed which is attributable to the overassessment of inventories; and

(b) The fund allocated pursuant to Section 16115 for inventories which are subsequently found to be misclassified as inventories by the assessor, the Controller, or by the State Board of Equalization.

16115. (a) Out of the amount appropriated by Section 16100, the Controller shall pay on or before September 15th of each year to each county auditor the amount claimed under subdivision (a) of Section 16113 and the amounts claimed by August 31st under subdivision (c) of Section 16113.

(b) Out of the amount appropriated by Section 16100, the Controller shall pay on or before December 30th of each year to the county auditor one-half of the amount claimed under subdivision (b) of Section 16113 and shall pay the other one-half so claimed on or before April 30th. The amount claimed by March 31st under subdivision (c) of Section 16113 shall be paid on or before April 30th.

16116. (a) Out of the amount appropriated by Section 16100, the Controller shall pay during the 1971–72 fiscal year to each county auditor the amount specified for such county in Section 1 of Chapter

520 of the Statutes of the 1971 Regular Session of the Legislature.

(b) For the 1971–1972 fiscal year only, each county and city and county shall submit to the Controller on or before April 30, 1972, in such form as the Controller shall direct, a statement of loss as is required by subdivisions (a), (b) and (c) of Section 16113. To the extent that the total loss so computed exceeds the amount otherwise paid to such county or city and county by the state during the 1971–1972 fiscal year to compensate for revenues lost by reason of the partial exemption for business inventories, the Controller shall pay to such county or city and county the amount of such excess from the amount appropriated by Section 16100. The Controller shall deduct from payments to the counties pursuant to this chapter for the fiscal year 1971–1972 any excess amount over the actual loss attributable to the partial exemption for business inventories provided in Section 219 of the Revenue and Taxation Code which was paid to the counties in the 1970–1971 fiscal year. The counties shall furnish the Controller such information as he may require to determine such overpayment.

SEC. 6.9. Section 16120 of the Government Code, as added by Chapter 51 of the Statutes of the 1971 Regular Session of the Legislature is repealed.

SEC. 7. Section 16120 is added to the Government Code, to read:

16120. On or before November 30, 1973, and the last day of November of each year thereafter, the Controller shall pay from the amount appropriated from the State General Fund to each city and county auditor 15 percent of the amounts claimed on the preceding October 31 pursuant to Sections 29100.6 and 29100.7 to reimburse local governmental agencies for the tax loss attributable to the homeowners' property tax exemption.

On or before December 31, 1973, and the last day of December of each year thereafter, the Controller shall pay from the amount appropriated from the State General Fund by Section 16100 to each city and county auditor 35 percent of the amounts claimed on the preceding October 31 pursuant to Sections 29100.6 and 29100.7 to reimburse local governmental agencies for the tax loss attributable to the homeowners' property tax exemption.

On or before April 30, 1974, and on or before the last day of April of each calendar year thereafter, the Controller shall pay 35 percent of the amounts claimed by the respective auditors.

On or before May 31, 1974, and on or before the last day of May of each calendar year thereafter, the Controller shall pay the remaining 15 percent of the amounts claimed to the respective auditors. Upon receipt of the payments the respective auditors shall apportion the reimbursement proceeds to the local entities in accordance with the claims previously made.

SEC. 8. Chapter 2.5 (commencing with Section 16130 is added to Part 1 of Division 4 of Title 2 of the Government Code, to read:

CHAPTER 2.5. TRANSFERS TO THE STATE SCHOOL FUND

16130. Out of funds appropriated by Section 16100, the Controller shall transfer the following amounts to the State School Fund:

(a) For the 1973–1974 fiscal year, he shall transfer as needed four hundred fifty-four million dollars ($454,000,000) to finance the changes in school support formulas contained in the act adding this section to the Government Code at the 1972 Regular Session of the Legislature, plus eighty-two million dollars ($82,000,000) to be allocated on the basis of the educational need factor formula pursuant to Chapter 6.10 (commencing with Section 6499.230) of Division 6 of the Education Code, and plus twenty-five million dollars ($25,000,000) to finance the Early Childhood Education Program, established by Senate Bill 1302 of the 1972 Regular Session of the Legislature.

(b) For the 1974–1975 fiscal year, he shall transfer as needed five hundred forty-five million dollars ($545,000,000) to finance the changes in school support formulas contained in the act adding this section to the Government Code at the 1972 Regular Session of the Legislature, plus eighty-two million dollars ($82,000,000) to be allocated on the basis of the educational need factor formula described in subdivision (a), and plus forty million dollars ($40,000,000) to finance the Early Childhood Education Program, established by Senate Bill 1302 of the 1972 Regular Session of the Legislature.

(c) For the 1975–1976 fiscal year and each fiscal year thereafter, he shall transfer as needed an amount sufficient to maintain the educational need factor formula program and the Early Childhood Education Program at the level of support provided in the 1974–1975 fiscal year, and such additional amounts as are necessary to finance the changes in school support formulas contained in the act adding this section to the Government Code at the 1972 Regular Session of the Legislature.

(d) The funds appropriated in this section for purposes of funding Senate Bill 1302 of the 1972 Regular Session shall be expended on grades kindergarten through 3 only, unless otherwise authorized by the Legislature.

16131. The funds appropriated by Section 16100 shall be used for any advances authorized by Section 17401.5 of the Education Code.

SEC. 9.4. *Section 16153 of the Government Code is amended to read:*

16153. Notwithstanding any other provision of this chapter, state disbursements under this chapter by reason of property assessed pursuant to Sections 423 and 423.5 of the Revenue and Taxation Code shall not exceed thirteen million dollars ($13,000,000) in the 1972–1973 fiscal year, twenty-two million dollars ($22,000,000) in the 1973–1974 fiscal year, and twenty-four million dollars ($24,000,000) in the 1974–1975 fiscal year. In the 1975–1976 fiscal year, state disbursements shall not exceed 115 percent of the state

disbursements in the 1974–1975 fiscal year. The amounts provided for in this section may be exceeded by any amounts deposited in the State General Fund under Sections 51061 and 51283.

If claims by local governmental agencies exceed the limitation of this section, reductions in state disbursements shall be made on a pro rata per acre basis, first on funds allocated on nonprime lands, and second on funds to local governments on prime lands, and third to school district disbursements.

The Secretary of the Resources Agency shall report to the Legislature on the impact of the expiration of the fiscal limitations in this section. A final report shall be submitted to the Legislature by April 1, 1973, in order that the Legislature can evaluate its fiscal commitment to this program for future years.

SEC. 9.7. Chapter 4 (commencing with Section 16160) is added to Part 1 of Division 4 of Title 2 of the Government Code, to read:

CHAPTER 4. IN-LIEU PROPERTY TAX RELIEF FOR RECIPIENTS OF PUBLIC ASSISTANCE

16160. Out of the amount appropriated to the Controller by Section 16100, he shall expend the sums required by Section 15204.1 of the Welfare and Institutions Code.

SEC. 10. Chapter 5 (commencing with Section 16170) is added to Part 1 of Division 4 of Title 2 of the Government Code, to read:

CHAPTER 5. ADDITIONAL TRANSFERS

16170. Out of the amount appropriated to the Controller by Section 16100, he shall pay the following amounts:

(a) Thirty thousand dollars ($30,000) to the Secretary of the Resources Agency for administration of open space subvention under this part.

(b) Twenty-five thousand dollars ($25,000) to the Department of Finance for making the estimates required under this part.

(c) Fifty thousand dollars ($50,000) to the Board of Equalization for administration of the sales and use tax provisions in this act.

(d) To each county, an amount claimed by each county for the administration of the homeowners' exemption but which shall not exceed the amount required to reimburse each county at a rate of ten cents ($0.10) for each homeowners' exemption.

SEC. 12.5. Section 218 of the Revenue and Taxation Code, as amended by Chapter 1752 of the Statutes of the 1971 Regular Session of the Legislature is repealed.

SEC. 13. Section 218 is added to the Revenue and Taxation Code, to read:

218. The homeowners' property tax exemption is in the amount of the assessed value of the dwelling specified in this section, as authorized by Section 1d of Article XIII of the Constitution.

For the 1972–1973 fiscal year, such exemption shall be in the

amount of seven hundred fifty dollars ($750) of the assessed value of the dwelling.

For the 1973–1974 fiscal year and fiscal years thereafter, such exemption shall be in the amount of one thousand seven hundred fifty dollars ($1,750) of the assessed value of the dwelling.

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 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.

(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. 14. Section 219 of the Revenue and Taxation Code, as amended by Chapter 1 of the Statutes of the 1971 First Extraordinary Session of the Legislature is repealed.

SEC. 14.5. Section 219 is added to the Revenue and Taxation Code, to read:

219. Business inventories shall be assessed for taxation at the same ratio of assessed to full cash value as the ratio specified in Section 401.

After such property has been so assessed, 30 percent of the assessed value of such property shall be exempt from taxation through the 1972–1973 fiscal year, and such exemption shall be indicated on the assessment roll. For the 1973–1974 fiscal year, 45 percent of the assessed value of such property shall be exempt from taxation, and such exemption shall be indicated on the assessment roll. For 1974–1975 fiscal year and fiscal years thereafter, 50 percent of the assessed value of such property shall be exempt from taxation, and such exemption shall be indicated on the assessment roll. The county assessor shall notify the auditor of the total assessed value of the exempt property within each city, district and revenue district wholly or partially within the county. The exemption provided for in this section shall not apply to business inventories assessed as escaped property under the provisions of Sections 531.3, 531.4 or 531.5. The board shall prescribe all procedures and forms required to carry this exemption into effect and to insure accurate data for reimbursement calculations.

In carrying out the duties imposed by this section, the board shall certify to the auditor of each county in which is located a chartered city which assesses property for city tax purposes, the ratio which the auditor shall use to factor the county roll in order to compute the amount of such city's reimbursement. The ratio certified shall be the same ratio used by the board in connection with public utility property on the board roll.

Where a city transfers the assessing and tax-collecting functions to the county but continues to assess and collect unsecured taxes for one additional year, the county auditor, in computing the city's reimbursement for the business inventory exemption, shall factor the exempt inventory value on the county unsecured roll with tax situs in the city by the ratio used by the board in the prior year in preparing the board roll for the city.

SEC. 14.6. Section 401.4 is added to the Revenue and Taxation Code, to read:

401.4. When valuing an owner-occupied single-family dwelling and the land on which it is situated that may be required for the convenient occupation and use of such dwelling, if such dwelling is on land which is zoned exclusively for single-family home use or which is zoned for agricultural use where single-family homes are permitted, the assessor shall not value the land at any value greater than that which would reflect the use of the land as a site for a single-family dwelling.

As used in this section, owner-occupied single-family dwelling means any single-family dwelling occupied by an owner thereof as his principal place of residence on the lien date.

It is the intent of the Legislature that this section shall be a temporary measure to protect homeowners and shall be for use in 1973–1974 state and local equalization hearings.

The Legislature intends to enact a more detailed program in 1973, to implement the provisions of Section 2 5 of Article XIII of the State

Constitution, as added in June, 1972.

SEC. 14.7. Chapter 1.5 (commencing with Section 2161) is added to Part 4 of Division 1 of the Revenue and Taxation Code, to read:

CHAPTER 1.5. MAXIMUM PROPERTY TAX RATES FOR UNITS OF LOCAL GOVERNMENT

Article 1. General

2161. The property tax rate limits established in this chapter are established pursuant to authorization granted to the Legislature in Article XIII, Section 1d of the State Constitution.

2162. It is the intent in establishing the tax rate limits in this chapter to establish limits that will be flexible enough to allow local governments to continue to provide existing programs, that will be firm enough to insure that the property tax relief provided by the Legislature will be long lasting and that will afford the voters in each local government jurisdiction a more active role in the fiscal affairs of such jurisdictions.

2163. The actual loss of revenue to local government caused by any classification or exemption of property for purposes of ad valorem property taxation enacted by the Legislature after the effective date of this chapter shall be reimbursed by the state for the 1973 assessment year and assessment years thereafter.

The actual loss in revenue does not include potential revenue from property of a type which was not being assessed and taxed on the effective date of this act.

The reimbursements to local government shall be made in the same manner and at the same time as the reimbursements for the inventory exemption.

2163.5. The Department of Finance shall transmit upon request to each county, city and county, city and special district, excluding school districts, after the first day of July of each year, beginning July 1, 1973, an estimate of the percentage change since April 1st of the prior year of the resident population, excluding institutional population, of the appropriate jurisdiction as of the first day of April of the current year. For the purposes of estimating this percentage change of the population of special districts, excluding school districts, the Department of Finance may use the population factors of the appropriate county or counties. A special district may request the Department of Finance to prepare a special estimate of the district, not using the aforementioned county factors, as provided in Section 13073 of the Government Code. In lieu of the Department of Finance estimate for a special district, the board of supervisors may apply the population changes estimated for each county to the various special districts within the county. For special districts located in two or more counties, the boards of supervisors of such counties may allocate the total population change of such counties to the special districts in each of such counties. The Department of

Finance may request data from any government jurisdiction to be used to prepare the population estimate required by this section. The department may develop, or contract for the development of, additional information if, in the opinion of the department, such additional information may make an estimate feasible.

If any jurisdiction fails to supply the requested data, the Department of Finance is not required to provide an estimate for that jurisdiction, but may do so using the method deemed most appropriate by the Department of Finance.

2164. The state shall annually reimburse cities and counties for sales or use tax exemptions enacted into law after the effective date of this act. The reimbursement shall be made, when appropriated by the Legislature as follows:

(a) For each legislative bill which includes a sales or use tax exemption, the Director of Finance shall estimate the yearly net loss of revenue to local government due to the bill.

(b) Twenty percent of the local net loss shall be distributed to the counties in the same ratio as the total amount of sales and use taxes collected in each county is to the whole. This amount of money shall be used for the purposes specified in Chapter 1400 of the Statutes of the 1971 Regular Session.

(c) Eighty percent of the local net loss shall be distributed to cities, counties and cities and counties in the same ratio as the distribution of the cigarette tax money as specified in Section 30462 for cities, counties, and cities and counties.

(d) The distribution made under this section shall be made at the same time and in the same manner as such cigarette tax distributions.

(e) Any legislation which proposes a sales or use tax exemption but does not contain an appropriation as described in this section shall be null and void.

2164.3. (a) The state shall pay to each county, city and county, city and special district an amount to reimburse the county, city and county, city or special district for the full costs, which are mandated by acts enacted after January 1, 1973, of any new state-mandated program or any increased level of service of an existing mandated program.

(b) Any new state program or increased level of service of an exising mandated program, which is mandated by legislative action after January 1, 1973, shall include provisions within the bill which provide an amount sufficient to cover the total cost of the mandated program for all affected counties, cities and counties, cities, and special districts, as estimated by the Department of Finance. This amount shall be appropriated to the Controller for disbursement.

The Controller shall allocate the funds among counties, cities, cities and counties, and special districts for each mandated program based upon claims submitted within 45 days after the operative date of the mandate by the appropriate local government jurisdictions. Such claims shall be based on the appropriate local governmental jurisdiction's estimate of its cost for the mandated program for the

fiscal year. The Controller may review claims and may reduce those which appear to be excessive or unreasonable.

The allocations to the appropriate local jurisdictions shall be made by the Controller in accordance with the provisions of each bill which mandates additional cost.

(c) For subsequent fiscal years, with respect to the costs of any mandated costs as defined in subdivision (a), the Controller shall allocate funds to each appropriate local government jurisdiction to reimburse for such costs.

Claims shall be submitted by affected local governmental jurisdictions by October 31 and, after review and adjustments, shall be paid at the time or times provided in each bill which mandates additional cost.

The claims shall include the actual cost for the prior fiscal year and the estimated cost for the current fiscal year. The Controller may reduce any claim for the current fiscal year which appear to be excessive or unreasonable. The Controller shall adjust the payment for the current fiscal year to the local government to correct for the underpayment or overpayment of the estimated cost of the mandated cost in the prior fiscal year. The Controller may audit the records of any local government jurisdiction to verify the actual costs of state-mandated programs.

(d) The state shall pay to each county, city and county, city and special district, the full costs of a new program or increased level of service of an existing program mandated by any state executive regulation issued after January 1, 1973. The costs of any such executive regulation shall be estimated by the Department of Finance. Cities, cities and counties, counties, and special districts shall be reimbursed in the same manner as provided in subdivisions (b) and (c).

(e) "Increased level of service" means any requirement mandated by state law or executive regulation after January 1, 1973, which makes necessary expanded or additional costs to a county, city and county, city, or special district.

(f) If a city, city and county, county or special district has been providing a service or program at its option which is subsequently mandated by the state, the state shall pay such local governmental jurisdiction for such mandated service or program, and the local governmental program, and the local governmental jurisdiction shall reduce its property tax rate by the amount that the state payment replaces property tax revenues which were being expended on such service or program.

2164.5. Any funds received by a unit of local government pursuant to this chapter may be used for any local purpose of such unit and may, but need not necessarily, be used for purposes of general interest and benefit to the state.

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Article 2. Counties

2165. (a) Except as provided in subdivision (b), (c), (d), and (e), the maximum property tax rate which may be levied by any county shall be the property tax rate levied by the county for the either the 1971–72 or the 1972–73 fiscal year, at the option of the board of supervisors, exclusive of the rate for bond interest and redemption charges.

(b) The county may levy a property tax rate in excess of the rate provided in subdivision (a) for the payment of validly contracted bonded indebtedness and interest thereon and for the payment of retirement and pension benefits pursuant to laws which have been, or may in the future be, approved by the voters.

(c) The county may levy a rate in excess of the rate provided in subdivision (a) if the percentage increase or decrease in population and the percentage increase or decrease in the cost of living (as determined by the California consumer price index for all items as established by the California Department of Industrial Relations) for the 12 months prior to July 1, when added together, exceeds the percentage increase or is less than the decrease in property tax revenue received by the county.

The additional rate which may be levied shall not exceed a rate which would produce an amount of revenue equal to the difference between:

(1) The revenue which would be received if revenue were to grow or decline by the same percentage as the percentage growth or reduction of population of the county and cost of living; and

(2) The revenue which would be received by levying the maximum rate in subdivision (a).

(d) The maximum tax rate which may be levied by a county may be changed by a majority of those voting in an election called for such purpose.

(e) The county may levy an additional rate in excess of the maximum rate provided in subdivision (a) to pay for any costs which are mandated by the federal government or the courts after the effective date of this article and which are not funded by the federal or state government.

The Controller may audit county rate increases under the provisions of this subdivision, and if he does not consider them to be necessary to meet the costs of federally or court-mandated programs, may request taxpayer relief by Attorney General action.

2166. (a) A county or city and county may, in an emergency situation, increase the maximum tax rate authorized by Section 2165 by 1 percent for one year by a four-fifths vote of the board of supervisors. The board shall state in a formal resolution, the emergency which caused the rate increase.

(b) In addition to the emergency rate increase authorized in subdivision (a), a county, or city and county, may petition the Governor to declare that a dire emergency exists.

If such a proclamation is issued, the county or city and county may petition the Controller to authorize the local governmental entity to levy a rate in addition to the rate authorized in Section 2165.

(c) The Controller shall find after a public hearing with reasonable notice to interested citizens held in the county or city and county that an emergency exists which is a matter of public concern. This finding shall be based on the following:

(1) That there exists a growth in costs of a program which is the responsibility of the county or city and county which is not funded by the existing property tax or other alternative revenue sources; and

(2) That such growth in program costs are not within the immediate control of the county or city and county, but are due to general economic and social conditions, or acts of God; and

(3) That unless funding is provided which is sufficient to meet the increased program costs, irreparable harm will be done to the public and the program.

The petition shall set forth facts sufficient to sustain the finding of an emergency by the Controller.

(d) If the Controller finds that an emergency exists, he shall transmit this finding and the basis for such finding to the Department of Finance, the Legislative Analyst, and the chairman of the board of supervisors of the county or city and county which initiated the petition. The Controller's finding shall authorize a maximum emergency tax rate which may be levied by the county or city and county for one year. This maximum emergency tax rate may be levied by the county or city and county in excess of the property tax rate authorized by Section 2165.

(e) Upon a four-fifths vote of the board of supervisors of the county or city and county, an emergency tax rate may be levied in excess of that authorized in Section 2165, but shall not exceed the maximum emergency tax rate specified in the finding of the Controller.

Article 3. Cities

2167. (a) Notwithstanding any other provision of law, except as provided in subdivisions (b), (c), (d), and (e), the maximum property tax rate which may be levied by any city shall be the property tax rate levied by the city for the 1972–1973 fiscal year, exclusive of the rate for bond interest and redemption charges. For any city formed after the 1972–1973 fiscal year, or for any city not levying a property tax rate in 1972–73, the property tax rate limit may be that limit established by law for general law cities or may be that limit established by a vote of the people.

(b) The city may levy a property tax rate in excess of the rate provided in subdivision (a) for the payment of validly contracted bonded indebtedness and interest thereon and for the payment of retirement and pension benefits pursuant to laws which have been, or may in the future be, approved by the voters.

(c) The city may levy a rate in excess of the rate provided in subdivision (a) if the percentage increase or decrease in population and the percentage increase or decrease in the cost of living (as determined by the California consumer price index as established by the California Department of Industrial Relations) for the 12 months prior to July 1, when added together, exceeds the percentage increase or is less than the decrease in property tax revenue received by the city.

The additional rate which may be levied shall not exceed a rate which would produce an amount of revenue equal to the difference between:

(1) The revenue which would be received if revenue were to grow or decline by the same percentage as the percentage growth or reduction of the population of the city and cost of living; and

(2) The revenue which would be received by levying the maximum rate in subdivision (a).

(d) The maximum tax rate which may be levied by a city may be changed by a majority of those voting in an election called for such purpose.

(e) The city may levy an additional rate in excess of the maximum rate provided in subdivision (a) to pay for any costs which are mandated by the federal government or the courts after the effective date of this article and which are not funded by the federal or state government.

The Controller may audit city rate increases under the provisions of this subdivision, and if he does not consider them to be necessary to meet the costs of federally or court-mandated programs, may request taxpayer relief by Attorney General action.

Article 4. Special Districts

2169. (a) Notwithstanding any other provision of law, except as provided in subdivisions (b), (c), (d), (e), (f), and (g), the maximum property tax rate which may be levied by any special district shall be the property tax rate levied by the special district for the 1972–1973 fiscal year, exclusive of the rate for bond interest and redemption charges. For any special district formed after the 1972–1973 fiscal year, the property tax rate limit shall be established by a vote of the people.

(b) The special district may levy a property tax rate in excess of the rate provided in subdivision (a) for the payment of validly contracted bonded indebtedness and interest thereon, and for the payment of retirement and pension benefits pursuant to laws which have been, or may in the future be, approved by the voters.

(c) The special district may levy a rate in excess of the rate provided in subdivision (a) if the percentage increase or decrease in population and the percentage increase or decrease in the cost of living (as determined by the California consumer price index as established by the California Department of Industrial Relations) for

the 12 months prior to July 1, when added together, exceeds the percentage increase or is less than the decrease in property tax revenue received by the special district.

The additional rate which may be levied shall not exceed a rate which would produce an amount of revenue equal to the difference between:

(1) The revenue which would be received if revenue were to grow or decline by the same percentage as the percentage growth or reduction of population in the special district and cost of living; and

(2) The revenue which would be received by levying the maximum rate in subdivision (a).

(d) If, on the operative date of this section, any special district is a party to any contract or lease, the terms of which in substance provide (1) that the special district shall make payments to the federal government, the State of California, or any local public agency and (2) that its governing body shall, whenever necessary, levy a property tax or assessment sufficient to provide for all payments under the contract or lease in a timely manner, such special district shall be allowed to levy an additional tax rate as required to fulfill such contract or lease.

(e) The maximum tax rate which may be levied by a special district may be changed by a majority of those voting in an election called for such purpose.

(f) The special district may levy an additional rate in excess of the maximum rate provided in subdivision (a) to pay for any costs which are mandated by the federal government or the courts after the effective date of this article and which are not funded by the federal or state government.

Any special district which annexes or has annexed additional territory shall be allowed to levy an additional rate upon the territory subject to the annexation to the extent necessary to collect obligations owing to the annexing special district arising from the terms and condition of the annexation.

The Controller may audit special district rate increases under the provisions of this subdivision, and if he does not consider them to be necessary to meet the costs of federally or court-mandated programs, may request taxpayer relief by Attorney General action.

(g) In addition to the rate authorized by subdivision (a), a regional park district may levy an additional rate, if such rate has been authorized by the Legislature prior to January 1, 1973, and if such legislation contained a provision that such additional rate shall be subject to referendum. In no event shall such additional rate exceed five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and such additional rate shall be levied only under the terms and conditions specified in the legislative authorization.

SEC. 14.9. Section 2611.5 of the Revenue and Taxation Code, as amended by Chapter 2 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is repealed.

SEC. 15. Section 2611.5 is added to the Revenue and Taxation Code, to read:

2611.5. (a) The following information shall be included either in each county tax bill or in a separate statement accompanying the tax bill:

(1) The full cash value and the assessed value of locally assessed property;

(2) The assessment ratio used to determine the assessed value; and

(3) The tax rates or the dollar amounts of taxes levied by each revenue district and taxing agency on the property covered by the tax bill.

(4) In lieu of itemizing the information required by paragraph (3), the tax rates or dollar amounts of taxes levied on the property covered by the bill for county and city purposes. The tax rates or dollar amounts of taxes levied on the property for other purposes shall be itemized. This option is available only if the information is included on the tax bill.

(b) With respect to any property for which the homeowners' property tax exemption is granted, the tax bill or accompanying statement shall include, in addition to the information required by subdivision (a), the following:

(1) The assessed value of the property;

(2) The amount of the homeowners' exemption;

(3) The total tax rate applicable on the property covered by the tax bill;

(4) The gross taxes prior to the application of the homeowners' exemption;

(5) The amount of tax reduction attributable to the homeowners' exemption; and

(6) The total taxes due on the property covered by the tax bill.

(c) The information required by subdivision (b) for single-family homes shall be in the form of the following example:

(1) Assessed value of the property	$5,000
(2) Homeowners' exemption	$1,750
(3) Total tax rate applicable to the property	$10
(4) Gross taxes prior to the application of the homeowners' exemption	$500
(5) Tax reduction attributable to the state-financed homeowners' property tax relief program	$175
(6) Total taxes due	$325

(d) In any year in which all of the assessments on the local secured roll have been raised or lowered as a result of a board order adopted pursuant to Section 9, Article XIII of the California Constitution, 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 explanation required by this subdivision may be printed on an enclosure accompanying such bill.

SEC. 15.9. Section 6051 of the Revenue and Taxation Code, as amended by Chapter 1400 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 16. Section 6051 is added to the Revenue and Taxation Code, 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 on and after July 1, 1972, and to and including May 31, 1973, and at the rate of 4¾ percent thereafter.

SEC. 16.9. Section 6051 of the Revenue and Taxation Code, as amended by Chapter 1 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is repealed.

SEC. 17. Section 6051 is added to the Revenue and Taxation Code, 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 on and after July 1, 1972, and to and including May 31, 1973, and at the rate of 4¾ percent on and after June 1, 1973, and to and including December 31, 1974, and at the rate of 4¼ percent on and after January 1, 1975, and to and including December 31, 1975, and at the rate of 4¾ percent thereafter.

SEC. 17.9. Section 6052.5 of the Revenue and Taxation Code, as amended by Chapter 1400 of the Statutes of 1971, is repealed.

SEC. 18. Section 6052.5 is added to the Revenue and Taxation Code, 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 4¾-percent rate, at the 5¾-percent

rate, at the 6-percent rate, at the 6½-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:

4¾ percent

Price	Tax
.01–.10	.00
.11–.29	.01
.30–.50	.02
.51–.72	.03
.73–.94	.04

5¾ percent

Price	Tax
.01– .10	.00
.11– .23	.01
.24– .40	.02
.41– .58	.03
.59– .76	.04
.77– .95	.05
.96–1.13	.06

6 percent

Price	Tax
.01– .10	.00
.11– .22	.01
.23– .39	.02
.40– .56	.03
.57– .73	.04
.74– .90	.05
.91–1.08	.06

6½ percent

Price	Tax
.01– .10	.00
.11– .20	.01
.21– .35	.02
.36– .51	.03
.52– .67	.04
.68– .83	.05
.84– .99	.06
1.00–1.15	.07

The remainder of the schedules at the 4¾-percent rate, at the 5¾-percent rate, and at the 6-percent rate and at the 6½-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. 18.9. Section 6201 of the Revenue and Taxation Code, as amended by Chapter 1400 of the Statutes of 1971, is repealed.

SEC. 19. Section 6201 is added to the Revenue and Taxation Code, 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 on and after July 1, 1972, and to and including May 31, 1973, and at the rate of 4¾ percent thereafter.

SEC. 19.9. Section 6201 of the Revenue and Taxation Code, as amended by Chapter 1 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is repealed.

SEC. 20. Section 6201 is added to the Revenue and Taxation Code, 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 on and after July 1, 1972, and to and including May 31, 1973, and at the rate of 4¾ percent on and after June 1, 1973, and to and including December 31, 1974, and at the rate of 4¼ percent on and after January 1, 1975, and to and including December 31, 1975, and at the rate of 4¾ percent thereafter.

SEC. 21. Section 6376 of the Revenue and Taxation Code is repealed.

SEC. 21.9. Section 7102 of the Revenue and Taxation Code, as amended by Chapter 1400 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 22.05. Section 7102 is added to the Revenue and Taxation Code, 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 4¾ 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 been established at 5 percent and Section 6357 had not been amended at the 1971 Regular Session of the Legislature, shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, for each fiscal year, commencing with the fiscal year 1972–1973. The estimate shall be made as soon as practicable after the close of each fiscal year, and the amount so estimated shall be transferred to the State Transportation Fund.

(b) The balance shall be transferred to the General Fund.

SEC. 22.07. Section 7202 of the Revenue and Taxation Code, as amended by Chapter 1400 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 22.1. Section 7202 is added to the Revenue and Taxation Code, 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 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.

(g) 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 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.

(7) A provision that purchases of property by operators of commercial aircraft and waterborne vessels to be used or consumed in the operation of such commercial aircraft or waterborne vessels, principally outside a city, city and county or county are exempt from tax

(h) A provision that 80 percent of the gross receipts from the sale of property to operators of commercial aircraft and waterborne vessels to be used or consumed in the operation of such commercial aircraft or waterborne vessels, principally outside a city, city and county or county are exempt from the tax.

SEC. 22.15. Section 7202 is added to the Revenue and Taxation Code, 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 the 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. 22.19. Section 7203 of the Revenue and Taxation Code, as amended by Chapter 1400 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 22.2. Section 7203 is added to the Revenue and Taxation Code, 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 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. 22.25. Section 7203 is added to the Revenue and Taxation Code, 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 those 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. 25. Section 17053.5 is added to the Revenue and Taxation Code, to read:

17053.5. (a) For taxable years beginning after December 31, 1972, in the case of qualified renters, there shall be allowed credits against the tax computed under this part, minus all other credits provided for in this part except the credit provided in Section 18551.1 (relating to withholding credit) and the credit provided in Section 17061 (relating to withholding credit) and the credit provided in Section 17061 (relating to excess tax credit). The credit shall be in the amount indicated on the following table:

If adjusted gross income is:	The credit is:
Less than $5,000	$25
$5,000–5,999	$30
$6,000–6,999	$35
$7,000–7,999	$40
$8,000 and up	$45

Except as provided in subdivision (b) of this section a husband and wife shall receive but one credit under this section. If the husband

and wife file separate returns, the credit may be taken by either or divided between them, except as follows:

(A) If one spouse was a resident for the entire taxable year and the other spouse was a nonresident for all the taxable year, the resident spouse shall be allowed the full credit.

(B) If one spouse was a resident for the entire taxable year and the other spouse was a nonresident for part of the taxable year, the resident spouse shall be allowed to claim one-half the credit and the nonresident spouse shall be allowed to claim the other one-half of the credit subject to the proration provided in subdvision (c) of this section.

(C) If both spouses were nonresidents for part of the taxable year, the credit shall be divided equally between them subject to the proration provided in subdivision (c) of this section.

(b) In the case of a husband and wife, if each spouse maintained a separate place of residence and resided in this state during the entire taxable year, each spouse will be allowed the full credit provided in subdivision (a).

(c) For purposes of this section, a "qualified renter" means an individual who on March 1 of the taxable year—

(1) Was a resident of this state, as defined in Section 17014, and

(2) On such date rented and occupied premises in this state which constitute his principal place of residence.

The term "qualified renter" does not include an individual who on March 1 of the taxable year rented and occupied premises which were exempt from property taxes, except that an individual, otherwise qualified, shall be deemed a qualified renter if he is required to pay property taxes on his possessory interest in a residence that is otherwise tax exempt during the taxable year.

The term "qualified renter" does not include an individual whose principal place of residence is with one or both parents or with one or both parents of his or her spouse if the homeowners' property tax exemption has been granted with respect to such premises.

The term "qualified renter" does not include an individual whose principal place of residence is with any other person who claimed such individual as a dependent for income tax purposes.

The term "qualified renter" does not include an individual who has been granted or whose spouse has been granted the homeowners' property tax exemption during the taxable year. This paragraph shall not apply in the case of an individual whose spouse has been granted the homeowner's property tax exemption if each spouse maintained a separate residence for the entire taxable year.

The term "qualified renter" does not include an individual who has been granted or whose spouse has been granted the veterans' exemption from property taxation. This paragraph shall not apply in the case of an individual whose spouse has been granted the veterans' exemption if each spouse maintained a separate residence for the entire taxable year.

The term "qualified renter" does not include an individual or the

spouse of an individual who, for the entire taxable year, received public assistance grants which took into account housing or shelter needs. If such grants were received for a part of the taxable year, the credit provided by this section shall be claimed at the rate of one-twelfth for each full month such grants were not received during the income year.

(d) Any individual who is a nonresident for any portion of the taxable year shall claim the credits set forth in subdivision (a) at the rate of one-twelfth of such credits for each full month such individual resided within this state during the taxable year.

(e) Every person claiming the credit provided in this section shall, as part of such claim, and under penalty of perjury, furnish such information as the Franchise Tax Board prescribes on a form supplied by such board.

(f) The credit provided in this section shall be claimed on returns in such form as the Franchise Tax Board may from time to time prescribe, and shall be filed with the Franchise Tax Board on the date prescribed by Section 18432.

(g) For the purposes of this section, the term "premises" means a house or a dwelling unit used to provide living accommodations in a building or structure and the land incidental thereto, but does not include land only, except in the case where the dwelling unit is a mobilehome.

(h) In the case of qualified renters whose credits provided in this section exceed their tax liability computed under this part, minus all other credits provided for in this part except the credits provided in Section 18551.1 and Section 17061, the qualified renter shall be allowed a credit to the extent of his tax liability plus a refund in excess of that amount up to a combined credit and refund equal to the credit otherwise provided in this section.

SEC. 26. Section 23151 of the Revenue and Taxation Code, as amended by Chapter 1 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is repealed.

SEC. 27. Section 23151 is added to the Revenue and Taxation Code, to read:

23151. (a) With the exception of financial corporations, every corporation doing business within the limits of this state and not expressly exempted from taxation by the provisions of the Constitution of this state or by this part, shall annually pay to the state, for the privilege of exercising its corporate franchises within this state, a tax according to or measured by its net income, to be computed at the rate of 7.6 percent upon the basis of its net income for the next preceding income year. In any event, each such corporation shall pay annually to the state, for the said privilege, a minimum tax of one hundred dollars ($100).

(b) For calendar or fiscal years ending after June 30, 1973, the rate of tax shall be 9 percent instead of 7.6 percent as provided by subdivision (a).

(c) For income years beginning after December 31, 1971, the one

hundred dollars ($100) specified in subdivision (a) shall be two hundred dollars ($200) instead of one hundred dollars ($100).

SEC. 27.5. Section 23184 of the Revenue and Taxation Code, as amended by Chapter 1 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is repealed.

SEC. 28. Section 23184 is added to the Revenue and Taxation Code, to read:

23184. (a) Financial corporations may offset against the franchise tax the amounts paid during the income year to this state or to any county, city, town, or other political subdivisions of the state as personal property taxes, or as license fees or excise taxes for the following privileges:

(1) Operating as personal property brokers or brokers as defined in the Personal Property Brokers Law provided for in Division 9 (commencing with Section 22000) of the Financial Code.

(2) Operating motor vehicles under Part 5 (commencing with Section 10701) of this division or Article 2 (commencing with Section 9250) of Chapter 6 of Division 3 of the Vehicle Code, except for Section 9265.

(3) Engaging in the business of loaning money, advancing credit, or loaning credit or arranging for the loan of money or advancing of credit or loaning of credit.

(4) Storing, using or otherwise consuming in this state of tangible personal property by savings and loan associations.

(b) The offset allowed to any financial corporation for any income year as provided in this section may, at the election of that financial corporation, be offset, in whole or in part, against its franchise tax for that income year or offset in whole or in part against its franchise tax in one or more of the next four succeeding years of its selection, until such time as the total amount of such offset is so utilized; provided, however, that for such purposes, offsets elected to be utilized against the franchise tax of a succeeding year shall be applied in the order of their respective years of origin and prior to the application of the offset which might otherwise be allowable for amounts paid during that income year.

(c) Notwithstanding anything to the contrary contained in this section, the tax on financial corporations after the allowance of all offsets provided for herein shall not be less than 7.6 percent of its net income for the preceding income year nor less than the following minimum tax:

(1) In the case of financial corporations, other than credit unions whose gross income is twenty thousand dollars ($20,000) or less, one hundred dollars ($100).

(2) In the case of credit unions whose gross income is twenty thousand dollars ($20,000) or less, twenty-five dollars ($25).

(d) For purposes of this section, with respect to calendar or fiscal years ending after June 30, 1973, the tax on financial corporations after the allowance of all offsets shall not be less than 9 percent of its net income nor less than the minimum tax as provided by subdivision (c).

(e) For income years beginning after December 31, 1971, the one hundred dollars ($100) specified in paragraph (1) of subdivision (c) shall be two hundred dollars ($200) instead of one hundred dollars ($100).

SEC. 28.5. Section 23186 of the Revenue and Taxation Code, as amended by Chapter 2 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is repealed.

SEC. 29. Section 23186 is added to the Revenue and Taxation Code, to read:

23186. (a) The rate of tax on banks and financial corporations shall be a percentage equal to the percentage of the total amount of net income, allocable to this state, of every corporation taxable under Section 23151, other than public utilities as defined in the Public Utilities Act, for the next preceding calendar year or fiscal years ended during such calendar year, required to be paid to this state as franchise taxes according to or measured by such net income, and required to be paid to this state or its political subdivisions by such corporations as personal property taxes during the preceding calendar year or fiscal years ended in such calendar year; provided, however, that said rate of tax shall not exceed 11.6 percent. The percentage of the net income of every corporation taxable under Section 23151, other than public utilities as defined in the Public Utilities Act, required to be paid to this state or its political subdivisions in personal property taxes shall be determined by ascertaining the ratio which the total amount of such personal property taxes, less 7.6 percent thereof, bears to the total amount of net income of such corporations allocable to California, increased by the amount of such personal property taxes; provided, however, that if any such corporation sustains a net loss allocable to California the personal property taxes required to be paid by such corporation to this state or its political subdivisions during the preceding calendar year or fiscal years ended during such calendar year shall be considered for the purpose of determining such ratio only to the extent which such personal property taxes exceed such net loss allocable to California.

(b) For calendar or fiscal years ending after June 30, 1973, the 11.6 percent provided in the first sentence of subdivision (a) shall be 13 percent and the 7.6 percent provided in the second sentence shall be 9 percent.

SEC. 29 3. Section 23332 5 of the Revenue and Taxation Code is amended to read:

23332.5. If a financial corporation ceases doing business dissolves or withdraws from the state during any taxable year beginning after December 31, 1972, the tax for the taxable year during which cessation of doing business, dissolution or withdrawal occurs shall be computed as prescribed by subdivision (b) or (c) of Section 23183. In determining the amount of such tax, a financial corporation will be allowed an offset against the amounts paid during the final taxable

year to this state as personal property taxes, or as license fees or excise taxes as described in subdivisions (a) to (d), inclusive, of Section 23184. However, after the allowance of such offsets, the tax on a financial corporation shall not be less than 9 percent of its net income for the final taxable year no less than the minimum tax provided in Section 23184.

SEC. 29.5. Section 23333 of the Revenue and Taxation Code, as amended by Chapter 1 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is repealed.

SEC. 30. Section 23333 is added to the Revenue and Taxation Code, to read:

23333. (a) A taxpayer subject to Section 23186 shall, if it dissolves or withdraws prior to the date the rate is determined under Section 23186, pay a tax under Section 23332 at the maximum rate prescribed by said Section 23186; if the rate is subsequently determined to be less than the maximum prescribed by Section 23186, a refund shall, within thirty (30) days of such determination, be made as prescribed by Article 1 of Chapter 22; that part of the tax thus determined which is in excess of 7.6 percent shall be collected as a demand for second installment under Article 3 of Chapter 19.

(b) For calendar or fiscal years ending after June 30, 1973, the rate of tax shall be 9 percent instead of 7.6 percent as provided by subdivision (a).

SEC. 30.5. Section 23501 of the Revenue and Taxation Code, as amended by Chapter 1 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is repealed.

SEC. 31. Section 23501 is added to the Revenue and Taxation Code, to read:

23501. (a) There shall be imposed upon every corporation for each taxable year, a tax at the rate of 7.6 percent upon its net income derived from sources within this state on or after January 1, 1937, other than income for any period for which the corporation is subject to taxation under Chapter 2 of this part, according to or measured by its net income.

(b) For calendar or fiscal years ending after June 30, 1973, the rate of tax shall be 9 percent instead of 7.6 percent as provided by subdivision (a).

SEC. 31.3. Section 11006.1 is added to the Welfare and Institutions Code, to read:

11006.1. Notwithstanding any other provision of law, each grant of aid under Chapter 3 (commencing with Section 12000), Chapter 4 (commencing with Section 12500), Chapter 5 (commencing with Section 13000) and Chapter 6 (commencing with Section 13500) shall be increased in the amount of two dollars ($2), as a basic need of the recipient. Grant increases provided pursuant to this section are specifically intended to assure that the tax shift provisions of the Property Tax Relief Act of 1972 will not work a hardship on welfare recipients. Such grant increases shall not replace, but are in addition to any other grant, including any cost-of-living adjustment or any

grant for special needs for which recipients affected by this section are or may become eligible.

SEC. 31.5. Section 11450 of the Welfare and Institutions Code is repealed.

SEC. 31.7. Section 11450 is added to the Welfare and Institutions Code, to read:

11450. (a) For each needy family which includes one or more needy children qualified for aid under this chapter, except as provided in Section 11403, there shall be paid, notwithstanding minimum basic standards of adequate care established by the department under Section 11452, an amount of aid each month which when added to his income, exclusive of any amounts considered exempt as income or paid pursuant to subdivision (d) of this section or Section 11453.1, is equal to the sums specified in the following table, as adjusted for cost-of-living increases or decreases pursuant to Section 11453:

Number of eligible needy persons in the same home	Maximum aid
1	$117
2	192
3	237
4	282
5	322
6	362
7	397
8	432
9	467
10 or more	502

If, when and during such times as the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to such increase or decrease by the United States government, provided that no such increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(b) For children receiving foster care who are qualified for aid under the provisions of this chapter, except as provided in Section 11403, there shall be paid the sum necessary for the adequate care of each child, but not to exceed in any month the product of eighty dollars ($80) multiplied by the number of children in each county receiving foster care. The state shall pay 67.5 percent and the county shall pay 32.5 percent of the aid furnished for the adequate care of such children.

The maximum amount of aid payable under the previous

paragraph shall be increased up to one hundred dollars ($100) per month in assistance in those cases and during such times as the United States government contributes.

(c) As used in this chapter, "foster care" means care in a boarding home or institution.

(d) (1) In addition to the amounts payable under subdivision (a) of this section and Section 11453.1, a family shall be entitled to receive an allowance for recurring special needs not common to a majority of recipients. The county shall pay the full cost of the additional aid furnished needy families pursuant to this subdivision after first deducting therefrom any funds received from the federal government. Such recurring special needs shall include but not be limited to special diets upon the recommendation of a physician, and unusual costs of transportation, laundry, housekeeping service, telephone, and utilities not to exceed the minimum basic standards of adequate care.

(2) A family shall also be entitled to receive an allowance, at county expense after first deducting therefrom any funds received from the federal government, for nonrecurring special needs caused by sudden and unusual circumstances beyond the control of the needy family; provided, however, that such needs shall not be taken into consideration in determining the eligibility of the family for aid.

(3) The department shall establish rules and regulations assuring the uniform application statewide of the provisions of this subdivision.

(e) Except for the purposes of Section 15200, the amounts payable to recipients pursuant to Section 11453.1 shall not constitute part of the payment schedule set forth in subdivision (a) of this section.

The amounts payable to recipients pursuant to Section 11453.1 shall not constitute income to recipients of aid under this section.

SEC. 31.9. Section 15204.1 is added to the Welfare and Institutions Code, to read:

15204.1. Commencing on June 1, 1973, the state shall pay, in addition to its share of costs of public assistance under Sections 15200, 15201, 15202, 15203 and 15204, an amount equal to 100 percent of the nonfederal share of increases in grants made pursuant to Section 11006.1 and pursuant to the amendments to Section 11450 made during the 1972 Regular Session. In order to obtain reimbursement under this section counties shall on a quarterly basis report to the Department of Social Welfare the cost of increases made in grants pursuant to Section 11006.1 and pursuant to the 1972 amendments to Section 11450. The state shall reimburse said costs on a quarterly basis in arrears.

SEC. 32. The refunds required by Section 17053.5 of the Revenue and Taxation Code, as added by Section 25 of this act, shall be paid from the Personal Income Tax Fund when revenues are specifically appropriated therefor by the Legislature.

SEC. 33. (a) Sections 6051 and 6201 of the Revenue and Taxation Code, affected by Sections 16.9, 17, 19.9, and 20 of this act shall only

become operative if the Legislative Analyst does not make the certification described in subdivision (c) of Section 316.2 of Chapter 1 of the Statutes of the 1971 First Extraordinary Session of the Legislature; in which case, such sections shall become operative on January 1, 1975; at which time, Sections 6051 and 6201 of the Revenue and Taxation Code, as affected by Sections 15.9, 16, 18.9 and 19 of this act shall be repealed.

(b) Sections 6051 and 6201 of the Revenue and Taxation Code, as affected by Sections 15.9, 16, 18.9, and 19 of this act, shall become operative on June 1, 1973, and shall remain in full force and effect until such time as such sections are repealed pursuant to subdivision (a) of this section.

(c) Sections 17.9, 18 and 21 shall become operative on June 1, 1973.

SEC. 34. Except as provided in Section 33 of this act, the operative effect of the provisions of this act shall be as follows:

(a) Sections 4, 5, 6, 9.7, 10, and 14.7 shall take effect January 1, 1973.

(b) Sections 21.9 and 22.05 shall become operative on June 1, 1973.

(c) Sections 12.5 and 13 of this act shall become operative on the lien date in 1973.

(d) Sections 14, 14.5 and 14.6 shall become operative on the lien date in 1973.

(e) Sections 14.9 and 15, of this act shall apply to county tax bills for 1973–1974 fiscal year and Sections 14.9 and 15 shall also apply to fiscal years thereafter.

(f) Sections 6.9, 7, 9, and 9.4 shall take effect July 1, 1973.

(g) Section 17053.5 of the Revenue and Taxation Code, as added by Section 25 of this act, shall be operative in the computation of taxes for taxable years beginning after December 31, 1972.

(h) The provisions of this act relating to the increase in the rate of tax under the Bank and Corporation Tax Law shall be applied in the computation of taxes on or measured by net income of income years ending after June 30, 1973. Taxpayers whose income years began prior to July 1, 1973, shall compute their tax in accordance with the method prescribed in Section 24251 of the Revenue and Taxation Code, and shall compute the amount of estimated taxes due and payable after July 1, 1973, in accordance with regulations promulgated by the Franchise Tax Board.

(i) Sections 31.3, 31.5, and 31.7 of this act shall become operative on June 1, 1973.

(j) (1) Sections 7202 and 7203 of the Revenue and Taxation Code, as affected by Sections 22.07, 22.1, 22.19 and 22.2 of this act shall become operative on January 1st of the year following the year in which the State Board of Equalization adopts an assessment ratio for state-assessed property which is identical to the ratio which is required for local assessments by Section 401 of the Revenue and Taxation Code.

(2) In the event that Sections 7202 and 7203 of the Revenue and Taxation Code, as added by Sections 22.1 and 22.2 of this act, become operative and the State Board of Equalization subsequently adopts

an assessment ratio for state-assessed property which is higher than the ratio which is required for local assessments by Section 401 of the Revenue and Taxation Code, Sections 7202 and 7203 of the Revenue and Taxation Code, as added by Sections 22.15 and 22.25 of this act, shall become operative on the first day of the month next following the month in which such higher ratio is adopted; at which time, Sections 7202 and 7203 of the Revenue and Taxation Code, as added by Sections 22.1 and 22.2 of this act, shall be inoperative until the board again adopts an assessment ratio for state-assessed property which is identical to the ratio required for local assessments by Section 401 of the Revenue and Taxation Code.

(k) Sections 1.5 through 2.74, inclusive, shall be effective commencing with the 1973–4 fiscal year and fiscal years thereafter.

SEC. 35. 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. 36. Gross receipts from the sale of, and the storage, use, or other consumption in this state of material, fixtures, and supplies, obligated pursuant to engineering construction project contract or a building construction contract entered into for a fixed price prior to the effective date of this act, shall not be subject to the additional sales tax rate imposed by this act but shall be subject to the rate of tax applicable prior to this act.

For the purposes of this section, tangible personal property shall not be deemed obligated pursuant to a contract for any period of time for which any party to the contract has a right to terminate the contract upon notice, whether or not the right is exercised.

SEC. 37. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is the purpose of this act to make substantial shifts in the tax burdens borne by the various segments of the public, in order to equalize such burdens among all taxpayers at the earliest possible time. To carry out this program and to provide long overdue property tax relief commencing with the 1973–1974 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 1407

An act to amend Section 2391 of the Business and Professions Code and to add Division 10 (commencing with Section 11000) to, and to repeal Divisions 10 (commencing with Section 11000), 10.5 (commencing with Section 11901), 10.8 (commencing with Section 11940), and 10.9 (commencing with Section 11990) of, the

Health and Safety Code, and to amend Sections 1803, 12806, 12809, 13202, 13355.5, and 13800 of the Vehicle Code, relating to controlled substances.

[Approved by Governor December 27, 1972. Filed with Secretary of State December 27, 1972.]

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

SECTION 1. Section 2391 of the Business and Professions Code, as amended by Chapter 1805 of the Statutes of 1971, 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. 2. Division 10 (commencing with Section 11000) of the Health and Safety Code is repealed.

SEC. 3. Division 10 (commencing with Section 11000) is added to the Health and Safety Code, to read:

DIVISION 10. UNIFORM CONTROLLED SUBSTANCES ACT

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

11000. This division shall be known as the "California Uniform Controlled Substances Act."

11001. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

11002. "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient for his immediate needs or to the body of a research subject by any of the following:

(a) A practitioner or, in his presence, by his authorized agent.

(b) The patient or research subject at the direction and in the

presence of the practitioner.

11003. "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

11004. "Attorney General" means the Attorney General of the State of California.

11005. "Board of Pharmacy" means the California State Board of Pharmacy.

11006. "Chief" means the Chief of the Bureau of Narcotic Enforcement of the State Department of Justice.

11007. "Controlled substance" means a drug, substance, or immediate precursor which are included in Schedules I through V, inclusive, pursuant to Chapter 2 (commencing with Section 11050).

11008. "Customs broker" means a person in this state who is authorized to act as a broker for any of the following:

(a) A person in this state who is licensed to sell, distribute, or otherwise possess any controlled substance.

(b) A person in any other state who ships any controlled substance into this state.

(c) A person in this state or any other state who ships or transfers any controlled substance through this state.

11009. "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

11010. "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, furnishing, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

11011. "Dispenser" means a practitioner who dispenses.

11012. "Distribute" means to deliver other than by administering or dispensing a controlled substance.

11013. "Distributor" means a person who distributes. The term distributor also includes warehousemen handling or storing controlled substances and customs brokers.

11014. "Drug" means (a) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (c) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (d) substances intended for use as a component of any article specified in subdivision (a), (b), or (c) of this section. It does not include devices or their components, parts, or accessories.

11015. "Federal bureau" means the Bureau of Narcotics and Dangerous Drugs of the United States Department of Justice, or its successor agency.

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11016. "Furnish" has the same meaning as provided in Section 4048.5 of the Business and Professions Code.

11017. "Manufacturer" has the same meaning as provided in Section 4034 of the Business and Professions Code.

11018. "Marijuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

11019. "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

(a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(b) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision (a), but not including the isoquinoline alkaloids of opium.

(c) Opium poppy and poppy straw.

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

11020. "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Chapter 2 (commencing with Section 11053) of this division, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

11021. "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

11022. "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, or association, or any other legal entity.

11023. "Pharmacy" has the same meaning as provided in Section 4035 of the Business and Professions Code.

11024. "Physician," "dentist," "podiatrist," "pharmacist," and "veterinarian" mean persons who are licensed to practice their

respective professions in this state.

11025. "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

11026. "Practitioner" means any of the following:

(a) A physician, dentist, veterinarian, podiatrist, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

11027. "Prescription" means an oral order for a controlled substance given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order signed by the prescriber, and shall contain the address of the prescriber, his federal registry number, the name and address of the patient, the name and quantity of the controlled substance prescribed, and directions for use, and shall be dated as of the date on which it is written.

11028. "State bureau" means the Bureau of Narcotic Enforcement of the State Department of Justice.

11029. "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

11030. "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

11031. "Wholesaler" has the same meaning as provided in Section 4038 of the Business and Professions Code.

11032 Whenever reference is made to the term "narcotics" in any provision of law outside of this division, unless otherwise expressly provided, it shall be construed to mean controlled substances classified in Schedules I and II, as defined in this division. Whenever reference is made to "restricted dangerous drugs" outside of this division, unless otherwise expressly provided, it shall be construed to mean controlled substances classified in Schedules III and IV. Whenever reference is made to the term "marijuana" in any provision of law outside of this division, unless otherwise expressly provided, it shall be construed to mean marijuana as defined in this division.

CHAPTER 2. STANDARDS AND SCHEDULES

11053. The controlled substances listed or to be listed in the schedules in this chapter are included by whatever official, common, usual, chemical, or trade name designated.

11054. (a) The controlled substances listed in this section are

included in Schedule I.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acethlmethadol.
(2) Allylprodine.
(3) Alphacetylmethadol.
(4) Alphameprodine.
(5) Alphamethadol.
(6) Benzethidine.
(7) Betacetylmethadol.
(8) Betameprodine.
(9) Betamethodol.
(10) Betaprodine.
(11) Clonitazene.
(12) Dextromoramide.
(13) Dextrorphan
(14) Diampromide.
(15) Diethylthiambutene.
(16) Dimenoxadol.
(17) Dimepheptanol.
(18) Dimethylthiambutene.
(19) Dioxaphetyl butyrate.
(20) Dipipanone.
(21) Ethylmethylthiambutene.
(22) Etonitazene.
(23) Etoxeridine.
(24) Furethidine.
(25) Hydroxypethidine.
(26) Ketobemidone.
(27) Levomoramide.
(28) Levophenacylmorphan.
(29) Morpheridine.
(30) Noracymethadol.
(31) Norlevorphanol.
(32) Normethadone.
(33) Norpipanone.
(34) Phenadoxone.
(35) Phenampromide.
(36) Phenomorphan.
(37) Phenoperidine.
(38) Piritramide.
(39) Proheptazine.
(40) Properidine.
(41) Propiran.
(42) Racemoramide.
(43) Trimeperidine.

(c) Any of the following opium derivatives, their salts, isomers and

salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine.
(2) Acetyldihydrocodeine.
(3) Benzylmorphine.
(4) Codeine methylbromide.
(5) Codeine-N-oxide.
(6) Cyprenorphine.
(7) Desomorphine.
(8) Dihydromorphine.
(9) Etorphine.
(10) Heroin.
(11) Hydromorphinol.
(12) Methyldesorphine.
(13) Methyldihydromorphine.
(14) Morphine methylbromide.
(15) Morphine methylsulfonate.
(16) Morphine-N-oxide.
(17) Myrophine.
(18) Nicocodeine.
(19) Nicomorphine.
(20) Normorphine.
(21) Phoclodine.
(22) Thebacon.

(d) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) 3,4-methylenedioxy amphetamine.
(2) 5-methoxy-3,4-methylenedioxy amphetamine.
(3) 3,4,5-trimethoxy amphetamine.
(4) Bufotenine.
(5) Diethyltryptamine.
(6) Dimethyltryptamine.
(7) 4-methyl-2,5-dimethoxylamphetamine.
(8) Ibogaine.
(9) Lysergic acid diethylamide.
(10) Marijuana.
(11) Mescaline.
(12) Peyote.
(13) N-ethyl-3-piperidyl benzilate.
(14) N-methyl-3-piperidyl benzilate.
(15) Psilocybin.
(16) Psilocyn.
(17) Tetrahydrocannabinols.

11055. (a) The controlled substances listed in this section are included in Schedule II.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis.

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, with the exception of naloxone hydrochloride (N-allyl-14-hydroxy-nordihydromorphinone hydrochloride).

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Alphaprodine.
(2) Anileridine.
(3) Bezitramide.
(4) Dihydrocodeine.
(5) Diphenoxylate.
(6) Fentanyl.
(7) Isomethadone.
(8) Levomethorphon.
(9) Levorphanol.
(10) Metazocine.
(11) Methadone.
(12) Methadone—intermediate, 4-cyano-2-dimethyl-amino-4,4-diphenyl butane.
(13) Moramide—intermediate, 2-methyl-3-morpho-lino-1,1-diphenyl-propane-carboxylic acid.
(14) Pethidine.
(15) Pethidine—intermediate—A, 4-cyano-1-methyl-4-phenyl-piperidine
(16) Pethidine—intermediate—B, ethyl-4-phenylpi-peridine-4-carboxylate.
(17) Pethidine—intermediate—C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
(18) Phenazocine
(19) Piminodine.
(20) Racemethorphan.
(21) Racemorphan.

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.

(2) Phenmetrazine and its salts.

(3) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

(4) Methylphenidate.

11056. (a) The controlled substances listed in this section are included in Schedule III.

(b) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules.

(2) Chlorhexadol.

(3) Glutethimide.

(4) Lysergic acid

(5) Lysergic acid amide.

(6) Methyprylon.

(7) Phencyclidine.

(8) Sulfondiethylmethane.

(9) Sulfonethylmethane.

(10) Sulfonmethane.

(c) Nalorphine.

(d) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(3) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(4) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(5) Not more than 1 8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit,

with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(6) Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts.

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(8) Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

11057. (a) The controlled substances listed in this section are included in Schedule IV.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Barbital.
(2) Chloral betaine.
(3) Chloral hydrate.
(4) Ethchlorvynol.
(5) Ethinamate.
(6) Methohexital.
(7) Meprobamate.
(8) Methylphenobarbital.
(9) Paraldehyde.
(10) Petrichloral.
(11) Phenobarbital.

11058. (a) The controlled substances listed in this section are included in Schedule V.

(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atrophine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

CHAPTER 3. REGULATION AND CONTROL

Article 1. Reporting

11100. (a) Any manufacturer, wholesaler, warehouseman, customs broker, or other person who sells, ships, transfers, or otherwise furnishes any controlled substance in Schedule III and those substances in Schedule IV designated by the Board of Pharmacy to any person in this state shall submit a monthly report to the Board of Pharmacy of all such controlled substances.

(b) This section shall not apply to any of the following:

(1) Any pharmacist or other authorized person who sells or furnishes such controlled substance upon the prescription of a physician, dentist, podiatrist, or veterinarian.

(2) Any physician, dentist, podiatrist, or veterinarian who administers or furnishes such controlled substance to his patients.

(3) Any agent, or employee, of any licensed manufacturer, wholesaler, or dispenser of any controlled substance if such agent stores such controlled substance for sample purposes or furnishes such controlled substance as a sample at no cost to a licensed pharmacist, physician, dentist, podiatrist, or veterinarian.

11101. (a) Any person who receives or stores any controlled substance in Schedule III or a substance in Schedule IV designated by the Board of Pharmacy which has been shipped or otherwise transferred to him shall submit a monthly report to the Board of Pharmacy of all such controlled substances.

(b) This section shall not apply to any person who obtains the controlled substance upon the prescription of a physician, dentist, podiatrist, or veterinarian for his personal use or any person who receives or furnishes a controlled substance pursuant to paragraph (3) of subdivision (b) of Section 11100.

11103. For purposes of Sections 11100 and 11101, the Board of Pharmacy shall provide a common reporting form which contains at least the following information:

(a) Name of the controlled substance.

(b) Quantity of the controlled substance shipped, transferred, or received.

(c) The month the shipment was sent, transferred, or received.

(d) Identity of the person receiving such controlled substance and the person shipping such controlled substance.

11104. Any controlled substance which is carried for display purposes by a salesman or other agent of a manufacturer shall be stored pursuant to the rules and regulations which are adopted by the Board of Pharmacy.

11105. The theft or loss of any controlled substance discovered by any licensee or any person regulated by the provisions of this chapter shall be reported to the Board of Pharmacy no later than five days after such discovery.

Any difference between the quantity of the controlled substance

received and the quantity of the controlled substance shipped shall be reported to the Board of Pharmacy within five days of the receipt of actual knowledge of the discrepancy.

Any report made pursuant to this section shall also include the name of the common carrier or person who transports the controlled substance and date of shipment of the controlled substance.

11106. The Board of Pharmacy shall establish and maintain a data system containing controlled substance inventory records and records of controlled substances forms provided pursuant to Sections 11100 and 11101. Information obtained from the controlled substance data system shall be used to monitor the movement of controlled substances within this state. The Board of Pharmacy shall periodically supply the state bureau with such information as the state bureau deems is necessary for effective surveillance and control.

Article 2. Licenses: Customs Brokers and Warehouses

11120. Upon application, the Board of Pharmacy may issue a customs broker's license. Such license authorizes the transfer of a controlled substance to persons who are licensed to sell, distribute, or otherwise possess such controlled substance. The holder of such a license may receive, possess, export, and transfer such controlled substances to such persons.

11121. A customs broker in this state shall not ship or transfer any controlled substance to any of the following persons:

(a) Any person in this state who is not licensed or authorized to sell, distribute, or otherwise possess the controlled substance.

(b) Any person in any other state who is not licensed or authorized by such state to sell, distribute, or otherwise possess the controlled substance.

(c) Any person in a foreign jurisdiction who does not have a legitimate reason to possess the controlled substance.

11122. (a) A controlled substance shall be stored only in a warehouse which is licensed by the Board of Pharmacy.

(b) This section shall not apply to any of the following persons:

(1) Any pharmacy or other person who is licensed or authorized by this state to sell or furnish the controlled substance upon the written prescription of a physician, dentist, podiatrist, or veterinarian.

(2) Any physician, dentist, podiatrist, or veterinarian who possesses a controlled substance for administration to his patients.

(3) Any licensed laboratory in this state which is authorized to receive and use the controlled substance.

(4) Any licensed hospital in this state.

(5) Any person who obtains the controlled substance upon the prescription of a physician, dentist, podiatrist, or veterinarian for his personal use.

(6) Any agent or employee of any licensed manufacturer or wholesaler who possesses the controlled substance for display purposes or furnishes such controlled substances as a sample at no cost to a licensed pharmacist, physician, dentist, podiatrist, or veterinarian.

(7) A manufacturer licensed pursuant to Section 26685 of this code or Section 4084 or 4084.6 of the Business and Professions Code.

(8) A wholesaler licensed pursuant to Section 4084 or 4084.6 of the Business and Professions Code.

11123. (a) Upon application, the Board of Pharmacy may issue a license to store controlled substances to a warehouseman who maintains a warehouse suitable for the proper storage of the controlled substances.

(b) The Board of Pharmacy shall by regulation establish security measures in order to prevent unauthorized persons from gaining access to any area, place or premises in which controlled substances are stored, kept or maintained. Prior to the issuance of a license under this article, the Board of Pharmacy shall inspect an applicant's establishment to determine compliance with security regulations adopted by the Board of Pharmacy.

(c) As a condition to the granting of the license, the warehouseman shall agree to comply with the provisions of this division and any rules and regulations which are adopted by the Board of Pharmacy.

11124. On or before the effective date of this chapter, each licensed warehouseman shall make a complete and accurate record of all stocks of such controlled substances on hand. Thereafter, a current inventory shall be kept and preserved for at least two years from the date of making such inventory. Records and inventories shall contain such information as shall be provided by the rules and regulations promulgated by the Board of Pharmacy.

Such records shall be submitted in summary form to the Board of Pharmacy on or before July 1, 1973, and every two years thereafter.

The Board of Pharmacy shall have the right to inspect such records at the business office of the licensee at any time during business hours.

11125. Each warehouseman who applies for a license to store a controlled substance shall execute and file with the Board of Pharmacy a bond to the state as a condition to the granting of the license. The bond shall secure the faithful performance of the warehouseman of his obligations under the laws of the state and the rules and regulations which are adopted pursuant to this division and such additional obligations which he may assume under a contract with the depositor of the drug. The Board of Pharmacy may prescribe the form, amount, terms, and conditions of the bond.

11126. Any person who is injured by the breach of any obligation secured by the bond which is executed and filed pursuant to Section 11125 may sue on the bond in his own name in any court of competent jurisdiction to recover any damages he may have

sustained by such breach.

11127. (a) The provisions of this article shall apply only to licenses issued by the Board of Pharmacy for customs brokers and warehouses which store controlled substances.

(b) The Board of Pharmacy shall have authority to issue licenses for customs brokers and warehouses which store controlled substances. Such licenses shall be issued in accordance with the provisions of this chapter and regulations adopted by the board pursuant thereto. All licenses issued by the Board of Pharmacy 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 Board of Pharmacy 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.

(c) Each application for a new or renewal license shall be accompanied by a fee which shall be fixed by the Board of Pharmacy at an amount not to exceed two hundred dollars ($200). The application shall be made upon a form furnished by the Board of Pharmacy. It shall contain such information concerning the background of the applicant and his experience which the Board of Pharmacy may prescribe, in addition to any other information required by law.

11128. (a) Licenses issued by the Board of Pharmacy shall not be transferable.

(b) In the event of a change of name, not involving a change of ownership, or a change of address of the licensee, the license shall be returned to the board for cancellation, and a new license application form shall be submitted. The Board of Pharmacy shall cancel the returned license and issue a new license for the unexpired term without fee.

11129. (a) Any license issued may be suspended or revoked by the Board of Pharmacy. The Board of Pharmacy may refuse to issue a license to any applicant for the reasons set forth in subdivision (b).

The proceedings under this chapter 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 of Pharmacy shall have all the powers granted therein.

(b) The Board of Pharmacy may deny a license if the applicant does or has done any of the following:

(1) Fails to meet the qualifications established by the Board of Pharmacy pursuant to this chapter for the issuance of the license applied for.

(2) Was previously the holder of a license issued under this chapter which has been revoked and never reissued or was suspended and the terms of the suspension have not been fulfilled.

(3) 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.

(4) Has committed any act involving dishonesty, fraud, or deceit whereby another is injured or the applicant has benefited.

(5) Has acted in the capacity of a licensed person under this division without having a license therefor.

(6) Has entered a plea of guilty or nolo contendere to, or been found guilty or 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 the conviction or suspending the imposition of sentence, or of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the person to withdraw his plea of guilty and to enter a plea of not guilty, setting aside the plea or verdict of guilty, or dismissing the accusation, information, or indictment.

(7) Violated any of the provisions of this division.

11130. The Board of Pharmacy may suspend, revoke, or take other disciplinary action against a license as provided in this chapter if the licensee does any of the following:

(a) Violates any section of this division which relates to his licensed activities.

(b) Is convicted of any felony.

(c) Violates any of the regulations promulgated by the Board of Pharmacy pursuant to this chapter.

(d) Has misrepresented a material fact in obtaining a license.

(e) Aids or abets an unlicensed person to evade the provisions of this division.

(f) Fails to make and keep records showing his transactions as a licensee, or fails to have such records available for inspection by the Board of Pharmacy 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 Board of Pharmacy to make such records available for inspection.

(g) Violates or attempts to violate the provisions of this division relating to the particular activity for which he is licensed.

(h) Fails to send a copy of the monthly reporting form to the Board of Pharmacy as required by the provisions of this chapter.

11131. 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 chapter. The Board of Pharmacy may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, setting aside the verdict of guilty, or dismissing the

accusation, information, or indictment.

11132. The Board of Pharmacy may take disciplinary action against any licensee, after a hearing as provided in this chapter, by any of the following:

(a) Imposing probation upon terms and conditions to be set forth by the Board of Pharmacy.

(b) Suspending the license.

(c) Revoking the license.

11133. The expiration or suspension of a license by operation of law or by order or decision of the board or a court, or the voluntary surrender of a license by a licensee, shall not deprive the Board of Pharmacy of jurisdiction to proceed with any investigation of, or action or disciplinary proceedings against, the licensee, or to render a decision suspending or revoking the license.

11134. All accusations against licensees shall be filed within three years after the act or omission alleged as the ground for disciplinary action.

11135. When any license has been revoked or suspended following a hearing under the provisions of this chapter, any additional license issued under this chapter in the name of the licensee may also be revoked or suspended by the Board of Pharmacy.

11136. After suspension of the license upon any of the grounds set forth in this chapter, the Board of Pharmacy 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 chapter, the license shall not be reinstated or reissued within a period of one year after the effective date of revocation.

CHAPTER 4. PRESCRIPTIONS

Article 1. Requirements of Prescriptions

11150. No person other than a physician, dentist, podiatrist, or veterinarian shall write a prescription.

11151. A prescription written by an unlicensed person lawfully practicing medicine pursuant to Section 2147.5 of the Business and Professions Code, shall be filled only at a pharmacy maintained in the hospital which employs such unlicensed person.

11152. No person shall write, issue, fill, compound, or dispense a prescription that does not conform to this division.

11153. The responsibility for the proper prescribing and dispensing of controlled substances is upon the practitioner, but a corresponding liability rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued to an addict or habitual user of controlled substances, which is not in the course of professional treatment nor part of an authorized methadone maintenance program, for the purpose of providing the

user with controlled substances, sufficient to keep him comfortable by maintaining his customary use, is not a prescription within the meaning and intent of this division; and the person filling such an order, as well as the person issuing it, may be charged with violation of the law.

11154. Except in the regular practice of his profession, no person shall prescribe, administer, dispense, or furnish, a controlled substance to or for any person who is not under his treatment for a pathology or condition other than addiction to a controlled substance, except as provided in this division.

11155. Any physician, who by court order or order of any state or governmental agency, or who voluntarily surrenders his controlled substance privileges, shall not possess, administer, dispense, or prescribe a controlled substance unless and until such privileges have been restored, and he has obtained current registration from the appropriate federal agency as provided by law.

11156. No person shall prescribe for or administer, or dispense a controlled substance to an addict or habitual user, or to any person representing himself as such, except as permitted by this division.

11157. No person shall issue a prescription that is false or fictitious in any respect.

11158. No person shall write a prescription for a controlled substance classified in Schedule II or III unless it is wholly written in ink or indelible pencil in the handwriting of the prescriber, signed and dated by him as of the date on which it is written, containing the name and address for whom prescribed, the name and the quantity of the controlled substance prescribed, the directions for use, the address of the prescriber, and the federal controlled substance registration of the prescriber.

11159. An order for controlled substances for use by a patient in a county or licensed hospital shall be exempt from all requirements of this article, but shall be in writing on the patient's record, signed by the prescriber, dated, and shall state the name and quantity of the controlled substance ordered and the quantity actually administered. The record of such orders shall be maintained as a hospital record for a minimum of seven years.

11160. Except as provided in Section 11168, no person shall order or prescribe for a controlled substance classified in Schedule II or fill, compound, or dispense a prescription for such a controlled substance unless it is wholly written in ink or indelible pencil in the handwriting of the prescriber, signed and dated by the prescriber, and containing the name and address of the person for whom prescribed, the name and quantity of the controlled substance prescribed, the directions for use, the address of the prescriber, and the federal controlled substance registration of the prescriber.

11161. Prescription blanks shall be issued by the state bureau in serially numbered groups of 100 forms each in triplicate, and shall be furnished free of cost to any person authorized to write a prescription, and such prescription blanks shall not be transferable.

Any person possessing any such prescription blank otherwise than as herein provided is guilty of a misdemeanor.

11162. The prescription blanks shall be printed on distinctive paper, serial number of the group being shown on each form, and also each form being serially numbered.

11163. Not more than one such prescription group shall in any case be issued or furnished by the state bureau to the same prescriber at one time.

11164. No person shall issue a prescription for a narcotic drug classified in Schedule II other than on the official prescription form issued by the state bureau, and no person shall fill any prescription other than on the official prescription form issued by the state bureau, except as provided in Section 11176.

11165. All prescriptions for a narcotic drug classified in Schedule II on the official blanks shall be written in triplicate, all three copies signed by the prescriber.

11166. The prescription book containing the prescriber's copies of prescriptions issued shall be retained by the prescriber which shall be preserved for two years.

11167. The original and one copy of the prescription for a narcotic drug classified in Schedule II shall be delivered to the person filling the prescription. The duplicate shall be properly endorsed by the pharmacist filling the prescription at the time such prescription is filled. The original shall be retained by the person filling the prescription, and at the end of each month in which the prescription is filled, the duplicate shall be returned to the state bureau.

11168. Any controlled substance classified in Schedule III, IV, or V may be dispensed upon an oral prescription which must be reduced to handwriting, by the pharmacist, before filling the prescription. No other person except the pharmacist may reduce such an oral prescription to handwriting unless expressly authorized by the provisions of the Business and Professions Code. The name and address of the person for whom prescribed and the name, address, telephone number and registered number of the prescriber must be recorded on the prescription.

11169. When codeine, or dihydrocodeinone or tincture opii camphorata (paregoric) is not combined with other medicinal ingredients, it shall be prescribed on the official triplicate blanks.

11170. No person shall prescribe, administer, or furnish a controlled substance for himself.

11171. No person shall prescribe, administer, or furnish a controlled substance except under the conditions and in the manner provided by this division.

11172. No person shall antedate or postdate a prescription.

11173 (a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

(b) No person shall make a false statement in any prescription, order, report, or record, required by this division.

(c) No person shall, for the purpose of obtaining controlled substances, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other authorized person.

(d) No person shall affix any false or forged label to a package or receptacle containing controlled substances.

11174. No person shall, in connection with the prescribing, furnishing, administering, or dispensing of a controlled substance, give a false name or false address.

11175. No person shall obtain or possess a prescription that does not comply with this division.

11176. No person shall issue a prescription for a narcotic controlled substance classified in Schedule II other than on the official prescription form issued by the state bureau, and no person shall fill any prescription for a narcotic controlled substance classified in Schedule II other than on the official prescription form issued by the state bureau, except that in the case of an epidemic or a sudden or unforeseen accident or calamity, a prescriber may issue a prescription upon a form other than the official prescription form issued by the state bureau, where failure to issue such prescription might result in loss of life or intense suffering. In such an emergency an oral prescription is hereby authorized. In the event such an emergency prescription is issued pursuant to the provisions of this section, the prescriber shall within 72 hours submit the prescription on the official prescription form to the pharmacy filling the emergency prescription. If the prescriber does not provide such prescription on the official prescription form, the pharmacist filling the emergency prescription shall immediately inform the state bureau.

11177. No person shall fill a prescription if it shows evidence of alteration, erasure, or addition by any person other than the person writing it.

11178. No person shall fill a prescription for a controlled substance classified in Schedule II unless it is tendered to him on or before the seventh day following the date of issue.

11179. A person who fills a prescription shall keep it on file for at least two years from the date of filing it.

11180. No person shall obtain or possess a controlled substance obtained by a prescription that does not comply with this division.

11181. (a) Except as provided in Section 11176, no narcotic controlled substance classified in Schedule II may be dispensed without the written prescription of a practitioner pursuant to this chapter.

(b) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance classified in Schedule III, IV, or V which is a prescription drug as determined

under state or federal law, shall not be dispensed without a written or oral prescription of a practitioner pursuant to this chapter.

(c) Notwithstanding any other provision of law, a prescriber may authorize any of his employees to orally transmit a prescription to a furnisher, if the prescriber gives the furnisher within a reasonable time written evidence of the employee's authorization. The furnisher shall record the name of the employee of the prescriber who transmits the order. This subdivision shall not apply to orders for controlled substances classified in Schedule II or III.

Article 2. Prescriber's Record

11190. Any physician, surgeon, dentist, veterinarian, or podiatrist who issues a prescription, or dispenses or administers a controlled substance classified in Schedule II shall make a record that, as to the transaction, shows all of the following:

(a) The name and address of the patient.

(b) The date.

(c) The character and quantity of controlled substances involved.

(d) The pathology and purpose for which the prescription is issued, or the controlled substance administered, prescribed, or dispensed.

11191. The record shall be preserved for two years.

Every person who violates any provision of this section is guilty of a misdemeanor.

11192. In a prosecution under this division proof that a defendant received or has had in his possession at any time a greater amount of controlled substances than is accounted for by any record required by law or that the amount of controlled substances possessed by a defendant is a lesser amount than is accounted for by any record required by law is prima facie evidence of guilt.

Article 3. Copies of Prescriptions

11195. Whenever the pharmacist's copy of a controlled substance prescription is removed by a peace officer, agent of the Attorney General, or inspector of the Board of Pharmacy, or investigator of the Division of Investigation of the Department of Consumer Affairs for the purpose of investigation or as evidence, the officer or inspector or investigator shall give to the pharmacist a receipt in lieu thereof.

Article 4. Refilling Prescriptions

11200. No person shall refill a controlled substance prescription more than six months after the date thereof or cause such a prescription to be refilled more than five times, unless renewed by the prescriber No prescription for a Schedule II substance may be refilled.

Article 5. Pharmacists' Records

11205. The owner of a pharmacy or any person who purchases a controlled substance upon federal order forms as required pursuant to the provisions of the federal "Comprehensive Drug Abuse Prevention and Control Act of 1970," (P.L. 91-513, 84 Stat. 1236), relating to the importation, exportation, manufacture, production, compounding, distribution, dispensing, and control of controlled substances, and who sells controlled substances obtained upon such federal order forms in response to prescriptions shall maintain and file such prescriptions in a separate file apart from noncontrolled substances prescriptions. Such files shall be preserved for a period of two years.

11206. The prescription file shall constitute a record that as to the transactions shall show all of the following:

(a) The name and address of the patient.

(b) The date.

(c) The character, quantity, and directions for use of the controlled substances involved.

(d) The name, address, and federal registration of the prescriber.

11207. No person other than a registered pharmacist under the laws of this state shall compound, prepare, fill or dispense a prescription for a controlled substance.

11208. In a prosecution under this division, proof that a defendant received or has had in his possession at any time a greater amount of controlled substances than is accounted for by any record required by law or that the amount of controlled substances possessed by the defendant is a lesser amount than is accounted for by any record required by law is prima facie evidence of guilt.

CHAPTER 5. USE OF CONTROLLED SUBSTANCES

Article 1. Lawful Medical Use Other Than Treatment of Addicts

11210. A physician, surgeon, dentist, veterinarian, or podiatrist may prescribe for, furnish to, or administer controlled substances to his patient when the patient is suffering from a disease, ailment, injury, or infirmities attendant upon old age, other than addiction to a controlled substance.

The physician, surgeon, dentist, veterinarian, or podiatrist shall prescribe, furnish, or administer controlled substances only when in good faith he believes the disease, ailment, injury, or infirmity, requires such treatment.

The physician, surgeon, dentist, veterinarian, or podiatrist shall prescribe, furnish, or administer controlled substances only in such quantity and for such length of time as are reasonably necessary.

11211. In order to provide a supply of controlled substances as may be necessary to handle emergency cases, any hospital which

does not employ a resident pharmacist and which is under the supervision of a licensed physician, may purchase controlled substances on federal order forms for such institution, under the name of such hospital, such supply to be made available to a registered nurse for administration to patients in emergency cases, upon direction of a licensed physician.

11213. Persons who, under applicable federal laws or regulations, are lawfully entitled to use controlled substances for the purpose of research, instruction, or analysis, may lawfully obtain and use for such purposes such substances as are defined as controlled substances in this division, upon approval for use of such controlled substances in bona fide research, instruction, or analysis by the Research Advisory Panel established pursuant to Sections 11480 and 11481.

Such research, instruction, or analysis shall be carried on only under the auspices of the head of a research project which has been approved by the Research Advisory Panel pursuant to Section 11480 or Section 11481. Complete records of receipts, stocks at hand, and use of these controlled substances shall be kept.

Article 2. Treatment of Addicts for Addiction

11215. Any narcotic controlled substance employed in treating an addict for addiction shall be administered by a physician, or by a registered nurse acting under his instruction.

11216. No physician or other person shall order, permit or direct any person other than a registered nurse, or other physician, to administer a narcotic controlled substance to a person being treated for addiction to a controlled substance.

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.

This section shall not become operative if Senate Bill No. 714 of the 1972 Regular Session of the Legislature is enacted and has become effective prior to the effective date of this section.

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, 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 state department pursuant to Section 4351 of the Welfare and Institutions Code 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 state department.

Neither this section or any other provision of this division shall be construed to prohibit short-term methadone detoxification treatment in a controlled setting approved by the director and pursuant to rules and regulations of the director Facilities and treatment approved by the director under this paragraph shall not

be subject to approval or inspection by the Board of Medical Examiners of the State of California, nor shall persons in such facilities be required to register with, or report the termination of residence with, the police department or sheriff's office.

This section shall become operative only if Senate Bill No. 714 of the 1972 Regular Session is enacted and becomes effective prior to the effective date of this section and, in such case, shall become operative on the effective date of this section.

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.

11218 A physician treating an addict for addiction shall not prescribe for or furnish the addict more than any one of the following amounts of controlled substances during each of the first 15 days of such treatment:

(a) Eight grains of opium.
(b) Four grains of morphine.
(c) Six grains of Pantopon.
(d) One grain of Dilaudid.
(e) Four hundred milligrams of isonipecaine (Demerol).
(f) One hundred eighty milligrams of methadone.

11219. After 15 days of treatment the physician shall not prescribe for or furnish to the addict more than any one of the following amounts of controlled substances during each day of such treatment:

(a) Four grains of opium.
(b) Two grains of morphine.
(c) Three grains of Pantopon.
(d) One-half grain of Dilaudid.
(e) Two hundred milligrams of isonipecaine (Demerol).
(f) One hundred eighty milligrams of methadone.

11220. At the end of 30 days from the first treatment, the prescribing or furnishing of controlled substances, except methadone, shall be discontinued.

11221 The physician prescribing, furnishing, or administering any narcotic controlled substance in the treatment of an addict for addiction shall within five days after the first treatment report by registered mail, over his signature, to the Attorney General stating the name and address of the patient, and the name and quantities of narcotic controlled substances prescribed

The report shall state the progress of the patient under the treatment.

The physician shall in the same manner further report on the 15th

day of the treatment and on the 30th day of the treatment, and thereafter shall make such further reports as are requested in writing by the Attorney General.

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.

Article 3. Physicians' Reports

11230. A physician prescribing or furnishing a controlled substance classified in Schedule II to an habitual user shall within five days after first prescribing or furnishing the controlled substance personally report in writing by registered mail, over his signature, to the Attorney General.

The report shall contain all of the following:

(a) Name of the patient.
(b) Address of the patient.
(c) Character of the injury or ailment.
(d) Quantity and kind of controlled substance used.
(e) A statement as to whether or not the patient is an addict.

11231. The physician shall upon request in writing from the Attorney General furnish any additional reports upon the treatment of the user as the Attorney General may request in writing.

Article 4. Veterinarians

11240. No veterinarian shall prescribe, administer, or furnish a controlled substance for himself or any other human being.

11241. A prescription written by a veterinarian shall state the kind of animal for which ordered and the name and address of the owner or person having custody of the animal.

Article 5. Sale Without Prescription

11250. No prescription is required in case of the sale of controlled substances at retail in pharmacies by pharmacists to any of the following:

(a) Physicians.
(b) Dentists.
(c) Podiatrists.
(d) Veterinarians.

In any sale mentioned in this article, there shall be executed any written order that may otherwise be required by federal law relating to the production, importation, exportation, manufacture, compounding, distributing, dispensing, or control of controlled substances.

11251. No prescription is required in case of sales at wholesale by jobbers, wholesalers and manufacturers to any of the following:

(a) Pharmacies as defined in the Business and Professions Code.

(b) Physicians.

(c) Dentists.

(d) Podiatrists.

(e) Veterinarians.

(f) Other jobbers, wholesalers or manufacturers.

11252. All wholesale jobbers, wholesalers, and manufacturers, mentioned in this division shall keep, in a manner readily accessible, the written orders or blank forms required to be preserved pursuant to federal law relating to the production, importation, exportation, manufacture, compounding, distributing, dispensing, or control of controlled substances.

11253. The written orders or blank forms shall be preserved for at least two years after the date of the last entry made.

11255. The taking of any order, or making of any contract or agreement, by any traveling representative or employee of any person for future delivery in this state, of any controlled substance constitutes a sale within the meaning of this division.

11256. Within 24 hours after any purchaser in this state gives any order for a controlled substance classified in Schedule II to, or makes any contract or agreement for purchases from or sales by, an out-of-state wholesaler or manufacturer of any controlled substances for delivery in this state, the purchaser shall forward to the Attorney General by registered mail a true and correct copy of the order, contract, or agreement.

CHAPTER 6. OFFENSES AND PENALTIES

Article 1. Schedules I and II

11350. Except as otherwise provided in this division, every person who possesses any controlled substance classified in Schedule I or II other than marijuana, except upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison for a period of not less than two years or more than 10 years 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 two 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 not less than five years or more than 20 years 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 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.

11351. Except as otherwise provided in this division, every person who possesses for sale any controlled substance classified in Schedule I or II other than marijuana shall be punished by imprisonment in the state prison for a period of not less than five years or more than 15 years 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 2½ 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 not less than 10 years 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 six 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 not less than 15 years 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.

11352. Except as otherwise provided in this division, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any controlled substance classified in Schedule I or II other than marijuana, except upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison for a period of five 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 three 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.

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 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.

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.

11355. Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give any controlled substance classified in Schedule I or II to any person, or offers, arranges, or negotiates to have any controlled substance

classified in Schedule I or II unlawfully sold, delivered, transported, furnished, administered, or given to any person and then sells, delivers, furnishes, transports, administers, or gives, or offers, arranges, or negotiates to have sold, delivered, transported, furnished, administered, or given to any person any other liquid, substance, or material in lieu of any controlled substance classified in Schedule I or II shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years.

11356. As used in this article "felony offense," and offense "punishable as a felony" refer to an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

Article 2. Marijuana

11357. Every person who possesses any marijuana, except as otherwise provided by law, shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison for a period of not less than one year or more than 10 years.

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 not less than two years or more than 20 years 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 two 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 five 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.

This section shall not become operative if Assembly Bill No. 1778 of the 1972 Regular Session of the Legislature is chaptered whether it is chaptered prior or subsequent to the act enacting this section.

11357. Every person who possesses any marijuana, except as otherwise provided by law, shall be punished by imprisonment in the

county jail for a period of not more than six months or by a fine of not more than five hundred dollars ($500), or both.

If such person has been previously convicted of a violation of this section, the previous conviction may be charged in the indictment or information and, if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be punished by imprisonment in the county jail for a period of not more than one year or by a fine of not more than five hundred dollars ($500), or both.

This section shall become operative only if Assembly Bill No. 1778 of the 1972 Regular Session of the Legislature is chaptered, and whether or not it is chaptered prior or subsequent to the act enacting this section.

11358. Every person who plants, cultivates, harvests, dries, or processes any marijuana or any part thereof, except as otherwise provided by law, shall be punished by imprisonment in the state prison for a period of not less than one year or more than 10 years 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 one year 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 not less than two years or more than 20 years 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 two 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 five 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.

11359. Every person who possesses for sale any marijuana, except as otherwise provided by law, shall be punished by imprisonment in the state prison for a period of not less than two years or more than 10 years 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 two 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 not less than five years or more than 15 years 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 three 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 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 six years in the state prison.

11360. Every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any marijuana shall be punished by imprisonment in the state prison for a period of five 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 three 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 five 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 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 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.

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.

11362. As used in this article "felony offense," and offense "punishable as a felony" refer to an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

Article 3. Peyote

11363. Every person who plants, cultivates, harvests, dries, or processes any plant of the genus Lophophora, also known as peyote, or any part thereof shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison for a period of not more than 10 years.

If such person has been previously convicted of 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 an offense described in this division, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or 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 two years or more than 20 years.

Article 4. Miscellaneous Offenses and Provisions

11364. It is unlawful to possess an opium pipe or any device, contrivance, instrument or paraphernalia used for unlawfully injecting or smoking a controlled substance classified in Schedule I, II, III, IV, or V.

11365. It is unlawful to visit or to be in any room or place where any controlled substances classified in Schedule I or II are being unlawfully smoked or used with knowledge that such activity is occurring.

11366. Every person who opens or maintains any place for the purpose of unlawfully selling, giving away, or using any controlled substance classified in Schedule I or II shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison for a period of not more than 10 years.

If such person has been previously convicted of 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 an offense described in this division, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or 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 two years or more than 20 years.

11367. All duly authorized peace officers, while investigating violations of this division in performance of their official duties, and any person working under their immediate direction, supervision or instruction, are immune from prosecution under this division.

11368. Every person who forges or alters a prescription, or who issues a prescription bearing a forged or fictitious signature for any narcotic, or who obtains any narcotic by any forged, fictitious, or altered prescription, or who has in possession any narcotic secured by such forged, fictitious, or altered prescription, shall for the first offense be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the state prison for not more than six years, and for each subsequent offense shall be imprisoned in the state prison for not more than 10 years.

11369. When there is reason to believe that any person arrested for violation of Section 11350, 11352, 11353, 11355, 11357, 11360, 11361,

11363, 11366, 11368 or 11550, may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

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.

11371. Any person who shall violate any of the provisions of Section 11152, 11153, 11154, 11156, 11174, or 11175, or who in any voluntary manner solicits, induces, encourages or intimidates any minor with the intent that such minor shall violate any provision of such sections, shall be punished by imprisonment in the state prison not exceeding six years or in a county jail not exceeding one year.

11372. In addition to the term of imprisonment provided by law for persons convicted of violating Section 11350, 11351, 11352, 11353, 11355, 11359, 11360, or 11361 of this code, the trial court may impose a fine not exceeding twenty thousand dollars ($20,000) for each such offense. In no event shall such fine be levied in lieu of or in substitution for the term of imprisonment provided by law for any of such offenses.

11373. Whenever any person is granted probation by the trial court after conviction for possession of any controlled substance classified in Schedule I or II, such trial court shall, as a condition of probation, order such person to secure education or treatment from a local community agency designated by such court, if such service is available and the person is likely to benefit from the service.

If such defendant is a minor, the trial court shall also order his parents or guardian to participate in such education or treatment to the extent the court determines will aid the education or treatment of the minor.

If a minor is found by a juvenile court to have been in possession of any controlled substance classified in Schedule I or II, in addition to any other order it may make, such juvenile court shall order the minor to receive education or treatment from a local community agency designated by such court, if such service is available and the person is likely to benefit from the service, and it shall also order his

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parents or guardian to participate in such education or treatment to the extent the court determines will aid the education or treatment of the minor.

11374. Every person who violates or fails to comply with any provision of this division, except one for which a penalty is otherwise in this division specifically provided, is guilty of a misdemeanor punishable by a fine in a sum not less than thirty dollars ($30) nor more than five hundred dollars ($500), or by imprisonment for not less than 15 nor more than 180 days, or by both.

Article 5. Schedules III, IV, and V

11376. Whenever any person is granted probation by the trial court after conviction for possession of any controlled substance classified in Schedule III, IV, or V, such trial court shall, as a condition of probation, order such person to secure education or treatment from a local community agency designated by such court, if such service is available and the person is likely to benefit from the service.

If such defendant is a minor, the trial court shall also order his parents or guardian to participate in such education or treatment to the extent the court determines will aid the education or treatment of the minor.

If a minor is found by a juvenile court to have been in possession of any controlled substance classified in Schedule III, IV, or V, in addition to any other order it may make, such juvenile court shall order the minor to receive education or treatment from the local community agency designated by such court, if such service is available and the person is likely to benefit from the service, and it shall also order his parents or guardian to participate in such education or treatment to the extent the court determines will aid the education or treatment of the minor.

11377. Except as otherwise provided in Article 8 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance classified in Schedule III, IV, or V, except upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison for a period of not less than one year nor more than 10 years.

If such person has been previously convicted once of any felony offense described in this division, 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 an offense described in this division, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or 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 two

years or more than 20 years 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 two years in the state prison.

11378. Except as otherwise provided in Article 8 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses for sale any controlled substance classified in Schedule III, IV, or V shall be punished by imprisonment in the state prison for a period of not less than two years or more than 10 years and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for not less than two 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 not less than five years or more than 15 years and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for not less than three 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 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 six years in the state prison.

11379. Except as otherwise provided in Article 8 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who transports, imports into this state, sells, manufactures, compounds, furnishes, administers, or gives away, or offers to transport, import into this state, sell, manufacture, compound, furnish, administer, or give away, or attempts to import into this state or transport any controlled substance classified in Schedule III, IV, or V, except upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison for a period of five 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 three years

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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 five 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 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 a 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.

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.

11381. As used in this article "felony offense" and offense "punishable as a felony" refer to an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

11382. Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give any controlled substance classified in Schedule III, IV, or V to any person, or offers, arranges, or negotiates to have any controlled substance classified in Schedule III, IV, or V unlawfully sold, delivered, transported, furnished, administered, or given to any person and then sells, delivers, furnishes, transports, administers, or gives, or offers, or arranges, or negotiates to have sold, delivered, transported, furnished, administered, or given to any person any other liquid, substance, or material in lieu of any controlled substance classified in Schedule III, IV, or V shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than five years.

Article 6. Methylamine and Phenylacetone

11383. Any person who possesses both methylamine and phenyl-2-propanone (phenylacetone) at the same time with the intent to manufacture methamphetamine is guilty of a felony and shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

The provisions of this section shall not apply to drug manufacturers licensed by this state or persons authorized by regulation of the Board of Pharmacy to possess both methylamine and phenyl-2-propanone (phenylacetone).

11384. The Board of Pharmacy shall, by regulation, authorize such persons to possess both methylamine and phenylacetone at the same time as it determines need and will use both methylamine and phenylacetone for a lawful purpose.

CHAPTER 7. BUREAU OF NARCOTIC ENFORCEMENT

11450. There is in the Department of Justice a Bureau of Narcotic Enforcement.

11451. There is a Chief of the Bureau of Narcotic Enforcement, who is appointed and whose salary is fixed by the Attorney General pursuant to the State Civil Service Act, Part 2 (commencing with Section 18500), Division 5, Title 2 of the Government Code.

The provisions of Article XXIV of the Constitution and the term "state civil service" shall apply to and include the chief of the bureau.

11452. The Attorney General may, in conformity with the State Civil Service Act, Part 2 (commencing with Section 18500), Division 5, Title 2 of the Government Code, employ such agents, chemists, clerical, and other employees as are necessary for the conduct of the affairs of the state bureau. Two of the agents shall be registered licentiates in pharmacy.

11453. The state bureau may employ a physician to interview and examine any patient for whom any controlled substance classified in Schedule I, II, or III has been prescribed or to whom any such controlled substance has been furnished or administered, or who is an habitual user of such a controlled substance, or who has a previous addiction record to a substance listed as a controlled substance classified in Schedules I, II, or III.

The patient shall submit to the interview and examination and shall not in any manner hinder or impede it.

The physician employed by the state bureau to conduct the interview and examination shall report the results of the examination and interview to the state bureau.

The physician so employed may testify in any action brought under this division or in any hearing before the State Board of Medical Examiners or the State Board of Osteopathic Examiners and his testimony is not privileged.

Every person who violates any provision of this section is guilty of a misdemeanor.

11454. The chief and the agents appointed by him, when authorized so to do by the chief, may expend such sums as the chief deems necessary in the purchase of controlled substances for evidence and in the employment of operators to obtain evidence.

The sums so expended shall be repaid to the officer making the expenditures upon claims approved by the chief and subject to postaudit by the Department of Finance. The claims when approved shall be paid out of the funds appropriated or made available by law for the support or use of the state bureau.

CHAPTER 8. SEIZURE AND DISPOSITION

11470. The following are subject to forfeiture:

(a) All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of this division.

(b) All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this division.

(c) All property which is used, or intended for use, as a container for property described in subdivision (a) or (b).

(d) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this division.

11471. Property subject to forfeiture under this division may be seized by the Attorney General upon process issued by any court having jurisdiction over the property. Seizure without process may be made if any of the following situations exist:

(a) The seizure is incident to an arrest or a search under a search warrant.

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this division.

(c) The Attorney General has probable cause to believe that the property is directly or indirectly dangerous to health or safety.

(d) The Attorney General has probable cause to believe that the property was used or is intended to be used in violation of this division.

11472. In the event of seizure pursuant to Section 11471, proceedings under Section 11473 shall be instituted promptly.

11473. Controlled substances and any device, contrivance, instrument, or paraphernalia used for unlawfully using or administering a controlled substance, which are possessed in violation of this division, may be seized by any peace officer and in the aid of such seizure a search warrant may be issued as prescribed by law.

11474. All seizures under provisions of this chapter shall, upon conviction of the owner or defendant, be ordered destroyed by the judge of the court in which conviction was had and the judge shall turn all such evidence over to the Attorney General for destruction or disposition.

11474.5. All seizures of controlled substances, instruments, or paraphernalia used for unlawfully using or administering a controlled substance which are in possession of any city, county, or state official as the result of a case in which no trial was had or in a case which has been disposed of by way of dismissal or otherwise than by way of conviction, shall be turned over to the Attorney General for destruction or disposition under order of the court.

11475. Controlled substances listed in Schedule I that are possessed, transferred, sold, or offered for sale in violation of this division are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, which are seized or come into the possession of the state, the owners of which are unknown, are contraband and shall be summarily forfeited to the state.

11476. Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this division, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the state.

11477. The failure, upon demand by the Attorney General, or his authorized agent, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

11478. The Attorney General may dispose of controlled substances, other than heroin or smoking opium, by gift to the medical superintendent of state prisons or state hospitals, for medical purposes. Marijuana shall be provided by the Attorney General to the heads of research projects which have been registered by the Attorney General, and which have been approved by the Research Advisory Panel pursuant to Section 11479.

The head of the approved research project shall personally receipt for such quantities of marijuana and shall make a record of their disposition. The receipt and record shall be retained by the Attorney General. The head of the approved research project shall also, at intervals and in the manner required by the Research Advisory Panel, report the progress or conclusions of the research project.

11480. The Legislature finds that there is a need to encourage further research into the nature and effects of marijuana and hallucinogenic drugs and to coordinate research efforts on such subjects.

There is a Research Advisory Panel which consists of a representative of the State Department of Public Health, a representative of the Department of Mental Hygiene, 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 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, which have been

registered by the Attorney General, into the nature and effects of marijuana 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 pursuant to Section 11458.

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 to the Chief of the Bureau of Narcotic Enforcement.

The panel shall report annually to the Legislature and the Governor whose research projects approved by the panel, the nature of each research project, and, where available, the conclusions of the research project.

11481. The Research Advisory Panel may hold hearings on, and in other ways study, research projects concerning the treatment of abuse of controlled substances.

The panel may approve research projects, which have been registered by the Attorney General, concerning the treatment of abuse of controlled substances and shall inform the chief 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.

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.

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.

This section shall not become operative if Senate Bill No. 714 of the 1972 Regular Session of the Legislature is enacted and becomes effective prior to the effective date of this section.

11483. The Research Advisory Panel and the Department of Mental Hygiene shall, jointly, submit an annual report to the Legislature on the status and progress of methadone maintenance programs in this state. The report shall be submitted on or before March 1 succeeding the calendar year for which the report is made, commencing with the report for the 1972 calendar year which shall be submitted on or before March 1, 1973.

This section shall not become operative if Senate Bill No. 714 of the 1972 Regular Session of the Legislature is enacted and becomes effective prior to the effective date of this section.

11483. No provision of this division shall be construed to prohibit the establishment and effective operation of a methadone

maintenance treatment program approved pursuant to Section 4351 of the Welfare and Institutions Code.

This section shall become operative only if Senate Bill No. 714 of the 1972 Regular Session is enacted and becomes effective prior to the effective date of this section and, in such case, shall become operative on the effective date of this section.

11484. The panel shall not approve the establishment of a methadone maintenance program without a written application by the treatment facility which meets evaluative criteria required by the panel.

This section shall not become operative if Senate Bill No. 714 of the 1972 Regular Session of the Legislature is enacted and becomes effective prior to the effective date of this section.

11485. When controlled substances have been seized pursuant to this division and the defendant or owner has escaped from custody and is a fugitive from justice, they shall upon demand of the Attorney General be turned over to it for safekeeping until such time as the owner or defendant is apprehended and prosecuted for violation of this division.

11486. When controlled substances have been seized pursuant to this division and the case has been disposed of by way of dismissal or otherwise than by way of conviction, they shall by order of the court, be turned over to the Attorney General unless the court finds that the controlled substances were lawfully possessed by the defendant.

CHAPTER 9. COLLECTION AND DISPOSITION OF FINES

11500. The district attorney, or any person designated by him, of the county in which any violation of this division is committed shall conduct all actions and prosecutions for the violation.

However, the Attorney General, or special counsel employed by the Attorney General for that purpose, may take complete charge of the conduct of such actions or prosecutions. The Attorney General may fix the compensation to be paid for the service and may incur such other expense in connection with the conduct of the actions or prosecutions as he may deem necessary. No attorney employed as special counsel shall receive as compensation more than three thousand five hundred dollars ($3,500) in any one year.

11501. The State of California, or any political subdivision thereof, may maintain an action against any person or persons engaged in the unlawful sale of controlled substances for the recovery of any public funds paid over to such person or persons in the course of any investigation of violations of this division. All proceedings under this section shall be instituted in the superior court of the county where the funds were paid over, where the sale was made, or where the defendant resides.

11502. All moneys, forfeited bail, or fines received by any court under this division shall as soon as practicable after the receipt

thereof be deposited with the county treasurer of the county in which such court is situated. Amounts so deposited shall be paid at least once a month as follows: 75 percent to the State Treasurer by warrant of the county auditor drawn upon the requisition of the clerk or judge of said court to be deposited in the State Treasury on order of the State Controller; and 25 percent to the city treasurer of the city, if the offense occurred in a city, otherwise to the treasurer of the county in which the prosecution is conducted.

Any money deposited in the State Treasury under the provisions of this section which is determined by the State Controller to have been erroneously deposited therein shall be refunded by him, subject to approval of the State Board of Control prior to the payment of such refund, out of any money in the State Treasury which is available by law for such purpose.

11503. Judges and magistrates who collect fines or forfeitures under this division shall keep a record thereof, and, upon the imposition of any such fine or forfeiture, shall at least monthly transmit a record of it to the county auditor. The county auditor shall transmit a record of the imposition, collection and payment of such fines or forfeitures to the State Controller at the time of transmittal of each warrant to the State Treasurer pursuant to this article.

11504. When an imprisonment has been imposed for a violation of this division, and before the termination of the sentence, the defendant is released by the vacation of the sentence of imprisonment and the imposition of a fine or forfeiture instead, the fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance.

11505. Whenever a fine has been imposed for violation of this division, and before the full payment of the fine a sentence of imprisonment is imposed instead, the imprisonment shall be recorded and accounted for to the county auditor.

11506. The State Controller shall check the reports and records received by him with the transmittals of fines and forfeitures and whenever it appears that fines or forfeitures have not been transmitted the county auditor shall and the State Controller may bring suit to enforce their collection or transmittal, or both.

11507. The official bond of any judge or magistrate is liable for his failure to transmit the fines or forfeitures imposed by him under this division.

11508. The records kept by a judge or magistrate under this division are open to public inspection, and may be checked by the State Controller, the Attorney General, the district attorney of the particular county, or the state bureau.

CHAPTER 10. CONTROL OF USERS OF CONTROLLED SUBSTANCES

Article 1. Addicts

11550. No person shall use, or be under the influence of any controlled substance, excepting when administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances. It shall be the burden of the defense to show that it comes within the exception. Any person convicted of violating any provision of this section is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year in the county jail. The court may place a person convicted hereunder on probation for a period not to exceed five years and shall in all cases in which probation is granted require as a condition thereof that such person be confined in the county jail for at least 90 days. In no event does the court have the power to absolve a person who violates this section from the obligation of spending at least 90 days in confinement in the county jail.

11551. (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 controlled substances, 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 Attorney General, to determine, by whatever means is available, whether the probationer is addicted to a controlled substance.

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 Attorney General 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 controlled substances, 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 Attorney General, 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 controlled substances, 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 Attorney General, 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, in conjunction with the Attorney General, 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.

11552. In any case in which a person has been arrested for a criminal offense and is suspected of being addicted to a controlled substance, a law enforcement officer having custody of such person may, with the written consent of such person, request the city or county health officer, or physician appointed by such health officer pursuant to Section 11551, to administer to the arrested person a test to determine, by whatever means is available whether the arrested person is addicted to a controlled substance, and such health officer or physician may administer such test to such arrested person.

11553. The fact that a person is or has been, or is suspected of being, a user of marijuana is not alone sufficient grounds upon which to invoke Section 11551 or 11552.

This section shall not be construed to limit the discretion of a judge to invoke Section 11551 or 11552 if the court has reason to believe a person is or has been a user of narcotics or drugs other than marijuana.

11554. The rehabilitation of persons addicted to controlled substances and the prevention of continued addiction to controlled substances is a matter of statewide concern. It is the policy of the state to encourage each county and city and county to make use, whenever applicable, of testing procedures to determine addiction to controlled substances or the absence thereof, and to foster research in means of detecting the existence of addiction to controlled substances and in medical methods and procedures for that purpose.

11555. The Attorney General is directed to promote and sponsor the use by agencies of local government of the provisions of this article. The Attorney General may assist such agencies to establish facilities for, and to train personnel to conduct testing procedures pursuant to Section 11551, and may conduct demonstrations thereof for limited periods. For these purposes the Attorney General may procure such medical supplies, equipment, and temporary services of physicians and qualified consultants as may reasonably be necessary. Subject to the availability of funds appropriated for the purpose, the Attorney General may contract with any county or city and county which undertakes to establish facilities and a testing program pursuant to Section 11551, and such contract may provide for payment by the state of such costs of initially establishing and demonstrating such program as the Attorney General may approve.

Article 2. Controlled Substances Treatment Control Units

11560. The Department of Corrections and the Department of the Youth Authority are authorized to establish controlled substances treatment control units in state correctional facilities or training schools or as separate establishments for such study, research, and treatment as may be necessary for control of the addiction or imminent addiction to controlled substances of persons committed to the custody of the Director of Corrections or the Director of the Youth Authority.

11561. When the Adult Authority concludes that there are reasonable grounds for believing that a man on parole is addicted to, or is in imminent danger of addiction to, controlled substances it may issue an order to detain or place such person in a controlled substance treatment control unit for a period not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of Corrections to return to physical custody any such person. Detention pursuant to such order shall not be deemed a suspension, cancellation or revocation of parole until such time as the Adult Authority so orders pursuant to Section 3060 of the Penal Code. A parolee taken into physical custody pursuant to Section 3060 of the Penal Code may be detained in a controlled substance treatment control unit established pursuant to this article.

11562. When the Youth Authority concludes that there are reasonable grounds for believing that a person committed to its custody, and on parole, is addicted to, or is in imminent danger of addiction to, controlled substances, it may issue an order to detain or place such person in a controlled substance treatment control unit for not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of the Youth Authority to return to physical custody any such person. Detention pursuant to such order shall not be deemed a suspension, cancellation, or revocation of parole unless the Youth Authority so orders pursuant to Section 1767.3 of the Welfare and Institutions Code.

With the consent of the Director of Corrections, the Director of the Youth Authority may, pursuant to this section, confine the addicted or potentially addicted person, over 18 years of age, in a controlled substance treatment control unit established by the Department of Corrections.

11563. When the California Women's Board of Terms and Parole concludes that there are reasonable grounds for believing that a woman on parole is addicted to, or is in imminent danger of addiction to, controlled substances, it may issue an order to detain or place such person in a controlled substance treatment control unit for a period not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of Corrections to return to physical custody any such person. Detention pursuant to

such order shall not be deemed a suspension, cancellation or revocation of parole until such time as the board so orders pursuant to Section 3060 of the Penal Code. A parolee taken into physical custody pursuant to Section 3060, 6043, or 6044 of the Penal Code may be detained in a controlled substance treatment control unit established pursuant to this article.

11564. The authority granted to the Adult Authority and the Youth Authority in no way limits Sections 3060 and 3325 of the Penal Code.

Article 3. Abatement

11570. Every building or place used for the purpose of unlawfully selling, serving, storing, keeping, or giving away controlled substances as defined in this division, and every building or place wherein or upon which such acts take place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance.

11571. Whenever there is reason to believe that such a nuisance is kept, maintained or exists in any county, the district attorney of the county, in the name of the people, shall, or any citizen of the state resident in the county, in his own name, may, maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance.

11572. Unless filed by the district attorney, the complaint in the action shall be verified.

11573. If the existence of the nuisance is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of the nuisance.

11574. Except when it is granted on application of the people of the state, on granting the temporary writ the court or judge shall require a written undertaking on the part of the applicant, with sufficient sureties, to the effect that he will pay to the defendant enjoined such damages, not exceeding an amount to be specified, as the defendant sustains by reason of the injunction if the court finally decides that the applicant was not entitled to it.

11575. The action shall have precedence over all other actions, except criminal proceedings, election contests, hearings on injunctions, and actions to forfeit vehicles under this division.

11576. If the complaint is filed by a citizen it shall not be dismissed by him or for want of prosecution except upon a sworn statement made by him and his attorney, setting forth the reasons why the action should be dismissed, and by dismissal ordered by the court.

11577. In case of failure to prosecute the action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion,

may substitute any other citizen consenting thereto for the plaintiff.

11578. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for the action, the costs shall be taxed against him.

11579. If the existence of the nuisance is established in the action, an order of abatement shall be entered as part of the judgment in the case, and plaintiff's costs in the action are a lien upon the building or place. The lien is enforceable and collectible by execution issued by order of the court.

11580. A violation or disobedience of the injunction or order for abatement is punishable as a contempt of court by a fine of not less than two hundred dollars ($200) nor more than one thousand dollars ($1,000), or by imprisonment in the county jail for not less than one nor more than six months, or by both.

11581. If the existence of the nuisance is established in the action, an order of abatement shall be entered as a part of the judgment, which order shall direct the removal from the building or place of all fixtures, musical instruments, and other movable property used in conducting, maintaining, aiding, or abetting the nuisance and shall direct their sale in the manner provided for the sale of chattels under execution.

The order shall provide for the effectual closing of the building or place against its use for any purpose, and for keeping it closed for a period of one year, unless sooner released, as provided in this division.

11582. While the order of abatement remains in effect, the building or place is in the custody of the court.

11583. For removing and selling the movable property, the officer is entitled to charge and receive the same fees as he would for levying upon and selling like property on execution; and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

11584. The proceeds of the sale of the movable property shall be applied as follows:

First—To the fees and costs of the removal and sale.

Second—To the allowances and costs of closing and keeping closed the building or place.

Third—To the payment of the plaintiff's costs in the action.

Fourth—The balance, if any, to the owner of the property.

11585. If the proceeds of the sale of the movable property do not fully discharge all of the costs, fees, and allowances, the building and place shall then also be sold under execution issued upon the order of the court or judge and the proceeds of the sale shall be applied in like manner.

11586. If the owner of the building or place has not been guilty of any contempt of court in the proceedings, and appears and pays all costs, fees, and allowances that are a lien on the building or place and files a bond in the full value of the property, to be ascertained by the court, with sureties, to be approved by the court or judge,

conditioned that he will immediately abate any such nuisance that may exist at the building or place and prevent it from being established or kept thereat within a period of one year thereafter, the court, or judge may, if satisfied of his good faith, order the building or place to be delivered to the owner, and the order of abatement canceled so far as it may relate to the property.

The release of property under the provisions of this division does not release it from any judgment, lien, penalty, or liability to which it may be subject.

11587. Whenever the owner of a building or place upon which the act or acts constituting the contempt have been committed, or the owner of any interest therein, has been guilty of a contempt of court, and fined in any proceedings under this division, the fine is a lien upon the building or place to the extent of his interest in it.

The lien is enforceable and collectible by execution issued by order of the court.

Article 4. Registration of Controlled Substance Offenders

11590. (a) Any person who, on or after the effective date of this section, is convicted in the State of California of any offense defined in Section 11350, 11351, 11352, 11353, 11354, 11355, 11357, 11358, 11359, 11360, 11361, 11363, 11366, 11368, or 11550, or any person who is, on or after such date, discharged or paroled from a penal institution where he was confined because of the commission of any such offense, or any person who is, on or after such date, convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses, shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time, register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

(b) Any person who, on or after the effective date of this section is convicted in any federal court of any offense which, if committed or attempted in this state would have been punishable as one or more of the offenses enumerated in subdivision (a) shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time, register with the chief police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

(c) This section does not apply to a misdemeanor conviction under Section 11357, or a conviction under Section 11550 involving marijuana.

11591. Every sheriff or chief of police, upon the arrest for any of the controlled substance offenses enumerated in Section 11590, or

Section 11364, insofar as that section relates to paragraph (9) of subdivision (d) of Section 11054, of any school employee, shall do either of the following:

(1) If such school employee is a teacher in any of the public schools of this state, he shall immediately notify by telephone the superintendent of schools of the school district employing such teacher and shall immediately give written notice of the arrest to the State Department of Education and to the superintendent of schools in the county wherein such person is employed. Upon receipt of such notice, the county superintendent of schools shall immediately notify the governing board of the school district employing such person.

(2) If such school employee is a nonteacher in any of the public schools of this state, he shall immediately notify by telephone the superintendent of schools of the school district employing such nonteacher and shall immediately give written notice of the arrest to the governing board of the school district employing such person.

(3) If such school employee is a teacher in any private school of this state, he shall immediately notify by telephone the private school authority employing such teacher and shall immediately give written notice of the arrest to the private school authority employing such teacher.

11592. Any person who, on or after the effective date of this section is discharged or paroled from a jail, prison, school, road camp, or other institution where he was confined because of the commission or attempt to commit one of the offenses described in Section 11590 shall, prior to such discharge, parole, or release, be informed of his duty to register under that section by the official in charge of the place of confinement and the official shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The official in charge of the place of confinement shall obtain the address where the person expects to reside upon his discharge, parole, or release and shall report such address to the State Bureau of Criminal Identification and Investigation. The official in charge of the place of confinement shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

11593. Any person who, on or after the effective date of this section is convicted in the State of California of the commission or attempt to commit any of the above-mentioned offenses and who is released on probation or discharged upon payment of a fine shall, prior to such release or discharge, be informed of his duty to register under Section 11590 by the court in which he has been convicted and the court shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and

Investigation, stating that the duty of the person to register under this section has been explained to him. The court shall obtain the address where the person expects to reside upon his release or discharge and shall report within three days such address to the State Bureau of Criminal Identification and Investigation. The court shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

11594. The registration required by Section 11590 shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the State Bureau of Criminal Identification and Investigation, and (b) the fingerprints and photograph of such person. Within three days thereafter the registering law enforcement agency shall forward such statement, fingerprints and photograph to the State Bureau of Criminal Identification and Investigation.

If any person required to register hereunder changes his residence address he shall inform, in writing within 10 days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three days after receipt of such information, forward it to the State Bureau of Criminal Identification and Investigation. The State Bureau of Criminal Identification and Investigation shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

All registration requirements set forth in this article shall terminate five years after the discharge from prison, release from jail or termination of probation or parole of the person convicted. Nothing in this section shall be construed to conflict with the provisions of Section 1203.4 of the Penal Code concerning termination of probation and release from penalties and disabilities of probation.

Any person required to register under the provisions of this section who shall knowingly violate any of the provisions thereof is guilty of a misdemeanor.

The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

11595. The provisions of former Article 6 (commencing with Section 11850) of Chapter 7 of Division 10 of this code, which is repealed by the act that adds this article, including Section 11850 as amended by Chapter 796 of the Statutes of 1972, shall remain in effect as to any person who comes within such provisions.

Notwithstanding Section 9605 of the Government Code, the changes which are made in former Section 11850 by Chapter 796 of the Statutes of 1972 shall be effective and operative for the purposes of this section.

CHAPTER 11. EDUCATIONAL PROGRAMS

11600. The Attorney General, the Board of Pharmacy, and other agencies shall carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with these programs, he may do all of the following:

(a) Promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations.

(b) Assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances.

(c) Consult with interested groups and organizations to aid them in solving administrative and organizational problems.

(d) Assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances.

11601. The Attorney General shall encourage research on misuse and abuse of controlled substances. In connection with the research, and in furtherance of the enforcement of this division, he may do all of the following:

(a) Develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of this division.

(b) Enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting demonstrations or special projects which bear directly on misuse and abuse of controlled substances.

11602. The Attorney General may enter into contracts for educational and research activities without performance bonds.

11603. The Attorney General, with the approval of the Research Advisory Panel, may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

11604. The Attorney General, with the approval of the Research Advisory Panel, may authorize the possession and distribution of controlled substances by persons engaged in research. Persons who obtain this authorization are exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization.

CHAPTER 12. STATE OFFICE OF NARCOTICS AND DRUG ABUSE COORDINATION

11640. There is in the Health and Welfare Agency the State Office of Narcotics and Drug Abuse Coordination. This office shall be under the control of an executive officer known as the coordinator. The coordinator shall be appointed by, and hold office at the pleasure of, the Governor.

11641. The coordinator may appoint:

(a) An assistant coordinator.

(b) Such other employees as may be necessary for the proper discharge of the duties of his office.

11642. The duties of this state office are:

(a) To coordinate controlled substances abuse preventive and treatment programs.

(b) To be a central information resource on preventive and treatment programs and on research projects, with respect to controlled substances.

(c) To assist local community organizations in initiating effective programs to prevent and treat addiction to controlled substances and abuse thereof.

11643. This chapter shall not become operative if Senate Bill No. 714 of the 1972 Regular Session of the Legislature is enacted and becomes effective prior to the effective date of this chapter

CHAPTER 12. STATE OFFICE OF NARCOTICS AND DRUG ABUSE

11640. The Legislature hereby finds and declares that it is essential to the health and welfare of the people of this state that action be taken by state government to effectively and economically utilize federal and state funds for narcotic and drug abuse prevention, care, treatment and rehabilitation services. To achieve this, it is necessary that:

(a) Existing fragmented, uncoordinated, and duplicative narcotic and drug abuse programs be molded into a comprehensive and integrated statewide program for the prevention of narcotic and drug abuse and for the care, treatment, and rehabilitation of narcotic addicts and drug abusers.

(b) Responsibility and authority for planning programs and activities for prevention, care, treatment, and rehabilitation of narcotic addicts be concentrated in one agency. It is hereby declared to be the intent of the Legislature to assign responsibility and grant authority for planning narcotic and drug abuse prevention, care, treatment, and rehabilitation programs to a state agency whose functions shall be subject to periodic review by the Legislature and appropriate federal agencies.

11641. There is in the Health and Welfare Agency the State Office of Narcotics and Drug Abuse. This office shall be under the

control of an executive officer known as the director. The director shall be appointed by, and hold office at the pleasure of, the Governor.

11642. The director may appoint:

(a) An assistant director.

(b) Such other employees as may be necessary for the proper discharge of the duties of his office.

11643. The duties of the State Office of Narcotics and Drug Abuse are:

(a) To coordinate state and local narcotics and drug abuse preventive, care, treatment, and rehabilitation programs.

(b) Consult with state and local health planning bodies and encourage and promote effective use of facilities, resources, and funds in the development of integrated, comprehensive local programs for the prevention, care, treatment, and rehabilitation of narcotics and drug abuse.

(c) Develop and implement a comprehensive and uniform plan for the prevention, care, treatment, and rehabilitation of narcotics and drug abuse throughout the state.

(d) Consult with federal, state, and local agencies involved in the provision and delivery of services of prevention, care, treatment, and rehabilitation of narcotics and drug abuse.

(e) Provide technical assistance, guidance, and information to local governments and state agencies with respect to the creation and implementation of programs and procedures for dealing effectively with narcotics and drug abuse prevention, care, treatment, and rehabilitation.

(f) Establish goals and priorities for all state agencies providing narcotic and drug abuse services. All state governmental units operating drug programs or administering or subventing state or federal funds for drug programs shall annually set their program priorities and allocate funds in coordination with the State Office of Narcotics and Drug Abuse.

(g) Identify, in conjunction and cooperation with the Department of Finance, all funds made available to the state by the federal government, the state, public agencies, and other sources which can be used in the prevention, care, treatment, and rehabilitation of narcotics and drug abuse.

(h) In the same manner and subject to the same conditions as other state agencies, develop and submit annually to the Department of Finance a program budget for the statewide narcotics and drug abuse program, 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, incidental to the prevention, control, and treatment of narcotics and drug abuse. The office may require state departments to contract with it for services to carry out provisions of this division.

(i) To coordinate all narcotics and drug abuse services and related programs conducted by state agencies with the federal government,

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and shall ensure that there is no duplication of such programs among state agencies and that all agreements, contracts, plans, and programs proposed to be submitted by any such agency, other than the Regents of the University of California, to the federal government in relation to narcotics and drug abuse related problems shall first be submitted to the State Office of Narcotics and Drug Abuse for review and approval.

(j) To enter into such agreements and contracts with any person, agency, corporation, or other legal entity and such other actions as are necessary to carry out the purposes of this division. The office may require state departments to contract with it for services to carry out the provisions of this division.

(k) To accept and expend grants, gifts, and legacies of money, and with the consent of the Department of Finance, to accept, manage, and expend grants, gifts, and legacies of other properties in furtherance of the purposes of this division.

11644. This chapter shall become operative only if Senate Bill No. 714 of the 1972 Regular Session is enacted and becomes effective prior to the effective date of this chapter and in such case shall become operative on the effective date of this chapter.

CHAPTER 13. MISCELLANEOUS

11650. (a) Prosecution for any violation of law occurring prior to effective date of this division is not affected or abated by this division. If the offense being prosecuted is similar to one set out in Chapter 5 (commencing with Section 11350) of this division, then the penalties under Chapter 5 (commencing with Section 11350) apply if they are less than those under prior law.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to effective date of this division are not affected by this division.

(c) All administrative proceedings pending under prior laws which are superseded by this division shall be continued and brought to a final determination in accord with the laws and rules in effect prior to effective date of this division. Any substance controlled under prior law which is not listed within Schedules I through V, is automatically controlled without further proceedings and shall be listed in the appropriate schedule.

(d) This division applies to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings and investigations which occur on or after the effective date of this division.

11651. Any orders and regulations promulgated pursuant to any law affected by this division and in effect on the effective date of this division, not in conflict with it continue in effect until modified, superseded, or repealed.

SEC. 4. Division 10.5 (commencing with Section 11900) of the Health and Safety Code is repealed.

SEC. 5. Division 10.8 (commencing with Section 11940) of the Health and Safety Code is repealed.

SEC. 6. Division 10.9 (commencing with Section 11990) of the Health and Safety Code is repealed.

SEC. 7. Section 11217 is added to the Health and Safety Code, to read:

SEC. 8. Section 1803 of the Vehicle Code is amended to read:

1803. (a) Every clerk of a court, or judge if there be no clerk, in which a person was convicted of any violation of this code, and of any offense involving use or possession of narcotic controlled substances under Division 10 (commencing with Section 11000) of the Health and Safety Code, and of any violation of any other statute relating to the safe operation of vehicles, and of any offense relating to littering under Section 13002 of the Health and Safety Code or Section 374b or 374e of the Penal Code or punishable under Section 5008.7 of the Public Resources Code shall prepare within 10 days after conviction and immediately forward to the department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted which abstract must be certified by the person so required to prepare the same to be true and correct.

For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

(b) The following violations are not required to be reported under subdivision (a) of this section:

(1) Division 3.5 (commencing with Section 9840).

(2) Chapter 9 (commencing with Section 22500) of Division 11.

(3) Division 12 (commencing with Section 24000), except Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103, Chapter 3 (commencing with Section 26301), 26707, 27800, and 27801.

(4) Division 15 (commencing with Section 35000), except Chapter 5 (commencing with Section 35550).

(5) Violations for which a person was cited as a pedestrian or while operating a bicycle.

(c) If the court impounds a license or orders a person to limit his driving pursuant to subdivision (c) of Section 40508, the court shall notify the department concerning the impoundment or limitation on an abstract prepared pursuant to subdivision (a) of this section or on a separate abstract, which shall be prepared within 10 days after the impoundment or limitation was ordered and immediately forwarded to the department at its office in Sacramento.

SEC. 9. Section 12806 of the Vehicle Code is amended to read:

12806. (a) Any physical or mental defect of the applicant which in the opinion of the department does not affect the applicant's ability to exercise reasonable and ordinary control in operating a motor vehicle upon the highway shall not prevent the issuance of a license to the applicant.

(b) An applicant addicted to the use of narcotic drugs who is participating in a methadone maintenance program approved

pursuant to Section 11482 of the Health and Safety Code may be issued a license subject to reasonable terms and conditions of probation if such drug usage does not affect the applicant's ability to exercise reasonable and ordinary control in operating a motor vehicle upon the highway.

(c) Any suspension or revocation by a state which is not a party to the Driver License Compact provided for in Chapter 6 (commencing with Section 15000) of Division 6 shall not prevent the issuance of a license to the applicant if in the opinion of the department it will be safe to issue such license.

SEC. 10. Section 12809 of the Vehicle Code is amended to read:

12809. The department may refuse to issue or renew a driver's license to any person:

(a) If the department is satisfied that the applicant is not entitled to the license under this code.

(b) If the applicant has failed to furnish the department the information required in the application or reasonable additional information requested by the department.

(c) If the department determines that the applicant has made or permitted unlawful use of any driver's license.

(d) If the department determines that such person has knowingly used a false or fictitious name in any application for a license or has impersonated another in making application or in taking any test, or has knowingly made a false statement or knowingly concealed a material fact, or otherwise committed any fraud in any such application.

(e) If the department determines that the applicant is a negligent or incompetent operator of a motor vehicle.

(f) If the applicant is convicted of any offense involving the use or possession of a narcotic controlled substance under Division 10 (commencing with Section 11000) of the Health and Safety Code.

(g) If the applicant fails or refuses to surrender to the department, upon its lawful demand, a nonresident minor's certificate which has been canceled.

SEC. 11. Section 13202 of the Vehicle Code is amended to read:

13202. (a) A court may suspend or order that the department revoke in which case the department shall revoke the privilege of any person to operate a motor vehicle upon conviction of any narcotic controlled substance offense as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code when the use of a motor vehicle was involved in, or incidental to, the commission of the offense.

(b) A court shall order that the department revoke and the department shall revoke the privilege of any person to operate a motor vehicle upon conviction of a violation of Section 11350, 11351, 11352, 11353, 11357, 11359, 11360, or 11361 of the Health and Safety Code when a motor vehicle was involved in, or incidental to, the commission of such offense.

(c) The period of time for suspension or the period after

revocation during which the person may not apply for a license shall be determined by the court.

SEC. 12. 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) 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 11482 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. 13. Section 13800 of the Vehicle Code is amended to read:

13800. The department may conduct an investigation to determine whether the privilege of any person to operate a motor vehicle should be suspended or revoked or whether terms or conditions of probation should be imposed upon receiving information or upon a showing by its records:

(a) That the licensee has been involved as a driver in any accident causing death or personal injury or serious damage to property.

(b) That the licensee has been involved in three or more accidents within a period of 12 consecutive months.

(c) That the licensee is a reckless, negligent, or incompetent driver of a motor vehicle.

(d) That the licensee has permitted an unlawful or fraudulent use of his driver's license.

(e) That any ground exists for which a license might be refused.

The receipt by the department of an abstract of the record of conviction of any offense involving the use or possession of narcotic controlled substances under Division 10 (commencing with Section 11000) of the Health and Safety Code shall be a sufficient basis for an investigation by the department to determine whether grounds exist for which a license might be refused.

CHAPTER 1408

An act to amend Sections 29530, 29532, and 29533 of the Government Code, to amend Sections 29140 5, 99207, 99208, 99209, 99241, 99242, 99266, 99267, 99280, 99282, 99283, 99284, 99305, 99400, and 99405 of, to amend the heading of Article 5 (commencing with Section 99280) of Chapter 4 of Part 11 of Division 10 of, to amend and renumber Sections 99240, 99285, 99301, and 99303 of, to add

Sections 99203, 99210, 99211, 99230, 99231, 99232, 99235, 99260, 99261, 99262, 99268, 99269, 99285, 99286, 99401, 99402, and 99406 to, and to repeal Sections 99202, 99203, 99210, 99211, 99260, 99262, 99264, 99268, 99269, 99270, 99271, 99272, 99273, 99274, 99275, 99300, 99304, 99401, 99402, 99403, 99404, 99406, and 99407 of, the Public Utilities Code, to amend Sections 6052.5, 6357, 7102, 7204.5, 7264, and 8101.5 of, and to add Sections 6357.1, 6357.2, 7204.4, 7204.6, and 7264.1 to, the Revenue and Taxation Code, relating to public transportation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 27, 1972. Filed with Secretary of State December 27, 1972.]

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

SECTION 1. Section 29530 of the Government Code is amended to read:

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 services of the State Board of Equalization in administering the sales and use tax ordinance related to the rate in excess of 1 percent and of the Secretary of the Business and Transportation Agency in administering the responsibilities assigned to him in Chapter 4 (commencing with Section 99200), Part 11, Division 10 of the Public Utilities Code.

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.

SEC. 2. Section 29532 of the Government Code is amended to read:

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 transportation planning agencies designated by the Secretary of the Business and Transportation Agency as follows:

(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 29536 to form a local transportation commission, such local

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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.

SEC. 3. Section 29533 of the Government Code is amended to read:

29533. In the event that any allocation, 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 transportation planning agency designated in Section 29532, 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 transportation planning agency designated in Section 29532, be paid from the transportation fund

SEC. 4. Section 29140.5 of the Public Utilities Code is amended to read:

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

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

This section shall not apply to funds received by the district pursuant to Chapter 4 (commencing with Section 99200) of Part 11 of this division for the procurement of rolling stock, the purpose of extensions of the approximately 75-mile system referred to in Section 29142, or any purpose other than the completion of such system.

SEC. 5. Section 99202 of the Public Utilities Code is repealed.

SEC. 6. Section 99203 of the Public Utilities Code is repealed.

SEC. 7. Section 99203 is added to the Public Utilities Code, to read:

99203. "Claimant" or any derivative term, such as "applicant," means an operator, city, or county.

SEC. 8. Section 99207 of the Public Utilities Code is amended to read:

99207. "Included municipal operator" means a city or county, including any nonprofit corporation or other legal entity wholly owned or controlled by the city or county, which has operated continuously a public transportation system since at least January 1, 1971, and which is included, in whole or in part, within a transit district.

SEC. 9. Section 99208 of the Public Utilities Code is amended to read:

99208. "Included transit district" means any of the following which has operated a public transportation system since at least January 1, 1971:

(a) A transit district whose boundaries are contained entirely within those of a larger transit district.

(b) A district organized pursuant to Part 3 (commencing with Section 27000) of Division 16 of the Streets and Highways Code.

SEC. 10. Section 99209 of the Public Utilities Code is amended to read:

99209. "Municipal operator 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, or which on July 1, 1972, financially supported, in whole or in part, a privately owned public transportation system, and which is not included, in whole or in part, within an existing transit district.

SEC. 11. Section 99210 of the Public Utilities Code is repealed.

SEC. 12. Section 99210 is added to the Public Utilities Code, to read:

99210. "Operator" means any transit district, included transit district, municipal operator, or included municipal operator.

SEC. 13. Section 99211 of the Public Utilities Code is repealed.

SEC. 14. Section 99211 is added to the Public Utilities Code, to read:

99211. "Public transportation system" means any system of an operator which provides transportation services to the general public by any vehicle which operates on land or water, regardless of whether operated separated from or in conjunction with other vehicles.

SEC. 15. Section 99230 is added to the Public Utilities Code, immediately following the heading of Article 3 (commencing with Section 99240) of Chapter 4 of Part 11 of Division 10, to read:

99230. The designated transportation planning agency shall, from an analysis and evaluation of the total amount anticipated to be available in the local transportation fund and the relative needs of each claimant for the purposes for which the fund is intended, and consistent with the provisions of this chapter, annually determine the

SEC. 16. Section 99231 is added to the Public Utilities Code, to read:

99231. All operators and city or county governments with responsibility for providing municipal services to a given area collectively may file claims for only such moneys as represents that area's apportionment.

The term "apportionment" has reference to that proportion of the total annual revenue anticipated to be received in the fund that the population of the area bears to the total population of the county. With reference to a transit district or an included transit district, the term "area" includes the entire area stated in its enabling legislation or franchise, excluding cities therein which have retained the right to join the district at some later date, but including all of that area within one-half mile of any route which extends beyond its boundaries and all of the corporate area of any city to which the transit district provides service pursuant to contract or prior express authority of the secretary. With reference to a county government, "area" includes only that portion which is unincorporated.

The transportation planning agency may rely in its determination of populations on estimates which are used by the State Controller for distributing money to cities under Section 2107 of the Streets and Highways Code and to counties under Section 11005 of the Revenue and Taxation Code, and may contract with the Department of Finance or other appropriate state agency for an annual determination of such population estimates as may be necessary.

SEC. 17. Section 99232 is added to the Public Utilities Code, to read:

99232. 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 amount representing the apportionments of the areas of all operators shall be available solely for claims for Article 4 (commencing with Section 99260) purposes, and any such moneys not allocated in any year shall be available for such claims in subsequent years.

SEC. 18. Section 99235 is added to the Public Utilities Code, to read:

99235. Upon having determined the allocation of each claimant on the fund, the transportation planning agency shall convey such information to each claimant and the county auditor, together with one allocation instruction for each claimant advising the auditor as to the time and the nature of payment.

Such instruction may call for a single payment, for payment as moneys become available, or for payment by installments monthly, quarterly, or otherwise. The allocation and instruction may be rescinded and revised by the transportation planning agency only under one of the following circumstances:

(a) An appeal has been filed.

(b) The claimant is found to be spending, or unless enjoined to be about to spend, moneys otherwise than in accordance with the terms

of the allocation.

(c) An adjustment is proved to be necessary to reconcile the estimates on which the allocation was based with the actual figures when these are available.

(d) The financial needs of the claimant differ from those at the time of the allocation due to changed circumstances.

SEC. 19. Section 99240 of the Public Utilities Code is amended and renumbered to read:

99233. The fund shall be allocated by the designated transportation planning agency in accordance with the following priorities:

(a) First, there shall be allocated to the county such sums as are necessary for the county to administer this chapter.

(b) Thereafter there shall be allocated to the transportation planning agency such sums as are necesssary to administer this chapter.

(c) Thereafter there shall be allocated to the transportation planning agency, if it is statutorily created, or is serving as the California representation to an agency created by interstate compact, such sums as it may approve up to 3 percent of annual revenues for the conduct of the transportation planning process, unless a greater amount is approved by the secretary.

(d) Thereafter there shall be allocated to operators such moneys as are approved by the transportation planning agency for claims presented pursuant to Article 4 (commencing with Section 99260) of this chapter.

(e) Thereafter there shall be allocated to cities and counties such moneys as are approved by the transportation planning agency for claims presented pursuant to Article 8 (commencing with Section 99400) of this chapter.

SEC. 20. Section 99241 of the Public Utilities Code is amended to read:

99241. Except for allocations made for purposes of subdivision (a) of Section 99400, which shall be subject to the rules and regulations adopted by the transportation planning agency, all matters necessary and convenient to the implementation of this chapter shall be subject to rules and regulations, consistent with statute, adopted 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 specify the procedures by which evaluation and review by the transportation planning agency of public transportation claims shall be accomplished, and shall require submission of corresponding budgets or financial plans, certified financial statements, and other information required in connection therewith. The rules and regulations shall provide for the orderly and periodic distribution of moneys in the fund so that the areas served by the operator will be provided public transportation services on a continuing basis and so that there will be an orderly improvement

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and maintenance of the system of the operator. The rules and regulations shall provide for the approval of sufficient moneys from the local 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 operator's passenger fares and charges, the efficiency of the operator's operations and operating policies and practices, the extent to which the operator is meeting the transportation needs of the area served, and the extent to which the operator is making full use of other available revenues and funds, including federal transportation grants.

SEC. 20.5. Section 99242 of the Public Utilities Code is amended to read:

99242. In the event that a claimant 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 claimant and the transportation planning agency. The secretary shall notify the involved parties of his findings, which shall be a final settlement of the issue.

SEC. 21. Section 99260 of the Public Utilities Code is repealed.

SEC. 22. Section 99260 is added to the Public Utilities Code, to read:

99260. Claims may be filed with the transportation planning agency by operators under this article for the following purposes:

(a) The support of public transportation systems.

(b) Aid to public transportation research and demonstration projects.

SEC. 23. Section 99261 is added to the Public Utilities Code, to read:

99261. The transportation planning agency may adopt rules and regulations supplemental to and consistent with those of the secretary further delineating procedures for the submission of such claims and stating criteria by which they will be analyzed and evaluated.

Such criteria may include a statement of intent to disallow any portion of an operator's claim which calls for moneys to finance unreasonable or arbitrary increases in executive level salaries based on consideration of executive level salaries in other public agencies and in the public transportation industry, both nationally and within the state.

To the extent necessary to perform its duties under this article, the transportation planning agency shall have full access to the books, records, and accounts of claimant operators.

SEC. 24. Section 99262 of the Public Utilities Code is repealed.

SEC. 25. Section 99262 is added to the Public Utilities Code, to read:

99262. Claims for public transportation systems may include

claims for money for all purposes necessary and convenient to the development and operation of the system, including planning and contributions to the transportation planning process, acquisition of real property, construction of facilities and buildings, purchase and replacement of vehicles, and system operation, maintenance, and repair, payment for any of which purposes may take the form of direct expenditures or payment of principal and interest on equipment trust certificates, bonded or other indebtedness, or any amounts in accomplishment of a defeasance of any outstanding revenue bond indenture.

SEC. 26. Section 99264 of the Public Utilities Code is repealed.

SEC. 27. Section 99266 of the Public Utilities Code is amended to read:

99266. No moneys may be allocated to an operator whose claim includes funds for an 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, unless the operator's claim is accompanied by statements, reports, and such other supporting data as may be reasonably required to substantiate such change.

SEC. 28. Section 99267 of the Public Utilities Code is amended to read:

99267. Except for a transit district or a municipal operator during its first five years of existence, if it did not operate a public transportation system prior to July 1, 1972, at least 75 percent of 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 operator may file an application with the secretary for a temporary waiver which, if granted, shall authorize funds otherwise restricted for capital expenditures to be used for other more urgent purposes. 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.

SEC. 29. Section 99268 of the Public Utilities Code is repealed.

SEC. 30. Section 99268 is added to the Public Utilities Code, to read:

99268. Except for a transit district or a municipal operator during its first five years of its existence, if it did not operate a public transportation system prior to July 1, 1972, the expenditure of the funds received under this article by an operator may in no year exceed 50 percent of the amount required to meet operating, maintenance, and capital and debt service requirements of the system after deduction therefrom of approved federal grants estimated to be received. Notwithstanding the 50-percent limitation, the amount budgeted for capital requirements in any year or other period up to five years, less the amount of federal and other state funds granted or approved therefor, may be allocated and expended for capital improvements to a grade-separated mass transit system, if construction of such facilities has been found to be not inconsistent with the regional transportation plan of the transportation planning agency. Within such five-year period, the transportation planning agency may order the amount of the allocation in any year to be set aside and accumulated for accomplishment of the particular project.

SEC. 31. Section 99269 of the Public Utilities Code is repealed.

SEC. 32. Section 99269 is added to the Public Utilities Code, to read:

99269. No money shall be allocated from the fund nor expended by any operator which evidences a reduction in money made available and expended for public transportation systems from all local sources, except from fares and except revenues received from the Transit District Public Transportation Improvement Fund established by Article 1.5 (commencing with Section 37010), Part 17, Division 2 of the Revenue and Taxation Code, below the average of such funding for the five fiscal years next preceding July 1, 1972.

SEC. 33. Section 99270 of the Public Utilities Code is repealed.

SEC. 33.2. Section 99271 of the Public Utilities Code is repealed.

SEC. 34. Section 99272 of the Public Utilities Code is repealed.

SEC. 35. Section 99273 of the Public Utilities Code is repealed.

SEC. 36. Section 99274 of the Public Utilities Code is repealed.

SEC. 37. Section 99275 of the Public Utilities Code is repealed.

SEC. 38. The heading of Article 5 (commencing with Section 99280) of Chapter 4 of Part 11 of Division 10 of the Public Utilities Code is amended to read:

Article 5. Relationships Between Operators

SEC. 39. Section 99280 of the Public Utilities Code is amended to read:

99280. An included municipal operator 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 operator that the transit district does not intend to add or extend the routes in question itself, in which case the included municipal operator may proceed with implementation of its plans; or (b) serve immediate notice upon the included municipal operator 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 operator for initiation of such service.

The operation by included municipal operators 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 operator. 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 operator which previously provided the service. Subsequent to the abandonment by the transit district, the included municipal operator may, at its option, resume service if it is not otherwise precluded from doing so.

Any included municipal operator, 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 operator, 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 operator shall give the transit district an appropriate 60-day notice.

SEC. 40. Section 99282 of the Public Utilities Code is amended to read:

99282 All operators 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.

SEC. 41. Section 99283 of the Public Utilities Code is amended to read:

99283. The consent of a transit district to the operation of a public transportation system by an included municipal operator 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 operator 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.

SEC. 42. Section 99284 of the Public Utilities Code is amended to read:

99284. The violation by a transit district or an included municipal operator of any provisions of this article, or of any agreement between them with regard to providing public transportation services, shall disqualify the violator 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 transportation claim of such violator until it determines that such violation has ceased.

SEC. 42.5. Section 99285 of the Public Utilities Code is amended and renumbered to read:

99299. 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.

SEC. 43. Section 99285 is added to the Public Utilities Code, to read:

99285. Notwithstanding Section 99231, the maximum allocation to which operators within a county with a population in excess of 6,000,000 according to the last federal decennial census may be entitled shall be determined as follows:

(a) For a transit district, the apportionment representing its area less the allocations to all included municipal operators.

(b) For each included municipal operator, the ratio of its public transit service mileage within the area of the transit district to the total of all public transit service mileage of all operators within the area of the transit district times the transit district's apportionment.

Such transit district may at any time during or following a given fiscal year file a claim for an increased amount whenever the apportionment is increased for any reason.

SEC. 44. Section 99286 is added to the Public Utilities Code, to read:

99286. Notwithstanding any other provision of law, no operator may plan or establish a public transportation system by adding or extending routes, by acquisition or otherwise, into the area of a

contiguous transit district, nor may moneys be allocated from the fund of the county where such addition or extension is contemplated for such purposes, without the consent of the affected transit district.

SEC. 45. Section 99300 of the Public Utilities Code is repealed.

SEC. 46. Section 99301 of the Public Utilities Code is amended and renumbered to read:

99288. (a) Any city, county, or transit district may enter into a contract with any operator, except with an included municipal operator unless specifically approved by the governing body of the transit district in whose area the included municipal operator is located, for such operator to provide public transportation service in such city, county, or transit district. In such a case, the operator providing such service may include the claim of the city, county, or transit district, as the case may be, with its claim.

(b) With the prior express authorization of the secretary, a transit district may include in its claim a proportional amount for regularly scheduled services outside its boundaries even though the contract specified in subdivision (a) has not been executed.

SEC. 47. Section 99303 of the Public Utilities Code is amended and renumbered to read:

99287. (a) No provision of this article 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.

(b) Notwithstanding subdivision (a) or the limitations of Section 99231, 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 coterminous 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.

SEC. 48. Section 99304 of the Public Utilities Code is repealed.

SEC. 49. Section 99305 of the Public Utilities Code is amended to read:

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 Transportation Planning and Research Account, which is hereby created in the State Transportation Fund, 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.

SEC. 50. Section 99400 of the Public Utilities Code is amended to read:

99400. Claims may be filed with the transportation planning agency by cities and counties under this article for the following purposes:

(a) Local streets and roads, including facilities provided for the exclusive use by pedestrians and bicycles.

(b) Payments to the National Railroad Passenger Corporation for passenger rail service under Section 403(b) of the Federal Rail Passenger Service Act.

SEC. 51. Section 99401 of the Public Utilities Code is repealed.

SEC. 52. Section 99401 is added to the Public Utilities Code, to read:

99401. The transportation planning agency shall adopt rules and regulations delineating procedures for the submission of claims under subdivision (a) of Section 99400 and stating criteria by which they will be analyzed and evaluated. Such rules and regulations shall provide for orderly and periodic distributions of moneys, but shall not serve to reduce the amounts of moneys from funds available for the purposes stated in Article 4 (commencing with Section 99260) of this chapter.

To the extent necessary to perform its duties under this article, the transportation planning agency shall have full access to the books, records, and accounts of the claimant cities and counties.

SEC. 53. Section 99402 of the Public Utilities Code is repealed.

SEC. 54. Section 99402 is added to the Public Utilities Code, to read:

99402. Claims for streets and roads may include those purposes necessary and convenient to the development and construction of the city or county's streets and highways network, including planning and contributions to the transportation planning process, acquisition of real property, and construction of facilities and buildings.

SEC. 55. Section 99403 of the Public Utilities Code is repealed.

SEC. 56. Section 99404 of the Public Utilities Code is repealed.

SEC. 57. Section 99405 of the Public Utilities Code is amended to read:

99405. (a) The allocation may in no year exceed 50 percent of the amount required to meet the city's or county's total proposed expenditures for the purposes specified in Section 99400.

(b) With respect to budgeted capital requirements for major new facilities, the transportation planning agency, notwithstanding the 50-percent limitation, may allocate up to the amount so budgeted, if the construction of such facilities has been found to be not inconsistent with the transportation planning agency's regional transportation plan.

SEC. 58. Section 99406 of the Public Utilities Code is repealed.

SEC. 59. Section 99406 is added to the Public Utilities Code, to read:

99406. Expenditures of moneys received for streets and highways purposes under this article shall be reported to the State Controller by way of inclusion of such information in the report prepared pursuant to Chapter 4 (commencing with Section 2150) of Division 3 of the Streets and Highways Code.

SEC. 60. Section 99407 of the Public Utilities Code is repealed.

SEC. 61. 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 4¼-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

Price	Tax
.01– .12	.00
.13– .37	.01
.38– .64	.02
.65– .93	.03

4 percent

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

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		5½ percent	
Price	Tax	Price	Tax
.01– .10	.00	.01– .10	.00
.11– .26	.01	.11– .25	.01
.27– .45	.02	.26– .45	.02
.46– .65	.03	.46– .62	.03
.66– .84	.04	.63– .79	.04
.85–1.03	.05	.80– .97	.05
1.04–1.20	.06	.98–1.15	.06

The remainder of the schedules at the 3¾-percent rate, at the 4-percent rate, at the 4¼-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. 62. 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 used in propelling aircraft, except aircraft jet fuel, the distributions of which in this state are subject to the tax imposed by Part 2 (commencing with Section 7301) of this division and not subject to refund.

SEC. 63. Section 6357.1 is added to the Revenue and Taxation Code, to read:

6357.1. 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 subject to tax and refund under Part 2 (commencing with Section 7301) of this division, unless

the claimant establishes to the satisfaction of the Controller that the claimant paid sales tax reimbursement pursuant to Section 6052 or use tax measured by the sale price of the fuel to him. 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 to the Retail Sales Tax Fund.

SEC. 64. Section 6357.2 is added to the Revenue and Taxation Code, to read:

6357.2. If the claimant establishes to the satisfaction of the Controller that he has paid sales tax reimbursement pursuant to Section 6052, or use tax measured by the sale price of the fuel to him, including the amount of tax imposed by Part 2 (commencing with Section 7301) of this division, the Controller shall repay to the claimant the amount of sales tax reimbursement or use tax paid with respect to the amount of the motor vehicle fuel license tax refunded. If the buyer receives a refund under this section, no refund shall be made to the seller.

SEC. 65. 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, shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, for each fiscal year, commencing with the fiscal year 1972–1973. The estimate shall be made as soon as practicable after the close of each fiscal year, and the amount so estimated shall be transferred to the Transportation Planning and Research Account in the State Transportation Fund.

(b) The balance shall be transferred to the General Fund.

SEC. 66. Section 7204.4 is added to the Revenue and Taxation Code, to read:

7204.4. The Secretary of the Business and Transportation Agency shall charge, as the cost of his services in administering the responsibilities assigned to him in Chapter 4 (commencing with Section 99200) of Part 11 of Division 10 of the Public Utilities Code, one hundred five thousand dollars ($105,000) for the 1972–1973 fiscal year. Amounts to be charged in subsequent fiscal years shall be specified in the Budget Act. Such amounts shall be deducted from the taxes collected by the board for the counties and the cities and counties, and shall be transmitted to the secretary.

SEC. 67. 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 which are subject to tax and refund pursuant to Part 2 (commencing with Section 7301) of this division, unless the claimant establishes to the satisfaction of the Controller that the claimant has paid local sales tax reimbursement or use tax measured by the sale price of the fuel to him.

SEC. 68. Section 7204.6 is added to the Revenue and Taxation Code, to read:

7204.6. If the claimant establishes to the satisfaction of the Controller that he has paid local sales tax reimbursement or use tax measured by the sale price of the fuel to him, including the amount of the tax imposed by Part 2 (commencing with Section 7301) of this division, the Controller shall repay to the claimant the amount of local sales tax reimbursement or local use tax paid with respect to the amount of the motor vehicle fuel license tax refunded. If the buyer receives a refund under this section, no refund shall be made to the seller.

SEC. 69. 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 which are subject to tax and refund pursuant to Part 2 (commencing with Section 7301) of this division, unless the claimant establishes to the satisfaction of the Controller that the claimant has paid local sales tax reimbursement or use tax measured by the sale price of the fuel to him.

SEC. 70. Section 7264.1 is added to the Revenue and Taxation Code, to read:

7264.1. If the claimant establishes to the satisfaction of the Controller that he has paid transactions tax reimbursement or district use tax measured by the sale price of the fuel to him, including the amount of the tax imposed by Part 2 (commencing with Section 7301) of this division, the Controller shall repay to the claimant the amount of transactions tax reimbursement or use tax paid with respect to the amount of the motor vehicle fuel license tax refunded. If the buyer receives a refund under this section, no refund shall be made to the seller.

SEC. 71. 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 6357.1 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. 72. This act is an urgency statute necessary for the immediate preservation of the public peace, 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 Controller may, in all instances, collect a sales tax when a refund is made of a tax imposed under the Motor Vehicle Fuel License Tax Law and to make a refund of the sales tax imposed on that amount refunded under such law, it is necessary that this act take effect immediately.

CHAPTER 1409

An act to amend Section 9360.7 of, and to add Article 8 (commencing with Section 9371) to Chapter 3.5 of Part 1 of Division 2 of Title 2 of, the Government Code, relating to the Legislators' Retirement System.

[Approved by Governor December 27, 1972 Filed with Secretary of State December 27, 1972.]

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

SECTION 1. Section 9360.7 of the Government Code is amended to read:

9360.7. Any Member of the Senate or Assembly who after the effective date of this section retires for service or disability shall receive the retirement allowance provided by this chapter unmodified by any optional settlement elected pursuant to Article 7 (commencing with Section 9361) of this chapter.

The surviving spouse of such a member who dies after retirement may elect to receive an allowance under this section. Any surviving spouse making such election shall receive an allowance equal to one-half of the retirement allowance, unmodified by any optional settlement which would be payable to the member were he living and retired under this chapter.

The surviving spouse of a member who is a Member of the Senate or Assembly and who dies before retirement but after becoming eligible for retirement may elect to receive an allowance under this section. Any surviving spouse making such election shall receive an allowance equal to one-half of the amount of the retirement allowance, unmodified by any optional settlement, that would be payable to the member were he living and retired under this chapter. This paragraph shall also apply to the surviving spouse of any Member of the Senate or Assembly who dies before becoming eligible to retire and who would have been eligible to retire under the provisions of Section 9359.01 of this code had he chosen not to run following the reapportionment of his district.

The election provided for in this section shall be made by a writing filed with the board within 60 days after the death of the member.

The allowance to a surviving spouse provided by this section is payable commencing upon the death of the member and continuing until the death or remarriage of the surviving spouse. If pursuant to this section, an allowance is paid to a surviving spouse, no payment shall be made pursuant to Section 9359.8 or pursuant to Article 7 (commencing with Section 9361) of this chapter.

The provisions of this section shall be applicable to the surviving spouse of any Member of the Senate or Assembly who was credited with 20 or more years of service at the time of his retirement and regardless of the date of retirement.

SEC. 2. Article 8 (commencing with Section 9371) is added to Chapter 3.5 of Part 1 of Division 2 of Title 2 of the Government Code, to read:

Article 8. Survivor's Allowances

9371. This article shall apply to members who elect to be subject to its provisions and shall not apply to any member while his services are included in the federal social security system.

An election pursuant to this section shall be in writing and shall be effective only when received in the office of the board. The board may on the request of any member who elects to be subject to this article, cancel such election if it finds that the election was made because of the member's mistake or misunderstandings and that the member has acted diligently in making such request. Such cancellation shall be effective as of the first day of the month following the board's action canceling the election.

9372. "Survivor allowance" means the allowance provided for in Section 9374.

9373. "Disability," "disabled" or "incapacitated" means, with respect to qualification for a survivor allowance, inability to engage in any substantial gainful occupation by reason of any physical or mental impairment which is determined on the basis of competent medical opinion secured by the board, to be of permanent or extended and uncertain duration.

9374. Upon the death of a member before retirement (a) the surviving wife or surviving 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 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 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

9375. For the purposes of Section 9374, a person shall be considered to be under the age of 18 if he is under the age of 22 and a full-time student.

9376. When the survivor is entitled to receive a monthly allowance as a death benefit provided by any other provision of this chapter and at the same time is entitled to receive a survivor allowance, the survivor allowance payable in any month shall be reduced by the amount of such other allowance or benefit.

9377. The rate of contribution of a member subject to this article shall include in addition to his normal rate, two dollars ($2) per month. Such contributions shall not become a part of a member's accumulated contributions or be treated or administered as normal contributions and shall not be refundable to a member under any circumstances. Such contributions shall be available only for payment of survivors' allowances under this article.

Contributions shall begin on the first of the month or the payroll period following the filing of an election to be subject to this article.

9378. A person who in any month is an eligible survivor of more than one member, shall receive only one allowance under this article, such allowance to be the largest of the monthly allowances to which he would otherwise be entitled.

CHAPTER 1410

An act to amend Sections 985, 986.3, 986.5, 987, 987.6 and 987.17 of, and to add Sections 986.31 and 987.17a to, the Military and Veterans Code, relating to veterans.

[Approved by Governor December 27, 1972 Filed with Secretary of State December 27, 1972]

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

SECTION 1. It is the intent of the Legislature in enacting this act to expand the availability of benefits to eligible California veterans of the Vietnam Conflict under the Veterans' Farm and Home Purchase Act of 1943 by permitting the use of matching funds from commercial lending sources. The Legislature recognizes that state bond funds are in short supply, thus limiting "Cal-Vet" loan opportunities while demand therefor increases. The Legislature further recognizes that "Cal-Vet" financing may be augmented at loan rates of 5 percent or less, by the use of low interest conventional mortgage money created through improved general economic conditions.

SEC. 2. Section 985 of the Military and Veterans Code, as amended by Chapter 438 of the Statutes of 1971, is amended to read:

985. Definitions.

(a) "Farm" means a tract of land, which, in the opinion of the department, is capable of producing sufficient to provide a living for the purchaser and his dependents.

(b) "Home" means a parcel of real estate upon which there is a dwelling house and such other buildings as will, in the opinion of the department, suit the needs of the purchaser and his dependents as a place of abode. It includes a "condominium," as defined in subdivision (h) of this section. It also includes a "mobilehome" as defined in subdivision (k) of this section.

(c) "Purchaser" means a veteran or any person who has entered into a contract of purchase of a farm or home from the department.

(d) "Purchase price" means the price which the department pays for any farm or home.

(e) "Selling price" means the price for which the department sells any farm or home.

(f) "Initial payment" means the first payment to be made by a purchaser to the department for a farm or home.

(g) As used in this article, "progress payment plan" means payment by the department for improvements on real property in installments as work progresses.

(h) As used in this article, "condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential building on such real property, such as an apartment, which, in the opinion of the department, suits the needs of the purchaser and his dependents as a place of abode. A condominium may include in addition a separate interest in other portions of such real property.

(i) "Effective rate of interest" means the average interest rate of the interest on the unpaid balance due on a participation contract to which the interest of the department is subject and the interest rate on the unpaid balance of the purchase price, as determined by the department.

(j) "Participation contract" means an obligation secured by a deed of trust or mortgage, or other security interest established pursuant to regulations of the department.

(k) As used in this article, "mobilehome" means either a parcel of real estate, or an undivided interest in common in a portion of a parcel of real property, on which is situate a mobilehome as will, in the opinion of the department, suit the needs of the purchaser and his dependents as a place of abode and meets all requirements of local governmental jurisdictions.

SEC. 2.5. Section 985 of the Military and Veterans Code is amended to read:

985. Definitions.

(a) "Farm" means a tract of land, which, in the opinion of the department, is capable of producing sufficient to provide a living for the purchaser and his dependents.

(b) "Home" means a parcel of real estate upon which there is a dwelling house and such other buildings as will, in the opinion of the department, suit the needs of the purchaser and his dependents as a place of abode. It includes a "condominium," as defined in subdivision (h) of this section. It also includes a "mobilehome" as defined in subdivision (k) of this section.

(c) "Purchaser" means a veteran or any person who has entered into a contract of purchase of a farm or home from the department.

(d) "Purchase price" means the price which the department pays for any farm or home.

(e) "Selling price" means the price for which the department sells any farm or home.

(f) "Initial payment" means the first payment to be made by a purchaser to the department for a farm or home.

(g) As used in this article, "progress payment plan" means payment by the department for improvements on real property in installments as work progresses.

(h) As used in this article, "condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential building on such real property, such as an apartment, which, in the opinion of the department, suits the needs of the purchaser and his dependents as a place of abode. A condominium may include in addition a separate interest in other portions of such real property.

(i) "Effective rate of interest" means the average interest rate of the interest on the unpaid balance due on a participation contract to which the interest of the department is subject and the interest rate on the unpaid balance of the purchase price, as determined by the department.

(j) "Participation contract" means an obligation secured by a deed of trust or mortgage, or other security interest established pursuant to regulations of the department.

(k) As used in this article, "mobilehome" means either a parcel of

real estate, or an undivided interest in common in a portion of a parcel of real property, on which is situate a mobilehome as will, in the opinion of the department, suit the needs of the purchaser and his dependents as a place of abode and meets all requirements of local governmental jurisdictions.

SEC. 3. Section 986.3 of the Military and Veterans Code is amended to read:

986.3. The department may acquire such farm or home from the owner thereof or may contract with a veteran for the construction of a dwelling house and other improvements for a farm or home, upon the terms agreed if:

(a) The department is satisfied of the desirability of the property submitted.

(b) The veteran has agreed with the department that he or members of his immediate family will actually reside on the property within 60 days from the date of purchase by the department, or if the residence on the property is not complete on the date of purchase, within 60 days after the residence is completed.

(c) The sum to be expended by the department pursuant to a contract for the construction of a dwelling house and other improvements does not exceed twenty-five thousand dollars ($25,000).

(d) Where the department is to contract with a veteran for the construction of a dwelling house and other buildings, or for the purchase of a mobilehome:

(1) The veteran is the owner in fee of the real property on which the dwelling house and other buildings are to be constructed, or is the owner in fee of the real property or the owner of an undivided interest in common of a parcel of real property on which a mobilehome is to be situate, and agrees to convey that property to the department without cost.

(2) The veteran has paid a reasonable fee set by the department to cover the cost of such preliminary service of the department as may be necessary to process the application.

(3) The veteran has filed with the department adequate plans and specifications for the improvements to be constructed upon said real property, together with a contract, executed by a contractor licensed by the State of California for the construction of said improvements in accordance with said plans and specifications within eight months after the acquisition of said real property by the department, and a bond executed by the contractor providing for compliance with the terms of said contract and for the payment of materialmen and labor furnishing material or labor on the job, executed by a surety company, authorized to do business in the State of California.

(4) The plans, specifications, contract and bond are approved by the department.

(5) The veteran has placed in escrow, all sums of money to be advanced by him where the cost is in excess of the maximum that may be expended by the department.

As used in this section "immediate family" includes only the following:

Spouse, children, either natural or adoptive; and the parents if they are dependent upon the veteran for 50 percent or more of their support.

SEC. 4. Section 986.5 of the Military and Veterans Code is amended to read:

986.5. The purchase price of a home to the department, shall not exceed the sum of twenty-five thousand dollars ($25,000), except that the principal price of a mobilehome to the department shall not exceed twelve thousand five hundred dollars ($12,500), and a veteran purchasing the home may advance, subject to the provisions of Section 986.4, the difference between the total price or cost of the home and the sum of the purchase price of the home to the department and any amount the department is required under Section 986.9 of this code to add to the purchase price of the home in fixing the selling price thereof to the veteran. The purchase price of a farm to the department shall not exceed eighty thousand dollars ($80,000), and a veteran purchasing the farm may advance the difference between the total price of the farm or cost of the dwelling and improvements to be constructed on a farm under a contract and the sum of such purchase price to the department or contract price to the department and any amount which the department is required under Section 986.9 of this code to add to such purchase or contract price to the department in fixing the selling price of the farm to the veteran.

SEC. 5. Section 986.31 is added to the Military and Veterans Code, to read:

986.31. The department may purchase property, subject to a participation contract providing for a loan term of not less than 23 years. In no event shall the purchase price plus the participation contract exceed twenty-five thousand dollars ($25,000) or equal more than 90 percent of the market value of the property as determined by department appraisal, whichever is the lower amount.

SEC. 6. Section 987 of the Military and Veterans Code is amended to read:

987. The purchaser shall make an initial payment of at least 10 percent of the selling price of the property, in case of a farm, and 5 percent in the case of a home. The department may waive the initial payment in any case where the value of the property as determined by the department appraisal shall equal the amount to be paid by the department plus at least 10 percent in the case of a farm, and 5 percent in the case of a home. The balance of the purchase price may be amortized over a period fixed by the department, not exceeding 40 years for farms or homes, but not exceeding 15 years for mobilehomes, together with interest thereon at the rate as determined by the department pursuant to Section 987.17 for such amortization purposes. The purchaser on any installment date may

pay any or all installments still remaining unpaid. In any individual case the department may for good cause postpone from time to time, upon terms as the department deems proper, the payment of the whole or any part of any installment of the purchase price or interest thereon. Each installment shall include an amount sufficient to pay the principal and interest on the participation contract to which the interest of the department is subject.

SEC. 7. Section 987.6 of the Military and Veterans Code is amended to read:

987.6. In the event of a forfeiture of a contract of purchase under the provisions of this article, the department may sell or otherwise dispose of the property covered by the forfeited contract to such person and upon such terms and conditions as it deems proper.

In the event such property is subject to a participation contract, the department may, at its option, pay the balance due upon such participation contract, including accrued interest without penalty.

SEC. 8. Section 987.17 of the Military and Veterans Code is amended to read:

987.17. The department shall establish the actual interest rate to be paid. To this end the department, by a two-thirds vote of California Veterans Board members and with the approval of the Veterans' Finance Committee of 1943, is empowered to establish a uniform rate of interest payable upon the amount remaining unpaid under any veteran's purchase contract executed prior to the effective date of the amendments to this section enacted at the 1972 Regular Session of the Legislature. The California Veterans Board and the Veterans' Finance Committee shall periodically, at least once each year, make a finding as to the rate of interest to be charged, not to exceed 5 percent per annum on contracts for the purchase of farms or homes, and not to exceed 8 percent per annum on contracts for the purchase of mobilehomes, taking into consideration the current value of money, bond market conditions, and the solvency of the Veterans' Farm and Home Building Fund of 1943. The California Veterans Board may raise or lower the rate of interest payable under such contracts for any given period as many times and as frequently as it deems to be for the best interests of the department, as well as the contract holders, if in so doing its action is made applicable alike to any and all contract holders and 90 days' advance notice be given of the time when the new rate of interest is to become effective. Any change in the interest rate shall not affect the total amount of any installment payment, but the difference shall be credited to interest or principal and accelerate or prolong the period of payment.

SEC. 9. Section 987.17a is added to the Military and Veterans Code, to read:

987.17a. (a) The department shall establish the actual interest rate to be paid. To this end the department, by a two-thirds vote of California Veterans Board members and with the approval of the Veterans' Finance Committee of 1943, is empowered to establish a

uniform effective rate of interest. The California Veterans Board and the Veterans' Finance Committee shall periodically, at least once each year, make a finding as to the effective rate of interest to be charged, not to exceed 5 percent per annum, taking into consideration the current value of money and the solvency of the Veterans' Farm and Home Building Fund of 1943 and the interest paid on participation contracts to which the interest of the department is subject. The California Veterans Board may raise or lower the effective rate of interest payable under such contracts for any given period as many times and as frequently as it deems to be for the best interests of the department, as well as the contract holders, if in so doing its action is made applicable alike to any and all contracts executed after the effective date of this section, and 90 days' advance notice be given of the time when the new rate of interest is to become effective.

(b) The total amount of any installment payment shall be raised or lowered to reflect a change in the effective rate of interest. The department shall, upon request of the purchaser, instead increase or decrease the period fixed by the department for amortization of the purchase price without changing the amount of the installment payment. The department shall provide the purchaser with full information as to the repayment options available to him under this subdivision and, upon request of the purchaser, the financial consequences of each such option. The actual interest rate to be paid on the amount remaining unpaid under any veteran's purchase contract shall be a rate of interest which, when combined with the interest paid on the unpaid balance of a participation contract to which the department's interest is subject, equals the effective rate of interest.

SEC. 10. It is the intent of the Legislature, if this bill and Senate Bill No. 1142 are both chaptered and amend Section 985 of the Military and Veterans Code, and this bill is chaptered after Senate Bill No. 1142, that the amendments to Section 985 proposed by both bills be given effect and incorporated in Section 985 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. 1142 are both chaptered, both amend Section 985, and Senate Bill No. 1142 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 1411

An act to amend Sections 986.3 and 986.5 of the Military and Veterans Code, relating to veterans, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 27, 1972. Filed with Secretary of State December 27, 1972.]

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

SECTION 1. Section 986.3 of the Military and Veterans Code is amended to read:

986.3. The department may acquire such farm or home from the owner thereof or may contract with a veteran for the construction of a dwelling house and other improvements for a farm or home, upon the terms agreed if:

(a) The department is satisfied of the desirability of the property submitted.

(b) The veteran has agreed with the department that he or members of his immediate family will actually reside on the property within 60 days from the date of purchase by the department, or if the residence on the property is not complete on the date of purchase, within 60 days after the residence is completed.

(c) The sum to be expended by the department pursuant to a contract for the construction of a dwelling house and other improvements does not exceed twenty-five thousand dollars ($25,000).

(d) Where the department is to contract with a veteran for the construction of a dwelling house and other buildings, or for the purchase of a mobilehome:

(1) The veteran is the owner in fee of the real property on which the dwelling house and other buildings are to be constructed, or is the owner in fee of the real property or the owner of an undivided interest in common in a portion of a parcel of real property on which a mobilehome is to be situate, and agrees to convey that property to the department without cost.

(2) The veteran has paid a reasonable fee set by the department to cover the cost of such preliminary service of the department as may be necessary to process the application.

(3) The veteran has filed with the department adequate plans and specifications for the improvements to be constructed upon said real property, together with a contract, executed by a contractor licensed by the State of California for the construction of said improvements in accordance with said plans and specifications within eight months after the acquisition of said real property by the department, and a bond executed by the contractor providing for compliance with the terms of said contract and for the payment of materialmen and labor furnishing material or labor on the job, executed by a surety company, authorized to do business in the State of California.

(4) The plans, specifications, contract and bond are approved by the department.

(5) The veteran has placed in escrow, all sums of money to be advanced by him where the cost is in excess of the maximum that may be expended by the department.

As used in this section "immediate family" includes only the following:

Spouse, children, either natural or adoptive; and the parents if they

are dependent upon the veteran for 50 percent or more of their support.

SEC. 2. Section 986.5 of the Military and Veterans Code is amended to read:

986.5. The purchase price of a home to the department shall not exceed the sum of twenty-five thousand dollars ($25,000), except that the purchase price of a mobilehome to the department shall not exceed twelve thousand five hundred dollars ($12,500), and a veteran purchasing the home may advance, subject to the provisions of Section 986.4, the difference between the total price or cost of the home and the sum of the purchase price of the home to the department and any amount the department is required under Section 986.9 of this code to add to the purchase price of the home in fixing the selling price thereof to the veteran. The purchase price of a farm to the department shall not exceed eighty thousand dollars ($80,000), and a veteran purchasing the farm may advance the difference between the total price of the farm or cost of the dwelling and improvements to be constructed on a farm under a contract and the sum of such purchase price to the department or contract price to the department and any amount which the department is required under Section 986.9 of this code to add to such purchase or contract price to the department in fixing the selling price of the farm to the veteran.

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

In order to provide a more realistic limit for Cal-Vet home purchase benefits and make such benefits available to the large number of veterans returning home from duty in Southeast Asia and other places, it is necessary that this act go into immediate effect.

CHAPTER 1412

An act to add Section 313 to the Business and Professions Code, relating to the Department of Consumer Affairs.

[Approved by Governor December 27, 1972 Filed with Secretary of State December 27, 1972]

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

SECTION 1. Section 313 is added to the Business and Professions Code, to read:

313. (a) Notwithstanding any other provision of law to the contrary, no rule or regulation, other than those relating to examinations and qualifications for licensure, and no fee change promulgated by any of the boards, commissions or committees

within the department, shall take effect until submitted to the director for review. Any such rule, regulation, and fee change shall become effective 30 days after being submitted to the director unless the director expressly disapproves such a rule, regulation, or fee change within such period upon the ground that such rule, regulation, or fee change is injurious to the public health, safety, or welfare.

(b) The disapproval by the director of any such rule, regulation, or fee change may be reversed by a unanimous vote of the board, commission, or committee proposing the rule, regulation, or fee change.

CHAPTER 1413

An act to amend Section 20750.8 of, to add Sections 20750.144, 20750.28, 20750.38, and 21222.1 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor December 27, 1972 Filed with Secretary of State December 27, 1972]

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

SECTION 1. Section 20750.144 is added to the Government Code, to read:

20750.144. The contribution to the Retirement Fund of the state and each employer included in a contract under Chapter 4.5 (commencing with Section 20580) of this part with respect to miscellaneous members provided by any and all other provisions of this chapter is increased by a sum equal to 0.11 of 1 percent of the compensation paid such members by such employer.

SEC. 2. Section 20750.28 is added to the Government Code, to read:

20750.28. The contribution of a public employer to the Retirement Fund with respect to patrol members provided by any and all other provisions of this chapter is increased by a sum equal to 0.28 of 1 percent of the compensation paid such members by such employer.

SEC. 3. Section 20750.38 is added to the Government Code, to read:

20750.38. The contribution of a public employer to the Retirement Fund with respect to state safety members provided by any and all other provisions of this chapter is increased by a sum equal to 0.06 of 1 percent of the compensation paid such members by such employer.

SEC. 4. Section 20750.8 of the Government Code is amended to read:

20750.8. Each contracting agency other than a county

superintendent of schools with respect to a contract under Chapter 4.5 (commencing with Section 20580) of this part shall make contributions in addition to those otherwise specified in this chapter in amounts to be fixed and determined by the board on account of unpaid liability for prior service and on account of liability for benefits not applicable to state miscellaneous members or applicable to local miscellaneous members at the option of a contracting agency and benefits provided local safety members. Payments shall be under such arrangement as may be agreed to by the board.

SEC. 5. Section 21222.1 is added to the Government Code, to read:

21222.1. In addition to the increase of allowance authorized by and granted pursuant to the provisions of Section 21222 and notwithstanding the limitation in subdivision (b) of Section 21224, the monthly allowance paid with respect to a person retired or a member who died on or before December 31, 1970, shall be adjusted by a 5-percent increase.

The percentage shall be applied to the allowance payable on the operative date of this section or in the case of a contracting agency on the date this section becomes applicable to the contracting agency, and the increased allowance shall be paid for time on and after that date and until the first day of April immediately following the date of such application. The base allowance shall be adjusted by the same percentage effective with that annual adjustment.

This section shall not apply to any contracting agency or its employees, unless and until the agency elects to be subject to the provisions of this section by amendments to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect by express provisions in such contract making the contracting agency subject to the provisions of this section.

SEC. 6. This act shall be operative on the first day of the month following the month in which the statutes enacted at the 1972 Regular Session are effective.

CHAPTER 1414

An act to amend Sections 53200, 53205.1, and 53205.16 of, and to repeal Sections 53205.05 and 53205.15 of, the Government Code, relating to insurance.

[Approved by Governor December 27, 1972. Filed with Secretary of State December 27, 1972.]

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 including, but not limited to, medical, dental, life, and income protection insurance or 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.

(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.

SEC. 2. Section 53205.05 of the Government Code is repealed.

SEC. 3. Section 53205.1 is amended to read:

53205.1. From funds under its jurisdiction, the legislative body may authorize payment of all or such portion as it may elect of the premiums, dues, or other charges for health and welfare benefits on the spouse and dependent children under the age of 21, dependent children under the age of 25 who are full-time students at a college or university, and dependent children regardless of age who are physically or mentally incapacitated, of such officers and employees subject to the jurisdiction and for whom such health and welfare benefits have been provided.

Such expenditures are charges against the funds. If the employer pays any portion of the premiums for such insurance any dividend paid or premiums refunded under any such insurance up to the aggregate expenditures of the employer for such insurance are the employer's property. The excess, if any, shall be applied by the employer for the benefit of such insured employees or their dependents generally.

SEC. 4. Section 53205.15 of the Government Code is repealed.

SEC. 5. Section 53205.16 is amended to read:

53205.16. It is the intention of the Legislature to allow legislative bodies to validate or approve any prior, existing, or future payments or claims resulting from insurance or health benefits or health and welfare given their officers and employees and their dependents.

The purpose of the amendments to Sections 53200 and 53205.1 enacted at the 1972 Regular Session of the Legislature is to make it clear that the Legislature intended that legislative bodies be able to

pay for insurance or health benefits or health and welfare benefits including, but not limited to, medical, dental, life, and income protection insurance or benefits, for their officers and employees and their dependents under the provisions of Sections 53205 and 53205.1.

CHAPTER 1415

An act to add Section 17500.3 to the Business and Professions Code, and to amend Section 1689.5 of the Civil Code, relating to home solicitation.

[Approved by Governor December 27, 1972. Filed with Secretary of State December 27, 1972]

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

SECTION 1. Section 17500.3 is added to the Business and Professions Code, to read:

17500.3. (a) It is unlawful for any person to solicit a sale or order for sale of goods or services at the residence of a prospective buyer, in person or by means of telephone, without clearly, affirmatively and expressly revealing at the time the person initially contacts the prospective buyer, and before making any other statement, except a greeting, or asking the prospective buyer any other questions, that the purpose of the contact is to effect a sale, by doing all of the following:

(1) Stating the identity of the person making the solicitation.

(2) Stating the trade name of the person represented by the person making the solicitation.

(3) Stating the kind of goods or services being offered for sale.

(4) And, in the case of an "in person" contact, the person making the solictation shall, in addition to meeting the requirements of paragraphs (1), (2) and (3), show or display identification which states the information required by paragraphs (1) and (2) as well as the address of the place of business of one of such persons so identified.

The provisions of this subdivision apply only where the buyer enters into an agreement to purchase goods or services.

(b) It is unlawful for any person, in soliciting a sale or order for the sale of goods or services at the residence of a prospective buyer, in person or by telephone, to use any plan, scheme, or ruse which misrepresents his true status or mission for the purpose of making such sale or order for the sale of goods or services.

(c) In addition to any other penalties or remedies applicable to violations of this section, the intentional violation of this section shall entitle persons bound to a contract, when there was a sales approach or presentation or both in which such intentional violation of this section took place, to damages of two times the amount of the sale

price or up to two hundred fifty dollars ($250), whichever is greater, but in no case shall such damages be less than fifty dollars ($50); provided, however, that as a condition precedent to instituting such action hereunder against the person represented by the person making the solicitation, the aggrieved party shall, in writing, demand that the person represented by the solicitor terminate such contract and return any and all payments made thereunder, and that the person represented by the solicitor shall have refused within a reasonable time, such termination and return. If the person represented by the person making the solicitation elects to terminate, he shall return to the aggrieved party payments received for any and all goods, and for services not rendered, and upon return of such payments, the aggrieved party shall return any and all goods received under the contract. For the purposes of this section, a reasonable time shall mean 20 business days from the date of demand. This subdivision shall not apply to a cause of action commenced under any other provision of law, including, but not limited to, a cause of action commenced pursuant to Section 382 of the Code of Civil Procedure or Section 1781 of the Civil Code.

Any rights under this subdivision shall be waived if subsequent to the signing of the contract the party bound by the contract states that identification, as required by this section, was given.

(d) Persons represented by the person making the solicitation shall keep and maintain copies of all demands for termination for violation of this section for a period of one year from date of receipt. Failure to maintain such records shall create a presumption affecting the burden of proof that demand for termination had been properly made.

(e) Where any provision of law provides a penalty for the violation of any offense specified in this section, it shall be a defense to the imposition of such penalty as to any defendant who did not commit the act or acts constituting the offense that such defendant did not know, and with the exercise of reasonable care could not have known, that the act was committed, which constitutes the violation of this section.

(f) As used in this section "person" includes any individual, firm, partnership, corporation, association or other organization, but does not include any nonprofit charitable organization, or any person selling any intangibles, or any items defined in Section 1590(a)(1), of Title 18 of the California Administrative Code as it read on July 15, 1972.

(g) This section shall not prohibit nor authorize the enactment by the governing body of any city, county, or city and county, of ordinances relating to home solicitations which are more restrictive of such solicitation than the provisions of this section.

SEC. 2. Section 1689.5 of the Civil Code is amended to read:

1689.5. As used in Sections 1689.6 to 1689.11, inclusive:

(a) "Home solicitation contract or offer" means any contract or any offer which is subject to approval, for the sale of goods or services

or both, made at other than appropriate trade premises in an amount more than fifty dollars ($50). The home solicitation contract shall not include any contract under which the buyer has the right to rescind pursuant to Title 1, Chapter 2, Section 125 of the Federal Consumer Credit Protection Act (P.L. 90-321) and the regulations promulgated pursuant thereto.

(b) "Appropriate trade premises," means premises at which either the owner or seller normally carries on a business, or where goods are normally offered or exposed for sale in the course of a business carried on at those premises.

(c) "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, but does not include any vehicle required to be registered under the Vehicle Code, nor any goods sold with such a vehicle if sold under a contract governed by Section 2982.

(d) "Services" means work, labor and services, including, but not limited to, services furnished in connection with the repair, alteration, or improvement of residential premises, or services furnished in connection with the sale or repair of goods as defined in Section 1802.1, but does not include the services of attorneys, real estate brokers and salesmen, securities dealers or investment counselors, physicians, optometrists or dentists, nor the sale of insurance which is not connected with the sale of goods or services as defined herein, nor services for which the tariffs, rates, charges, costs, or expenses, including in each instance the time sale price, is required by law to be filed with and approved by the federal government or any official, department, division, commission or agency of the United States or of the State of California.

CHAPTER 1416

An act to amend Sections 417 and 417.3 of the Health and Safety Code, relating to kidney diseases, and making an appropriation therefor.

[Approved by Governor December 27, 1972 Filed with Secretary of State December 27, 1972]

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

SECTION 1. Section 417 of the Health and Safety Code is amended to read:

417. (a) 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 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.

(b) Any moneys appropriated by the act amending this section at the 1972 Regular Session of the Legislature may be used either in existing dialysis and kidney transplantation programs for children or to establish new programs for such purposes. Any new or existing dialysis center funded pursuant to this subdivision shall provide for children the same center dialysis, home dialysis, and outpatient clinic services as are provided under Section 417.6. Any new center funded pursuant to this subdivision shall be designated as a pediatric renal failure center. Funds granted for aid to children under the provisions of this subdivision shall be based upon need as determined by the Renal Dialysis Review Committee established pursuant to Section 417.3 and an evaluation by the state department of a county's ability to fund their one-fourth share of a child's care under the Crippled Children's Services Program. Such funds shall only cover costs not recoverable from direct or third party payments. A pediatric renal failure center may use funds provided under this subdivision for payment of costs for kidney transplantation services at any hospital which is authorized to perform these services by the state department. For purposes of this subdivision, a child is any person 18 years of age or under.

SEC. 2. Section 417.3 of the Health and Safety Code is amended to read:

417.3. The director shall appoint a review committee, upon nomination of the represented party, not to exceed seven members, one to represent the state department, one shall be a physician specializing in kidney transplantation, at least two shall be physicians specializing in pediatric nephrology, 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 and transplantation 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. 3. The sum of five hundred ninety thousand dollars ($590,000) is hereby appropriated to the State Department of Public Health for purposes of carrying out the provisions of subdivision (b) of Section 417 of the Health and Safety Code.

CHAPTER 1417

An act to add Section 17508 to the Business and Professions Code, relating to advertising.

[Approved by Governor December 27, 1972 Filed with Secretary of State December 27, 1972]

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

SECTION 1. Section 17508 is added to the Business and Professions Code, to read:

17508. (a) It shall be unlawful for any person doing business in California and advertising to consumers in California to make false advertising claims that (1) purport to be based on factual, objective, or clinical evidence, or that (2) compare the product's effectiveness or safety to that of other brands or products.

(b) Upon written request of the Director of Consumer Affairs, the Attorney General or any district attorney acting with the approval of the Attorney General, any person doing business in California and in whose behalf advertising claims are made to consumers in California that (1) purport to be based on factual, objective, or clinical evidence, or that (2) compare the product's effectiveness or safety to that of other brands or products, shall provide to the department or official making the request evidence of the facts on which such advertising claims are based. Any such request shall be made within one year of the last day on which such advertising claims were made.

(c) The Director of Consumer Affairs, Attorney General, or any district attorney acting with the approval of the Attorney General, may, upon failure of an advertiser to respond within a reasonable time, or if such Director of Consumer Affairs, Attorney General, or district attorney acting with the approval of the Attorney General, shall have reason to believe that any such advertising claim is false, seek an immediate termination or modification of the claim by the person in accordance with Section 17535 and may disseminate

information, taking due care to protect legitimate trade secrets, concerning the veracity of such claims to the consumers of this state.

(d) The relief provided for in subdivision (c) is in addition to any other relief which may be sought for a violation of this chapter. Section 17534 shall not apply to violations of this section.

(e) Nothing in this section shall be construed to hold any newspaper publisher or radio or television broadcaster liable for publishing or broadcasting any advertising claims referred to in subdivision (a), unless such publisher or broadcaster is the person making such claims.

CHAPTER 1418

An act to amend Sections 17507.7 and 36800 of the Education Code, relating to experimental programs.

[Approved by Governor December 27, 1972 Filed with Secretary of State December 27, 1972.]

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

SECTION 1. Section 17507.7 of the Education Code is amended to read:

17507.7. The provisions of Section 13599.2, of subdivision (a) of Section 13599.7, and of Sections 17507.5 and 17507.6 are not applicable to an experimental kindergarten program conducted by one school district in three schools which has been approved by the Superintendent of Public Instruction, provided that the schools and school district have conducted an experimental kindergarten program during the summer session of 1968 and the spring and fall semesters of 1969. The governing board of the school district conducting such program shall submit an evaluation of program results to the Superintendent of Public Instruction no later than December 1st of each year. The Superintendent of Public Instruction shall submit a yearly report to the Legislature evaluating the results of such program no later than the fifth calendar day of each regular session.

This section shall remain in effect until the 61st day after final adjournment of the 1975 Regular Session of the Legislature, and shall have no force or effect after that date.

SEC. 2. Section 36800 of the Education Code is amended to read:

36800. Provisions of this division shall be operative from September 1, 1971, or as soon as possible thereafter, to August 31, 1975, and shall have no force or effect thereafter.

CHAPTER 1419

An act to amend Sections 8901 and 12001 of, and to add Section 9359.18 to, the Government Code, relating to compensation and retirement.

[Approved by Governor December 29, 1972. Filed with Secretary of State December 29, 1972.]

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

SECTION 1. Section 8901 of the Government Code is amended to read:

8901. Commencing at noon on January 2, 1967, each Member of the Legislature shall receive as compensation for his services sixteen thousand dollars ($16,000) per year, during the term for which he was elected, payable in equal monthly amounts.

Commencing at noon on January 4, 1971, the annual compensation provided by this section shall be increased to nineteen thousand two hundred dollars ($19,200).

Commencing at noon on December 2, 1974, the annual compensation provided by this section shall be increased to twenty-one thousand one hundred twenty dollars ($21,120).

SEC. 2. Section 9359.18 is added to the Government Code, to read:

9359.18. In recognition of increased cost-of-living, allowances payable pursuant to Section 9359.12 with respect to service during the years 1973 and 1974 shall be computed on the basis of 5.5 percent in paragraph (1) of subdivision (a) and subdivision (b) and 3.3 percent in paragraph (2) of subdivision (a).

SEC. 3. Section 12001 of the Government Code is amended to read:

12001. The Governor may appoint and fix the salaries of such assistants and other personnel as he deems necessary for his office. No salary fixed under this section shall exceed the annual salary paid state officers pursuant to Section 11552, except the salary of the Executive Secretary to the Governor shall not exceed the annual salary paid state officers pursuant to Section 11550.

CHAPTER 1420

An act relating to local government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 29, 1972 Filed with Secretary of State December 29, 1972.]

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

SECTION 1. The Isla Vista College Community Services District Law is hereby enacted.

CHAPTER 1. INTRODUCTORY PROVISIONS

SEC. 1.5. This act shall be known and may be cited as the Isla Vista College Community Services District Law.

SEC. 2. Unless the context otherwise requires, the provisions of this chapter shall govern the construction of this act.

SEC. 3. The definition of a word applies to any of its variants.

SEC. 4. "District" means the Isla Vista College Community Services District formed under the provisions of this act.

SEC. 5. "Board" means the board of directors of the district.

SEC. 6. "President" means the president of the board who shall be the presiding officer thereof.

SEC. 7. "Secretary" means the secretary of the board.

SEC. 8. "Elector" and "voter" have respectively the same meaning as in the Elections Code, but an "elector" or "voter" shall also be a resident of the district or proposed district.

SEC. 9. "Owner" means any person shown as the owner of real property on the last equalized assessment roll; where such person is no longer the owner, then any person entitled to be shown as the owner of such real property on the next assessment roll; where such real property is subject to a recorded written agreement of sale, any person shown therein as purchaser; and any public agency, including the University of California, owning real property.

SEC. 9.1. "Resident" means a person who:

(a) Is at least 18 years of age;

(b) On October 15 of any year in which taxes are levied by the district, has taken up residence within the boundaries of the district.

SEC. 9.2. "Residence" means the place in which a person dwells or fixes his habitation within the district, whether permanently or temporarily. For purposes of this act, the "residence" of a person is not necessarily his legal residence or domicile.

CHAPTER 2. FORMATION

Article 1. Petition for Formation

SEC. 10. The Isla Vista College Community Services District may be formed pursuant to the provisions of this act within the unincorporated area of Santa Barbara County known as Isla Vista.

SEC. 11. Prior to commencing proceedings pursuant to this act for formation of the district, the proponents of formation shall secure the approval of the Santa Barbara County Local Agency Formation Commission pursuant to the provisions of Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5 of the Government Code.

If the Santa Barbara County Local Agency Formation Commission

approves an application for formation of the district, it shall include the following determinations in the resolution adopted pursuant to Section 54797 of the Government Code:

(a) The boundaries of the proposed district; and

(b) The purposes, among those enumerated in Section 120, for which the district, upon formation, will be authorized to exercise its powers.

SEC. 12. Proceedings for the formation of the district shall be commenced by filing, as hereinafter provided, a petition addressed to the Board of Supervisors of Santa Barbara County. The petition may consist of any number of separate instruments, each of which must comply with all the requirements for a petition except as to the number of signatures.

SEC. 13. The petition for formation shall contain substantially the following:

(a) State that the proposal is for formation of the district pursuant to the provisions of this act;

(b) State a description of the exterior boundaries of the proposed district as determined by the Santa Barbara County Local Agency Formation Commission pursuant to Section 11;

(c) State the purposes for which district powers are proposed to be exercised, as determined by the Santa Barbara County Local Agency Formation Commission pursuant to Section 11;

(d) State a description of the boundaries of any zone proposed to be established within the proposed district and state the district powers which are proposed to be exercised for the benefit of the residents of such a zone;

(e) State the number of members proposed for the district board of directors, whether 5, 7, 9, 11 or 13;

(f) State whether the members of the district board will be elected at large or will be elected by individual election districts; and

(g) Request that proceedings be taken for formation of the district pursuant to this act.

SEC. 14. The petition for formation shall be signed by at least 10 percent of the registered voters within the proposed district. Each signer of the petition shall add to his signature the date of his signing and his place of residence. The petition shall be circulated at any time after the Santa Barbara County Local Agency Formation Commission has approved the formation of the district and shall be filed pursuant to Section 15 within 180 days of the adoption of the local agency formation commission resolution approving the formation of the district.

SEC. 15. The petition shall be filed with the clerk of the Board of Supervisors of the County of Santa Barbara. Such board shall, at its next regular meeting, or it may at any earlier special meeting, fix a time and place for the hearing of the petition not less than 20 days nor more than 40 days after the date of such meeting.

SEC. 16. The board of supervisors shall publish a notice of the hearing pursuant to Section 6066 of the Government Code in a

newspaper of general circulation, circulated within the territory of the proposed district.

SEC. 17. The notice of the hearing shall:

(a) State that a petition for the formation of the Isla Vista College Community Services District has been filed with the board of supervisors;

(b) Set forth the boundaries of the district and of any zones proposed to be established therein;

(c) State the purposes for which the district is to be formed and zones, if any, are to be established, as requested by the petition;

(d) State the time and place for the hearing;

(e) State that at such hearing protests will be considered and that requests in writing for exclusion from or inclusion of territory will be heard and considered.

SEC. 18. The board of supervisors shall not be deprived of jurisdiction to proceed with the hearing nor shall any action on the petition be invalidated for clerical error in the published notice.

SEC. 19. The name of the district need not include "college community services district," but shall include "Isla Vista."

Article 2. Hearing on Petition

SEC. 20. At the time stated in the notice of the hearing the board of supervisors shall hear the petition and those appearing in favor thereof and any protests made orally or in writing against the formation of the proposed district or against the formation of any zone proposed to be established therein.

SEC. 21. The board of supervisors may adjourn the hearing from time to time not exceeding a total of four weeks.

SEC. 22. Upon the hearing of the petition the board of supervisors shall determine whether or not the petition complies with this act. Its finding in favor of the genuineness and sufficiency of the petition and notice is final and conclusive against all persons except the State of California in a proceeding brought by the Attorney General within one year of the date of the order declaring the district formed.

SEC. 23. At the conclusion of the final hearing the board of supervisors shall fix the boundaries of the proposed district and of any zone proposed to be established therein. In so doing it shall exclude from the district, or from any zone proposed to be established therein, any territory, the residents of which it finds will not be benefited by the proposed zone or proposed district. It may include in the district, or in any zone proposed to be established therein, territory, the residents of which it finds will be benefited by inclusion within the proposed district or proposed zone. If the board determines and finds from evidence taken at the hearing that the proposed district, as its boundaries are described in the petition or as changed by the board, is not in the public interest, it shall dismiss the petition and terminate the proceedings, but if the board

determines and finds that the proposed district is in the public interest, it shall call an election to be held in the proposed district for the purpose of determining whether or not the district shall be formed. If the board makes any changes in the boundaries of the proposed district, such changes shall be approved by the Santa Barbara County Local Agency Formation Commission pursuant to Section 54799.1 of the Government Code before the election is called on the formation of the district.

Article 3. Election on Formation

SEC. 29. If the formation petition has requested that the district board be elected by election districts, the board of supervisors shall, by resolution, establish such election districts within 30 days after the final hearing. Such election districts shall be as nearly equal in population as possible.

SEC. 30. The board of supervisors shall call and give notice of the election to be held in the proposed district for the purpose of determining whether or not it shall be formed, and for the selection of persons who shall serve as the directors of such district if such district is formed.

SEC. 31. The election shall be held not less than 75 days nor more than 90 days from the date of the final hearing on the formation petition. If the board of supervisors has established election districts for the district board pursuant to Section 29, the election shall be held not less than 75 days nor more than 90 days from the date of the resolution establishing such election districts.

SEC. 32. Notice of the election shall be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation circulated within the territory of the proposed district.

SEC. 33. The notice of election shall contain

(a) The date of election;

(b) The name of the proposed district;

(c) The purposes for which the district is to be formed and for which any zones are to be established therein;

(d) A statement that the first board of directors will be elected at that election who will take office if the district is formed;

(e) If the members of the board of directors are to be elected by election districts, a description of such election districts; and

(f) A description of the boundaries of the proposed district or of the territory to be included therein.

(g) A statement of the maximum tax that may be imposed pursuant to Article 2 (commencing with Section 180) of Chapter 6.

SEC. 34. The election shall be called and conducted and candidates nominated in the manner hereinafter provided for general district elections except that the board of supervisors shall establish the election precincts, appoint the election board, and canvass the returns.

SEC. 35. The vote shall be canvassed by the board of supervisors

on the first Monday which is four or more days after the election.

SEC. 36. If less than a majority of the votes cast in the district taken as a whole, or if less than a majority of the votes cast by persons residing on University of California property, if such property is included in the proposed district, is in favor of forming the district, the board of supervisors shall declare the proceedings terminated.

SEC. 37. If the majority of the votes cast in the district taken as a whole and the majority of the votes cast by persons residing on University of California property, if such property is included in the proposed district, is in favor of forming the district, the board of supervisors shall by resolution entered on its minutes declare the district duly organized under this act, giving the name of the district and the purposes for which it is formed, and describing its boundaries and the boundaries of any zones established therein.

SEC. 38. The county clerk shall, immediately after the entering of the resolution in the board minutes pursuant to Section 37, cause to be recorded in the office of the County Recorder of Santa Barbara County and filed with the Secretary of State a certified copy of the resolution forming the district. Thereupon the organization of the district shall be complete.

SEC. 39. No informality in any proceeding, including informality in the conduct of any election not substantially affecting adversely the legal rights of any person, shall invalidate the formation of the district.

SEC. 40. The validity of the formation and organization of the district shall not be contested in any proceeding commenced more than 90 days after the date that the formation of the district is complete.

CHAPTER 3. INTERNAL ORGANIZATION

Article 1. Board of Directors

SEC. 50. The district shall have a board of 5, 7, 9, 11, or 13 directors, as stated in the petition for formation, all of whom shall be registered electors residing within the boundaries of the proposed district and all of whom shall be elected at large or by election district, as provided in the petition for formation.

SEC. 51. If provided in the petition for formation, the district shall, pursuant to Section 29, be divided into a number of election districts equal to the number of directors. All directors shall be residents of the election districts they represent.

SEC. 51.1. If election districts have been established pursuant to Section 29, the district board shall, following each decennial census and using the census as a basis, adjust the boundaries of the election districts so that such districts are as nearly equal in population as possible. The board shall take such action by resolution.

SEC. 51.2. The boundaries of the election districts shall be adjusted by the board before the first day of June of the year next

succeeding the year in which each federal decennial census is taken. If the board fails to adjust election district boundaries as required by this section, each director to be elected at subsequent district elections shall be elected at large. Directors shall continue to be so elected until the board adjusts the election district boundaries.

SEC. 51.3. At any time between decennial adjustments of election district boundaries, the district board may make an interim readjustment of election district boundaries. Any such interim readjustments shall be made on the basis of the populations or estimated populations contained in the most recent of any of the following: any census of Santa Barbara County, taken as provided in Section 26203 of the Government Code; any census or population estimate, taken or made as provided in Sections 2107.1 and 2107.2 of the Streets and Highways Code; population estimates contained in any official document prepared by the State Department of Finance and issued to the public.

SEC. 51.4. The district board shall cause a certified copy of any resolution adjusting election district boundaries to be filed with the county clerk as soon as possible after the adoption of such resolution.

SEC. 52. Notwithstanding Section 23508 of the Elections Code, the term of office of each director is two years or until his successor qualifies and takes office.

SEC. 53. Notwithstanding Section 23506 of the Elections Code, the directors elected upon formation of the district shall meet as soon as practicable after taking office and classify themselves by lot into two classes, as nearly equal in number as possible. The class having the greater number shall hold office until the last Friday in November following the second succeeding general district election. The class having the lesser number shall hold office until the last Friday in November following the next succeeding general district election.

SEC. 55. All vacancies occurring in the office of director shall be filled by appointment by the remaining directors.

SEC. 56. An appointment to fill a vacancy in the office of director shall be for the unexpired terms of the office in which the vacancy exists.

SEC. 57. Each director elected or appointed shall hold office until his successor qualifies.

SEC. 58. The board may authorize each director to receive compensation not exceeding twenty-five dollars ($25) for each meeting of the board attended by him, not exceeding two meetings in any calendar month.

SEC. 59. The board may authorize a director to receive reasonable travel and other expenses actually incurred by him in performing official duties on behalf of the district, other than attendance at board meetings.

SEC. 60. Before entering upon the duties of his office each director shall take and subscribe the official oath before the secretary or any officer authorized by law to administer oaths, and shall file it

with the secretary.

SEC. 61. Within 30 days after the election of the first directors, and thereafter within 30 days after each general district election, the directors shall meet and organize as a board and may thereupon transact any business of the district.

SEC. 62. The board shall:

(a) Elect one of its members president.

(b) Provide for the time and place of holding its regular meetings.

(c) Provide for the manner of calling special meetings.

SEC. 63. The board shall act only by ordinance, resolution, or motion.

SEC. 64. A majority of the board shall constitute a quorum for the transaction of business.

SEC. 65. No ordinance, resolution, or motion shall be passed or become effective without the affirmative votes of at least a majority of the members of the board.

SEC. 66. Except where action is taken by the unanimous vote of all directors present and voting, the ayes and noes shall be taken upon the passage of all ordinances, resolutions, or motions and entered upon the minutes of the board.

SEC. 67. The form of the enacting clause of all ordinances passed by the board shall be "Be it ordained by the Board of Directors of the Isla Vista College Community Services District as follows:"

SEC. 68. All ordinances shall be signed by the president and attested by the secretary.

SEC. 69. The district is a local agency under the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code and shall be subject to the provisions of that act.

Article 2. Other Officers and Employees

SEC. 70. The board shall, at its first meeting or as soon thereafter as practicable, appoint by a majority vote:

(a) A general manager.

(b) A secretary, who may also be the general manager and act as treasurer.

(c) A tax collector, who may also be another officer of the district.

SEC. 71. A director shall not be general manager, secretary or tax collector.

SEC. 72. The general manager, secretary, and tax collector shall each receive the compensation determined by the board and shall serve at its pleasure.

SEC. 73. The board may at any time appoint or employ, fix the compensation of, and prescribe the authorities and duties of other officers, employees, attorneys and engineers necessary or convenient for the business of the district.

SEC. 74. The general manager, secretary, and tax collector and other employees or assistants of the district required so to do by the

board shall each give a bond to the district, conditioned on the faithful performance of his duties as the board may provide.

Article 3. Board and Officer Activities

SEC. 80. The board is the governing body of the district.

SEC. 81. The powers of the district enumerated in this act, except as therein otherwise provided, shall be exercised by the board.

SEC. 82. Directors and officers of the district shall not be interested in any contract made by the district and shall not be purchasers at any sale nor vendors at any purchase made by the district.

SEC. 83. Every contract made in violation of any of the provisions of Section 82 may be avoided at the instance of any party except the director or officer interested therein.

CHAPTER 4. ELECTIONS

Article 1. Elections Generally

SEC. 90. Any election called pursuant to this chapter shall be conducted and the votes canvassed by the county clerk of Santa Barbara County. Any costs incurred by the county clerk which reasonably relate to an election conducted pursuant to this chapter shall be reimbursed to the county by the district.

Upon completion of the canvass of returns of any election held pursuant to this chapter, the county clerk shall forthwith transmit to the district board the results of such canvass. Such results shall be certified and declared by the board by resolution thereof.

Article 2. General District Elections

SEC. 92. A general district election shall be held each year within the district for purposes of nominating and electing district directors.

SEC. 93. The first district election shall be held and conducted on the first Tuesday after the first Monday in November of the year next succeeding the year in which the election on the formation of the district was held.

Thereafter, a general district election shall be held and conducted within the district on the first Tuesday after the first Monday in November in each year to choose a successor for each director whose term of office will expire on the last Friday in such November.

SEC. 94. Any general district election called and conducted pursuant to this article may be consolidated with any other election pursuant to the provisions of Chapter 4 (commencing with Section 23300) of Part 2, Division 2 of the Elections Code pertaining to the consolidation of elections.

SEC. 95. Except as otherwise provided in this article, general district elections shall be called, conducted and canvassed, and

directors nominated and elected in accordance with the provisions of the Uniform District Election Law, Part 3 (commencing with Section 23500) of Division 12 of the Elections Code.

All documents or instruments required by the Uniform District Election Law to contain any information or give any notice pertaining to district elections or the nomination or election of district elective officers shall contain similar information or notice pertaining to general district elections held pursuant to this article, or to the nomination or election of district directors.

Article 3. Special Elections

SEC. 96. Except as provided in this act, all special elections shall be called, conducted and canvassed, and ballot propositions submitted to the voters in accordance with the provisions of Part 2 (commencing with Section 22600) of Division 12 of the Elections Code pertaining to elections in general law cities.

SEC. 97. Any special election called and conducted by the district board pursuant to this article may be consolidated with any other election pursuant to the provisions of Chapter 4 (commencing with Section 23300) of Part 2, Division 12 of the Elections Code pertaining to the consolidation of elections, provided, however, that any special election called by the district board within 90 days of a general district election shall be consolidated with and held at the same time as such general district election.

SEC. 98. The district board shall adopt a resolution calling a special election at least 90 days prior to the date upon which such election shall be held.

A resolution calling a special election shall:

(a) Call, provide for, and give notice of the special election;

(b) Determine whether the special election is to be held throughout the entire district or within only a portion or zone of the district, in which case such portion or zone shall be described;

(c) Fix the date of the election;

(d) Provide for the measure to be submitted to the voters, including a synopsis of such measure, and state the vote required for approval thereof; and

(e) Contain such other matters as may be required or necessary to provide for and give notice of the special election and to provide for the conduct thereof and the canvass of the returns.

Article 4. Initiative, Referendum and Recall

SEC. 100. Initiative ordinances may be enacted by the voters of the district in accordance with the provisions of Article 1 (commencing with Section 3700) of Chapter 2, Division 4 of the Elections Code pertaining to enactment of county initiative ordinances

SEC. 101. All ordinances of the district, other than initiative

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ordinances and ordinances fixing the amount of money to be raised by taxation or the rate of taxes to be levied, may be repealed in accordance with and pursuant to the provision of Article 2 (commencing with Section 3750) of Chapter 2, Division 4 of the Elections Code.

SEC. 102. Every incumbent of the office of director, whether elected by popular vote for a full term or appointed, may be recalled by the voters in accordance with the recall provisions of the Uniform District Election Law.

CHAPTER 5. PURPOSES AND POWERS

Article 1. General

SEC. 120. A district formed under this act may exercise the powers hereinafter granted for such of the following purposes as have been designated in the petition for formation of such district and for such others of the following purposes as the district shall adopt as hereinafter provided:

(a) To provide public recreation by means of parks.

(b) To construct and maintain street lighting.

(c) To contract with the County of Santa Barbara or the Regents of the University of California or both to provide police protection beyond the level of police protection provided generally within the territory of the district by Santa Barbara County or by the Regents of the University of California.

(d) To acquire sites for, construct, and maintain library buildings, and to cooperate with other governmental agencies for library service.

To open, close, widen, extend, straighten, and surface, in whole or part of any street in such district, subject to the consent of the governing body of the county or city in which such improvement is to be made.

(f) To construct and improve bridges, culverts, curbs, gutters, drains, and sidewalks, subject to the consent of the governing body of the county or city in which such improvement is to be made.

(g) To convert existing overhead electric and communication facilities to underground locations, which facilities are owned and operated by either a 'public agency' or a 'public utility' as defined in Section 5896.2 of the Streets and Highways Code, and to take proceedings for and to finance the cost of such conversion in accordance with the provisions of Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code, subject to the consent of the public agency or public utility responsible for the owning, operation and maintenance of such facilities. Nothing herein contained shall be construed as giving a district formed under this act the power to install, own, or operate such facilities as are described in this subdivision.

(h) To construct, acquire, maintain, and operate parking facilities,

pedestrian malls, bikeways and other limited access transportation routes on district property or on public rights-of-way subject to the consent of the governing body of the entity owning such rights-of-way and to enact all necessary regulations for the operation of such facilities.

(i) To acquire, maintain, and operate buses, trams, and other public transportation facilities.

(j) To establish clinics or other medical facilities within the district for the use of the residents of the district.

(k) To provide animal control in addition to that provided by other governmental agencies and to enter into agreements with other governmental agencies to use animal control facilities of such agencies.

SEC. 120.1. The district shall not exercise any of its powers or provide any district service on property owned by the Regents of the University of California without the prior consent of such regents.

SEC. 120.2. The Santa Barbara County Board of Supervisors may designate the district, and the district shall thereby be empowered, to perform the functions of:

(a) An area planning commission pursuant to Article 11 (commencing with Section 65600) of Chapter 3 of Title 7 of the Government Code;

(b) A municipal advisory council pursuant to Section 31010 of the Government Code;

(c) Or both.

SEC. 121. The district may acquire property from a county pursuant to Section 25365.5 of the Government Code; may dispose of such property as provided therein; and may use the proceeds therefrom for any authorized district purpose.

SEC. 122. Whenever the board determines by resolution that it is feasible and in the public interest, for the district to exercise its powers for any of the purposes specified in Section 120 which are not designated in the petition for formation of the district, the board shall call a special district election and submit to the electors of the district, or shall submit to them at the next general district election, the question of whether the district shall be authorized to exercise its powers for such additional purpose or purposes. If a majority of the votes cast in the district taken as a whole and a majority of the votes cast by persons residing on property owned by the University of California, if such property is included within the district, are in favor of the exercise of district powers for such additional purposes, the district may exercise its powers for such purposes.

SEC. 123. Section 122 shall apply only to powers which the district board proposes to exercise for the benefit of all residents of the district and shall not apply to any powers proposed to be exercised for the benefit of the residents of any zone established pursuant to the provisions of Article 5 (commencing with Section 230) of Chapter 6.

SEC. 124. The district may cease to exercise its powers for any of

the authorized purposes enumerated in Section 120 in the same manner provided in Section 122 for authorizing the exercise of district powers for additional purposes.

Article 2. Powers

SEC. 130. The district may take or acquire real or personal property of every kind within the district by grant, purchase, gift, devise, lease, or condemnation pursuant to eminent domain proceedings in accordance with Title 7, Part 3 of the Code of Civil Procedure; provided that the district, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location.

SEC. 131. The district may hold, use, enjoy, lease or dispose of any of its property.

SEC. 132. The district may sue and be sued in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

SEC. 133. The district may levy and cause to be collected, as hereinafter provided, taxes for the purpose of carrying on the operations and paying the obligations of the district.

SEC. 134. The district may make contracts for any and all purposes necessary or convenient for the full exercise of its powers.

SEC. 135. The district has perpetual succession.

SEC. 136. The district may adopt a seal and alter it at pleasure.

SEC. 137. The district may employ labor and professional services.

SEC. 138. The district may perform any work of construction or operation under its own superintendence or may contract for the performance of such work by others.

SEC. 139. The district may prescribe, revise and collect charges for the services and facilities furnished by it.

SEC. 140. The district may by ordinance adopt regulations enforceable only within its jurisdiction binding upon all persons to govern the use of its facilities and property, including regulations imposing reasonable charges for the use thereof.

SEC. 141. The district has the power generally to perform all acts necessary to carry out fully the provisions of this act.

SEC. 142. The district may contract with the state or with the United States or with any public agency or private person, for any and all purposes necessary or convenient to the exercise of any of the powers, duties or functions of the district.

SEC. 143. The district, by contract or otherwise, may accept grants, financial assistance or other contributions from any public agency or private person. Contributions may be in the form of money, labor, materials, real or personal property, or the construction, maintenance and operation of any facility.

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SEC. 144. The district may construct any works along, under, or across any street, road, highway, or other property devoted to a public use subject to consent of the governing body in charge of such public use.

SEC. 145. The district may enter into an agreement with any public or private corporation, whereby any work or improvement may be operated and maintained by the corporation. The power to make such an agreement shall be conditioned upon a finding by the board that the residents of the district would be better served by such operation and maintenance.

SEC. 146. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of three thousand dollars ($3,000) shall be let to the lowest bidder after competitive bidding. The board shall have the right to reject any and all bids, in which case the board may call new bids. In the event no proposals are received or where the estimated cost of such work does not exceed the sum of three thousand dollars ($3,000) or where the work consists of emergency work necessary in order to protect life and property, the board of directors may have said work done by force account. The district shall have the power to purchase in the open market without calling for bids, materials and supplies for use in any work therewith either under contract, or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds three thousand dollars ($3,000), without calling for bids and awarding the contract therefor to the lowest responsible bidder.

Article 3. Liability for Damages

SEC. 150. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 151. The district may employ counsel to defend any action or proceeding brought against it as a result of any injury, taking, damage, or destruction, or to defend the district as provided in Part 7 (commencing with Section 995) of Division 3.6 of Title 1 of the Government Code in an action or proceeding brought against any of its officers, agents or employees, and the fees and expenses, including the cost of any bonds and undertakings, involved therein shall be a lawful charge against the district.

Article 4. Depositary of District Money

SEC. 160. The board shall by resolution designate a bank as depositary of any or all of its funds. If such depositary is not designated for all of such funds, the board shall designate what funds

are to be deposited with such depositary. The county treasurer shall be the depositary for all funds not so designated.

SEC. 161. The charges of any depositary selected shall be a proper expense of the district.

SEC. 162. The board shall appoint a person who shall be known as finance officer, who shall serve at its pleasure. It shall fix the amount of his compensation. It shall fix the amount of and approve his bond. He may be a member of the board or his office may be consolidated with that of the secretary.

SEC. 163. District salaries shall be paid when due. All other claims and demands shall be approved in writing or in open meeting by a majority of the members of the board and the general manager.

SEC. 164. Warrants shall be drawn by the finance officer and signed by the president and secretary, or one of them and one member of the board.

SEC. 165. The finance officer shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the district.

SEC. 166. The finance officer shall make annual or earlier written reports to the board, as it shall determine, as to the receipts and disbursements and balances in the several accounts under his control. The report shall be signed by him and filed with the secretary.

Article 5. Alternative Depositary of District Money

SEC. 167. The provisions of this article are alternative to those provided in Article 4 of this chapter.

SEC. 167.1. The board may, by resolution, designate the Santa Barbara County Treasurer to be the depositary and have the custody of all the district's money.

SEC. 167.2. The county treasurer shall:

(a) Receive and receipt for all the district's money and place it in the county treasury to the credit of the district.

(b) Be responsible upon his official bond for the safekeeping and disbursing of all district money so held by him.

SEC. 167.3. The county treasurer shall pay any sums out of district money, or any portion thereof, only upon warrants of the county auditor.

SEC. 167.4. The county auditor shall draw warrants to pay demands made against the district when the demands have been approved by a majority of the members of the board and the general manager.

SEC. 167.5. The county treasurer shall report in writing on the first day of July, October, January, and March of each year to the board with respect to each of the following:

(a) The amount of money he then holds for the district.

(b) The amount of receipts since his last report.

(c) The amount paid out since his last report. The report shall be

verified and filed with the secretary.

SEC. 167.6. The Board of Supervisors of Santa Barbara County shall determine the charge to be made against the district for any services of either or both of:

(a) The county treasurer as custodian of the district's money.

(b) The county auditor in drawing warrants to pay demands made and approved against the district.

CHAPTER 6. FINANCE

Article 1. Budget

SEC. 171. The fiscal year of the district shall begin on March 1 of each year and shall end upon the last day of February of the following year.

SEC. 172. At such time as the district board may prescribe, but not later than September 15 of each year, the general manager shall prepare and submit to the board a budget estimate of the expense of operating the district for the ensuing fiscal year. The budget estimate shall include the estimated total expenditures and the total anticipated income for the district for the ensuing fiscal year.

SEC. 173. After submission of the budget estimate, the board shall fix a time and place for a hearing thereon. Notice of such hearing shall be published pursuant to Section 6066 of the Government Code.

SEC. 174. The board may increase or decrease any item in the budget estimate and may delete any item therefrom or add any new item thereto.

SEC. 175. At the conclusion of the hearing on the budget estimate, but not later than October 14 of each year, the board shall approve the budget estimate as submitted by the general manager or as revised by the board and shall, by resolution, fix the tax rate for the district.

SEC. 176. No later than February 1 following the approval of the budget estimate, the general manager shall submit to the board a report of the moneys collected from the district tax and from other sources, which are currently on deposit in the district treasury and which are available for expenditure during the fiscal year beginning March 1.

SEC. 177. During the month of February of each year, at a time and place to be fixed by the board, it shall hold a final hearing on the budget estimate. Notice of such hearing shall be published pursuant to Section 6066 of the Government Code.

SEC. 178. At the final hearing the board may increase, decrease, add to, or delete any item in the budget estimate. At the conclusion of the hearing, but no later than the last day of February, the board shall, by resolution, adopt the final district budget for the fiscal year beginning March 1; provided that the expenditures of the district as appropriated by the final budget shall not exceed the moneys

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currently on hand and available for expenditure as reported by the general manager pursuant to Section 176.

SEC. 179. If, at any time during the fiscal year, additional moneys become available to the district, either from the payment of delinquent taxes or from other sources, the board may, by resolution, appropriate such moneys for any authorized purpose of the district.

Article 2. Taxes

SEC. 180. Pursuant to this article, the district may levy a tax, not to exceed ten dollars ($10) per capita on every person who is a resident of the district on October 15 of each year.

SEC. 181. The district shall determine those owners of real property within the district boundaries whose property is being used for residential purposes. As soon as possible after the district tax rate has been fixed pursuant to Section 175, but no later than October 15 of each year, the district shall mail to each such owner a notice of taxation which shall contain the following:

(a) A notice of the tax rate;

(b) Instructions for collecting the tax from residents;

(c) A recitation of the penalties which may be imposed pursuant to this act;

(d) Instruction that the tax payable is to be collected, if possible, from each resident, residing on his property on October 15;

(e) A statement form for the use of the owner in reporting to the district the number of residents on such property on October 15, the names thereof, and the amount of tax collected from each.

Such statement form shall state on its face the penalties which the owner shall incur by knowingly failing to return it or reporting false information.

If an owner has designated, in writing, an agent to receive the notice and to collect the tax, the notice of taxation shall be sent directly to such agent.

SEC. 182. On or before December 1, the owner, or his agent, shall return to the district the statement and a remittance in the amount of any tax collected by him pursuant to this article. The statement shall contain the sentence: "I affirm that the contents of this statement are true to the best of my knowledge, and I have made a good faith effort to collect the tax from the residents of my property," followed by the signature of the owner.

SEC. 183. Any owner, or his agent, excepting the Regents of the University of California, who knowingly reports false information in the statement, who does not make a good faith effort to collect the tax, or who knowingly fails to return a completed statement to the district, shall be guilty of a misdemeanor punishable by not more than 90 days in jail and a fine not to exceed five hundred dollars ($500).

SEC. 184. At its next meeting following December 1, but no later than December 15, the board shall make a determination of which

residents have not paid, to the owner of the property upon which they reside, the tax due pursuant to this chapter. Notice of taxation shall be sent as soon as practicable to such persons. The notice shall contain a statement of the tax due and owing, instructions for paying the tax, a recitation of the penalty for nonpayment set forth in Section 185, and a statement that the tax shall become delinquent 45 days following mailing of the notice. The tax shall become delinquent, and the resident shall be subject to the penalties set forth in Section 185, 45 days following mailing of the notice.

SEC. 185. Nonpayment of delinquent taxes shall constitute an infraction punishable by a fine not to exceed one hundred dollars ($100).

SEC. 186. If the district board wishes to levy a tax in excess of the maximum rate specified in Section 180, it shall, by resolution, call an election and submit to the voters of the district the question of such a tax increase. The resolution calling the election shall specify the amount of additional tax which is proposed. If a majority of the votes cast within the district taken as a whole and a majority of the votes cast by persons residing on property owned by the University of California, if such property is included within the district, are in favor of the additional tax, such tax may be levied by the district beginning on the October 15 next succeeding the date of the election.

Article 3. Additional Taxes

SEC. 201. Whenever the district, pursuant to Chapter 8 (commencing with Section 245), becomes responsible for a function or functions which were previously provided by another agency of government and which were funded by a specifically designated property tax levy, the district may levy a property tax at a tax rate not to exceed the tax rate last levied by the agency which was formerly responsible for the function or functions. The district shall levy and collect such a tax, as nearly as is practicable, in accordance with the procedures used by community services districts pursuant to Chapter 1 (commencing with Section 61750) of Part 6 of Division 3 of Title 6 of the Government Code.

Article 4. Temporary Borrowing

SEC. 205. For the purpose of paying the expenses of administering the district during the period between the formation of the district and the adoption of the first district budget, including the costs of preparing a budget estimate and of collecting district taxes, the board may borrow money and issue notes in anticipation of receipt of any taxes imposed pursuant to Article 2 of this chapter. Any such notes shall be made payable no later than the end of the first full fiscal year after formation of the district. The final budget for the first fiscal year of the district shall appropriate an amount sufficient to repay such notes.

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SEC. 206. Any money borrowed pursuant to Section 205 shall be used solely to pay the administrative expenses of the district until the first district budget has been adopted. Such money shall not be used to pay for the exercise of district powers for any of the purposes specified in Section 120, and the district shall not exercise any of its powers for such purposes until the first district budget has been finally adopted.

CHAPTER 7. ZONES

SEC. 230. Zones may be established within the district for either of the following purposes:

(a) Fixing and collecting special taxes for the construction of improvements and for the furnishing of services within a zone, which improvements and services the district is authorized to provide, and applying the receipts from the special taxes to the expense of providing the service or improvement, where in the judgment of the board the service or improvement is not of districtwide benefit.

(b) Levying special per capita taxes pursuant to this chapter, not to exceed five dollars ($5) per capita, to finance the construction, maintenance and operation of improvements or the furnishing of services pursuant to subdivision (a).

SEC. 231. No zone may be established unless a minimum of 100 registered voters reside therein.

SEC. 232. Zones may be established within the district by either of the following methods:

(a) A petition for the formation of a zone may be presented to the board, signed by not less than 25 percent of the registered voters residing within the proposed zone.

(b) A resolution may be adopted by the board setting forth the matters required by Section 233.

SEC. 233. A petition or resolution shall contain:

(a) The boundaries of the proposed zone.

(b) A general description of the improvement desired or service to be rendered.

(c) An estimate of the cost of the proposed improvement or service and of incidental expenses in connection therewith.

SEC. 234. The petition shall be presented or the resolution adopted at a regular meeting of the board, and the board shall thereupon set a time for hearing the petition or resolution, which time shall be not less than 21 days nor more than 30 days after the date of presentation of the petition or adoption of the resolution. Notice of hearing on the petition or resolution, stating when the petition was filed or resolution adopted, specifying the time and place set for the hearing of the petition or resolution, and informing interested parties of their right to protest, shall be given by the secretary of the board by publication in the district pursuant to Section 6066 of the Government Code.

SEC. 235. The date set for the hearing shall be at least seven days

after the date of the last publication of the notice.

SEC. 236. At the time fixed for the hearing, the board shall hear and pass upon the petition or resolution and consider any protest and requests for exclusion that might have been filed with the secretary before or at the time set for the hearing, and its decision thereon shall be final and conclusive.

SEC. 237. If 50 percent or more of the registered voters residing within the territory proposed to be included in the zone file written protest against the establishment of the zone, the board shall terminate proceedings to establish the zone.

If such majority protest is against only the furnishing of a specified type of service within the zone or the construction of certain improvements, those types of service or those improvements shall be eliminated from the resolution finally establishing the zone.

SEC. 238. At the time and place stated in the notice the board shall hold public hearings, at which any interested party may be heard in support of requests for exclusion.

The board shall exclude from such a zone any territory the residents of which it finds will not be benefited by inclusion therein.

SEC. 239. The hearing may be continued from time to time but must be completed within 30 days of its commencement. At the conclusion of the hearing, the board may abandon the establishment of the proposed zone or may, after passing upon all protests and requests for exclusion, determine to establish the zone. If the board determines to establish the zone it shall finally determine and establish the boundaries of the zone and designate the improvements to be constructed therein or designate the types of services to be performed therein.

In establishing the boundaries of the zone, the board may alter the exterior boundaries of the zone to include less territory than that described in the notice of hearing, but it may not include any territory not described in the notice of the hearing.

SEC. 239.5. Following final determination of the boundaries, the board shall, by resolution, call an election within the proposed zone for the purpose of determining whether or not the zone is to be established. If a majority of votes cast are in favor of establishing the zone, it shall be established by resolution of the board. If a majority of votes are against establishment of the zone, it shall not be established.

SEC. 240. Upon the establishment of such a zone, only the types of services contained in the resolution or the improvements specified in the resolution may be paid for out of special taxes levied within the zone. The zones established within the district may have tax rates varying with the extent of benefit to each zone, derived from services provided to the residents in each zone or improvements benefiting the residents in each zone.

SEC. 241. Taxes for any zone established pursuant to this chapter shall be levied, collected and appropriated for expenditure at the same time and in the same manner as general district taxes.

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CHAPTER 8. CHANGES IN ORGANIZATION

SEC. 245. Changes in organization of the district, including dissolution, shall be carried out pursuant to the District Reorganization Act of 1965 (commencing with Section 56000 of the Government Code).

CHAPTER 9. PURPOSE OF THIS ACT

SEC. 250. The Legislature finds and declares that unique problems of providing local governmental services exist in the Isla Vista area of Santa Barbara County, in that the community of Isla Vista is a very small, high density student community surrounded on three sides by the University of California and on the fourth by the Pacific Ocean. Over 90 percent of the residents are renters and virtually all of the property is owned by nonresident owners. Because of these facts, any proposed local government must have short terms of office for its governing board, additional service responsibilities, and a tax other than the property tax.

These problems are not, however, common to all areas of the state. It is therefore, hereby declared that a general law cannot be made applicable and that the enactment of this act as a special law is necessary to effectuate a solution to the problems of providing local governmental services in Santa Barbara County.

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 be operative at the earliest possible date so that the district can be formed to collect taxes and prepare a budget for the district's fiscal year which commences March 1st it is necessary that this act take immediate effect.

CHAPTER 1421

An act to amend Section 96 of the Labor Code, relating to wage claims.

[Approved by Governor December 29, 1972. Filed with Secretary of State December 29, 1972]

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 shall, upon the filing of a claim therefor by an employee with the Labor Commissioner, 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.

CHAPTER 1422

An act to amend Section 1754 of the Civil Code as added by Chapter 1348 of the Statutes of 1970, relating to consumer credit.

[Approved by Governor December 29, 1972 Filed with Secretary of State December 29, 1972]

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

SECTION 1. Section 1754 of the Civil Code, as added by Chapter 1348 of the Statutes of 1970, is amended to read:

1754. (a) Whenever an applicant is denied credit or the charge for credit is increased, either wholly or partly because of information from a reporter, the creditor shall notify the applicant in writing of the denial of credit or increase in the charge therefor.

(b) Notice given pursuant to subdivision (a) shall contain the following in addition to the information required by such subdivision: (1) The name and address of the reporter, (2) a statement of the person's right to disclosure under Section 1752, and (3) a statement outlining the methods of obtaining disclosure as specified in Section 1753.

The information required by this subdivision shall be set forth in a size equal to at least 10-point bold type.

CHAPTER 1423

An act making an appropriation for the acquisition of lands for the state park system, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 29, 1972 Filed with Secretary of State December 29, 1972]

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

SECTION 1. There is hereby appropriated to the Department of Parks and Recreation, subject to the approval of the State Public Works Board, the sum of two million five hundred thousand dollars ($2,500,000) from the Bagley Conservation Fund for expenditure during the 1972–73, 1973–74, and 1974–75 fiscal years for land acquisition in the Santa Cruz Mountains Area, Unit #417 of the state park system. The appropriation made by this act shall be subject to the Property Acquisition Law (commencing with Section 15850 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 owner of the Santa Cruz Mountains Area property wants to sell now, and any delay could jeopardize the transaction or result in increased costs to the state. It is therefore essential that this act take effect immediately.

CHAPTER 1424

An act to amend Section 17920 of, and to add Sections 17922.6, 17922.7, and 17926 to, the Health and Safety Code, relating to noise insulation, and making an appropriation therefor.

[Approved by Governor December 29, 1972 Filed with Secretary of State December 29, 1972]

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

SECTION 1. Section 17920 of the Health and Safety Code is amended to read:

17920. As used in this part:

(a) "Commission" means the Commission of Housing and Community Development.

(b) "Department" means the Department of Housing and Community Development.

(c) "Noise insulation" means the protection of persons within buildings from excessive noise, however generated, originating

within or without such buildings.

(d) "Public entity" has the same meaning as defined in Section 811.2 of the Government Code.

SEC. 2. Section 17922.6 is added to the Health and Safety Code, to read:

17922.6. (a) The commission shall adopt, amend, and repeal rules and regulations which establish uniform minimum noise insulation standards for hotels, motels, apartment houses, and dwellings, other than detached single-family dwellings.

(b) Such standards shall be performance standards in order to require compliance onsite where the hotel, motel, apartment house, or dwelling, other than a detached single-family dwelling, is located.

(c) Such standards shall be sufficient to protect persons within the hotel, motel, apartment house, or dwelling, other than a detached single-family dwelling, from the effects of excessive noise, including, but not limited to, hearing loss or impairment and persistent interference with speech and sleep.

(d) The provisions of this section and the rules and regulations adopted pursuant to this section shall apply equally to those hotels, motels, apartment houses, and dwellings, other than detached single-family dwellings, owned, operated, or maintained by any public entity. The department shall enforce such rules and regulations with respect to any such hotel, motel, apartment house, or dwelling, other than a detached single-family dwelling, which is not subject to the jurisdiction of any local building department.

(e) The provisions of this section and the rules and regulations adopted pursuant to this section shall not apply to detached single-family dwellings.

(f) Such rules and regulations shall be published and shall become effective no later than one year after the effective date of this section. Such rules and regulations shall become operative six months after their effective date.

(g) Sections 17925, 17958, 17958.5, and 17958.7 shall not apply to the provisions of this section.

SEC. 3. Section 17922.7 is added to the Health and Safety Code, to read:

17922.7. (a) Except as otherwise provided in subdivisions (b) and (c) the governing body of every city, county, city and county, and public entity, shall adopt ordinances or regulations imposing the same requirements as are contained in the rules and regulations adopted pursuant to Section 17922.6 within six months after the effective date of such rules and regulations. The rules and regulations adopted pursuant to Section 17922.6 shall apply in any city, county, city and county, or to any hotel, motel, apartment house, or dwelling, other than a detached single-family dwelling, which is owned, operated, or maintained by any public entity, if the appropriate governing body fails to adopt such ordinances or regulations within six months after such effective date.

(b) In adopting such ordinances or regulations, the governing

body of any city, county, city and county, or public entity may make such changes or modifications in the requirements contained in the rules and regulations adopted pursuant to Section 17922.6 as such governing body determines are reasonably necessary because of local conditions, but only if the governing body finds that such ordinances or regulations will require the diminution of the noise levels permitted by the rules and regulations adopted pursuant to Section 17922.6.

(c) Prior to making such modifications or changes pursuant to subdivison (b), the governing body shall make an express finding that such modifications or changes are needed, which finding shall be available as a public record. A copy of such finding, together with the modification or change, shall be filed with the department.

SEC. 4. Section 17926 is added to the Health and Safety Code, to read:

17926. The Director of Housing and Community Development shall appoint an advisory committee to assist the department in developing noise insulation standards to be presented to the commission for adoption pursuant to Section 17922.6. The advisory committee shall consist of two architects in private practice, two engineers or scientists having professional and technical experience in the field of acoustics, one building contractor, as defined in Section 7057 of the Business and Professions Code, two specialty contractors classified in Chapter 8 (commencing with Section 700) of Title 16 of the California Administrative Code, one representative from a city, county, or city and county, the State Architect, and the Director of Public Health, or his successor.

The members of the advisory committee shall serve without compensation, but shall be allowed necessary expenses incurred in the performance of duty.

SEC. 5. Notwithstanding the provisions of Section 17912 of the Health and Safety Code, the Director of Housing and Community Development shall study the feasibility of promulgating rules and regulations extending the applicability of the rules and regulations adopted pursuant to Section 17922.6 of the Health and Safety Code to hotels, motels, apartment houses, and dwellings, other than detached single-family dwellings, as to which construction is commenced or approved prior to the effective date of such rules and regulations.

Among other things, such study shall consider the approach suggested in Section 104 of Volume 1 of the Uniform Building Code, 1970 edition, as adopted by the International Conference of Building Officials.

The director shall consult with the advisory committee appointed pursuant to Section 17926 of the Health and Safety Code in carrying out the provisions of this section.

The director shall complete and publish this study no later than one year after the effective date of this section.

SEC. 6. The sum of thirty-five thousand dollars ($35,000) is

hereby appropriated from the General Fund to the Department of Housing and Community Development for expenditure during the 1972–1973 fiscal year to effectuate the purposes of this act.

CHAPTER 1425

An act to add Sections 1225, 1416, 1459, and 32128.10 to the Health and Safety Code, relating to sterilization operations.

[Approved by Governor December 29, 1972. Filed with Secretary of State December 29, 1972.]

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

SECTION 1. Section 1225 is added to the Health and Safety Code, to read:

1225. No clinic which permits sterilization operations for contraceptive purposes to be performed therein, nor the medical staff of such clinic, shall require the individual upon whom such a sterilization operation is to be performed to meet any special nonmedical qualifications, which are not imposed on individuals seeking other types of operations in the clinic. Such prohibited nonmedical qualifications shall include, but not be limited to, age, marital status, and number of natural children.

Nothing in this section shall prohibit requirements relating to the physical or mental condition of the individual or affect the right of the attending physician to counsel or advise his patient as to whether or not sterilization is appropriate. This section shall not affect existing law with respect to individuals below the age of majority.

SEC. 2. Section 1416 is added to the Health and Safety Code, to read:

1416. No hospital which permits sterilization operations for contraceptive purposes to be performed therein, nor the medical staff of such hospital, shall require the individual upon whom such a sterilization operation is to be performed to meet any special nonmedical qualifications, which are not imposed on individuals seeking other types of operations in the hospital. Such prohibited nonmedical qualifications shall include, but not be limited to, age, marital status, and number of natural children.

Nothing in this section shall prohibit requirements relating to the physical or mental condition of the individual or affect the right of the attending physician to counsel or advise his patient as to whether or not sterilization is appropriate. This section shall not affect existing law with respect to individuals below the age of majority.

SEC. 3. Section 1459 is added to the Health and Safety Code, to read:

1459. No county hospital which permits sterilization operations for contraceptive purposes to be performed therein, nor the medical

staff of such hospital, shall require the individual upon whom such a sterilization operation is to be performed to meet any special nonmedical qualifications, which are not imposed on individuals seeking other types of operations in the hospital. Such prohibited nonmedical qualifications shall include, but not be limited to, age, marital status, and number of natural children.

Nothing in this section shall prohibit requirements relating to the physical or mental condition of the individual or affect the right of the attending physician to counsel or advise his patient as to whether or not sterilization is appropriate. This section shall not affect existing law with respect to individuals below the age of majority.

SEC. 4. Section 32128.10 is added to the Health and Safety Code, to read:

32128.10. No hospital established by the board of directors pursuant to this article which permits sterilization operations for contraceptive purposes to be performed therein, nor the medical staff of such hospital, shall require the individual upon whom such a sterilization operation is to be performed to meet any special nonmedical qualifications, which are not imposed on individuals seeking other types of operations in the hospital. Such prohibited nonmedical qualifications shall include, but not be limited to, age, marital status, and number of natural children.

Nothing in this section shall prohibit requirements relating to the physical or mental condition of the individual or affect the right of the attending physician to counsel or advise his patient as to whether or not sterilization is appropriate. This section shall not affect existing law with respect to individuals below the age of majority.

CHAPTER 1426

An act to amend Section 23801 of the Education Code, relating to state colleges.

[Approved by Governor December 29, 1972 Filed with Secretary of State December 29, 1972]

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

SECTION 1. Section 23801 of the Education Code is amended to read:

23801. A student body organization may be established at any state college under the supervision of the college officials for the purpose of providing essential activities closely related to, but not normally included as a part of, the regular instructional program of the college. Such an organization may also operate a campus store, a cafeteria, and other projects not inconsistent with the purposes of the college, and property of the college may be leased to such an organization for such purposes.

The trustees may fix fees for voluntary membership in such organization established at a state college.

Notwithstanding any provisions of law to the contrary, if a student body organization is established at any state college, upon the favorable vote of two-thirds of the students voting in an election held for this purpose, in such manner as the trustees shall prescribe, and open to all regular students enrolled in such college, the trustees shall fix a membership fee which shall be required of all regular, limited and summer session students attending such college. No fees shall be charged to students registering solely in extension classes.

Such required fee shall be subject to referendum at any time upon the presentation of a petition to the president of the college containing the signatures of 20 percent of the regularly enrolled students at such college. A successful referendum shall take effect with the beginning of the academic year following that in which the election was held.

Payment of membership fees pursuant to this section shall be a prerequisite to enrollment in the college, except that if sufficient funds are available any state college student may at his option and subject to the regulations of the trustees establishing standards in that regard, agree to work off the amount of the fee at the prevailing rate of the college for student assistants. The trustees may adopt regulations setting standards for determining which students shall be eligible to work off the amount of the fee. No student shall be required to pay student body membership fees in an aggregate amount exceeding twenty dollars ($20) per academic year.

Subject to regulations of the trustees, the revenues raised pursuant to this section may, in addition to expenditures for other lawful purposes involved in the operations of the student body organization, be expended to provide for the support of governmental affairs representatives who may be attending upon the State Legislature or upon offices and agencies in the executive branch of the state government.

SEC. 2. Section 23801 of the Education Code is amended to read:

23801. A student body organization may be established at any state university or college under the supervision of the university or college officials for the purpose of providing essential activities closely related to, but not normally included as a part of, the regular instructional program of the university or college. Such an organization may also operate a campus store, a cafeteria, and other projects not inconsistent with the purposes of the university or college, and property of the university or college may be leased to such an organization for such purposes.

The trustees may fix fees for voluntary membership in such organization established at a state university or college.

Notwithstanding any provisions of law to the contrary, if a student body organization is established at any state university or college, upon the favorable vote of two-thirds of the students voting in an election held for this purpose, in such manner as the trustees shall

prescribe, and open to all regular students enrolled in such university or college, the trustees shall fix a membership fee which shall be required of all regular, limited, and summer session students attending such university or college. No increase in the fees shall become effective until approved by the favorable vote of two-thirds of the students voting in an election held for that purpose. No fees shall be charged to students registering solely in extension classes.

Such required fee shall be subject to referendum at any time upon the presentation of a petition to the president of the university or college containing the signatures of 10 percent of the regularly enrolled students at such university or college. A successful referendum shall take effect with the beginning of the academic year following that in which the election was held.

Payment of membership fees pursuant to this section shall be a prerequisite to enrollment in the university or college, except that if sufficient funds are available any state university or college student may at his option and subject to the regulations of the trustees establishing standards in that regard, agree to work off the amount of the fee at the prevailing rate of the university or college for student assistants. The trustees may adopt regulations setting standards for determining which students shall be eligible to work off the amount of the fee. No student shall be required to pay student body membership fees in an aggregate amount exceeding thirty dollars ($30) per academic year.

Subject to regulations of the trustees, the revenues raised pursuant to this section may, in addition to expenditures for other lawful purposes involved in the operations of the student body organization, be expended to provide for the support of governmental affairs representatives who may be attending upon the State Legislature or upon offices and agencies in the executive branch of the state government.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 401 are both chaptered and amend Section 23801 of the Education Code, and this bill is chaptered after Assembly Bill No. 401, that the amendments to Section 23801 proposed by both bills be given effect and incorporated in Section 23801 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. 401 are both chaptered, both amend Section 23801, and Assembly Bill No. 401 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 1427

An act requiring the acquisition of lands for inclusion in the state park system and the development of such lands, and making an appropriation therefor.

[Approved by Governor December 29, 1972. Filed with Secretary of State December 29, 1972]

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

SECTION 1. The Department of Parks and Recreation shall acquire the historic townsite of Allensworth, lands in Tulare County, for inclusion in the state park system and shall develop such lands as a unit of the state park system.

SEC. 2. The sum of twenty-two thousand dollars ($22,000) is hereby appropriated from the General Fund to the Department of Parks and Recreation for expenditure for salary, operations, and equipment expenses incurred in the Allensworth Project.

CHAPTER 1428

An act to amend Sections 13245, 13246, 13246.5, 13247, 13247.8, 13247.9 and 13248 of, to amend the heading of Article 2.6 (commencing with Section 13245) of Chapter 2 of Division 10 of, and to add Sections 13246.3, 13246.7, 13246.9, 13248.5, and 13249.7 to, the Education Code, relating to master teachers.

[Approved by Governor December 29, 1972 Filed with Secretary of State December 29, 1972]

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

SECTION 1. The heading of Article 2.6 (commencing with Section 13245) of Chapter 2 of Division 10 of the Education Code is amended to read:

Article 2.6. The Statewide Certified Master Teacher Law of 1972

SEC. 1.5. Section 13245 of the Education Code is amended to read:

13245. It is the intent and purpose of the Legislature, by the provisions of this article, to encourage teachers employed in the public schools to attain excellence in their profession, and to provide them with incentives to that end in the form of both special recognition and material reward.

The Legislature has determined that in the education of our youth the role of the teacher is paramount, and that all other functions in school operation are secondary and supportive to the teacher's role.

It has come to the attention of the Legislature that in recent years the departure from the classroom of eminently qualified teachers has occurred at an alarmingly accelerated pace, and that such persons have felt compelled to enter upon nonteaching careers in order to secure the personal recognition and material rewards which their ability as educators can command. The provisions of this article are directed, therefore, to the restoration of the teacher and the teaching profession, as such, to their rightful position of primary importance in the structure of the educational system.

This article applies only to school districts having an average daily attendance of over 100 in the fiscal year in which participation is sought.

This article shall be known and may be cited as the Ryan Master Teacher Act.

SEC. 2. Section 13246 of the Education Code, as amended by Chapter 859 of the Statutes of 1971, is amended to read:

13246. The Superintendent of Public Instruction shall establish a statewide master teacher selection program in the districts of the state. No application to participate in the program shall be submitted by the governing board of the school district to the superintendent until an election has been held by all certificated employees of the school district and conducted by the district superintendent. A 60-percent majority of those voting shall be necessary to indicate support of the program.

In any district with an average daily attendance of 400,000 or more, the governing board of the district may authorize elections to be conducted in areas based upon district organizational structure and any area which votes pursuant to this section to support a program shall be treated as a district for the purpose of this article.

School districts not qualified to receive state equalization aid allowances from the State School Fund participating in a program under this article shall fund 50 percent of the program.

SEC. 2.5. Section 13246.3 is added to the Education Code, to read:

13246.3. There is a Master Teacher Review Board; composed of the Director of Finance, or his designee; the Legislative Analyst, or his designee; the Superintendent of Public Instruction, or his designee; the Chairman of the Assembly Ways and Means Committee; and the Chairman of the Senate Finance Committee.

The legislative members of the board shall meet with, and participate in, the work of the board to the extent that such activity is not incompatible with his position as Members of the Legislature.

If 25 percent or more of the teachers eligible to participate in the program pursuant to Section 13247, of a school district are designated as certified master teachers pursuant to this article, the Master Teacher Review Board shall review the selection process in such district to ascertain whether or not the district is complying with the provisions of this article. No stipend shall be paid to any teacher in such a district unless such payment is approved by the Master Teacher Review Board after a determination that the district is in

substantial compliance in its selection procedures.

SEC. 3. Section 13246.5 of the Education Code is amended to read:

13246.5. A master teacher selection panel shall be established by the district superintendent in each participating school district. Each panel member shall serve for two years and be selected as follows:

(a) One member of the governing board of the school district, selected by the governing board.

(b) One administrator who is a superintendent or principal in the school district, selected by the governing board.

(c) In a unified school district, two elementary certificated employees of the school district who spend 80 percent of their teaching time in the classroom and who have submitted their own names in nomination, selected by the elementary certificated employees of the school district voting in a secret ballot election conducted by the district superintendent held not later than the 15th of October of the school year.

(d) In a unified school district, two secondary certificated employees of the school district who spend 80 percent of their teaching time in the classroom and who have submitted their own names in nomination, selected by the secondary certificated employees of the school district voting in a secret ballot election conducted by the district superintendent held not later than the 15th of October of the school year.

(e) In an elementary school district, four elementary certificated employees who spend 80 percent of their teaching time in the classroom and who have submitted their own names in nomination, selected by the elementary certificated employees of the school district voting in a secret ballot election conducted by the district superintendent held not later than the 15th of October of the school year.

(f) In a high school district, four secondary certificated employees who spend 80 percent of their teaching time in the classroom and who have submitted their own names in nomination, selected by the secondary certificated employees of the school district voting in a secret ballot election conducted by the district superintendent held not later than the 15th of October of the school year.

(g) Two public members who are not officers or employees of the school district, selected by the county superintendent of schools.

The chairman of the panel shall be selected by the members of the panel.

Any vacancies on the panel shall be filled by the appropriate appointing authority in the manner specified in this section.

SEC. 4. 13246.7 is added to the Education Code, to read:

13246.7. A master teacher selection panel may adopt reasonable rules and regulations for the implementation of this article.

SEC. 5. Section 13246.9 is added to the Education Code, to read:

13246.9. No master teacher selection panel or member of a master teacher selection panel may be held civilly liable by an

applicant for any act or omission which occurs in the direct implementation of this article.

SEC. 6. Section 13247 of the Education Code is amended to read:

13247. The criteria for the selection of certified master teachers shall be established by the panel and shall require at least:

(a) A master's degree in an academic field or a bachelor's degree plus 45 semester units taken after the bachelor's degree, or the equivalent, to be determined by the master teacher selection panel, of a master's degree in vocational subjects for which master's degrees are not usually awarded, or successful completion of the competence examination prescribed in Chapter 557 of the Statutes of 1970;

(b) Eight years of total teaching experience, with four years of teaching experience in the district;

(c) That the teacher spend at least 80 percent of his teaching time in the classroom;

(d) The demonstration of distinctly superior teaching ability.

SEC. 6.5. Section 13247.8 of the Education Code is amended to read:

13247.8. Each master teacher selection panel shall receive applications, to be filed by March 1 of the school year, from public school teachers, submitted in the form prescribed by the panel and accompanied by a two-hundred-dollar ($200) fee, requesting that the applicant be certified as a certified master teacher.

SEC. 7. Section 13247.9 of the Education Code is amended to read:

13247.9. The master teacher selection panel shall appoint for each applicant for a master certificate two certificated employees from a school district other than the participating school district and who spend at least four-fifths of their teaching time in a classroom, who shall inquire into the professional competence of the applicant. A third certificated employee may be appointed when a distinct difference of opinion exists between the evaluation of the two certificated employees. The appointed certificated employees may, if they are qualified, examine more than one applicant. The appointed certificated employees need not be residents of the county in which the participating school district is located. These appointed certificated employees shall be known as examiner teachers and shall be appointed by April 1 of the school year.

The examiner teachers shall sign affidavits stating that they have no specific knowledge of the applicant for certification as master teachers, either personally or professionally.

The examiner teachers shall, independently of each other, make individual written reports on the applicant's professional competence to the master teacher selection panel not later than June 1st of the school year.

The examiner teachers shall talk with other teachers in the school where the applicant is employed, other teachers in the school district, the principal of the school where the applicant is employed, and other administrators, parents, and students who may have

specific knowledge of the applicant's professional qualities. The examiner teacher shall also consider evidence of relative gains made by pupils taught by the applicant, as measured by standardized tests.

Upon a favorable recommendation by the examiner teachers, the master teacher selection panel, by majority vote of those present and voting, shall issue a certificate designating the applicant as a certificated master teacher.

Each certified master teacher shall be reexamined every five years pursuant to this article.

The examiner teachers shall be reimbursed for travel in connection with such inquiry. Examiner teachers shall be granted time off without loss of pay for not to exceed two schooldays during any school year for each applicant they examine. The employing school district shall be reimbursed by the county superintendent of schools for the salary of substitute teachers hired for the examiner teachers.

A separate fund shall be established for receiving application fees, to be used for the payment of examiner teachers and other related expenses. Any deficit in such a fund shall be made up by the allocation of moneys thereto from the State School Fund apportionments to the employing districts. The allocation, and the transfer of moneys to the fund, shall be made upon order of the county superintendent of schools.

SEC. 8. Section 13248 of the Education Code is amended to read:

13248. Any school district which employs a certified master teacher shall pay the teacher an additional stipend of four thousand dollars ($4,000) per school year over and above the regular salary which would otherwise be paid to the teacher.

The Superintendent of Public Instruction shall order reimbursements to be made from funds transferred to the State School Fund in each fiscal year to each school district equal to the total of the stipends paid to certified master teachers pursuant to this section.

The Superintendent of Public Instruction shall proportionally reduce the amounts allowed pursuant to Section 17303.5, or any act which supersedes that section, by the amount allowed as reimbursements pursuant to this section.

The amount reimbursed in any fiscal year shall not exceed an amount equal to 150 percent of the amount reimbursed in the preceding fiscal year.

Any teacher who qualifies at any time during the school year shall be presumed to have been a master teacher for the entire year and shall be entitled to payment in the full stipend amount of four thousand dollars ($4,000).

SEC. 9. Section 13248.5 is added to the Education Code, to read:

13248.5. The Department of Education, with the advice of the Department of Finance, shall prepare an annual estimate of the amount required for expenditure pursuant to this article

The Department of Education shall keep an accounting of the

number of school districts which are eligible to participate in the program.

Not more than 10 school districts may be admitted to participate in the program the first year. Thereafter, total number of districts admitted to participate in the program for the first time in any one fiscal year shall not exceed an amount equal to 30 percent of the number of participating districts in the preceding fiscal year.

SEC. 10. Section 13249.7 is added to the Education Code, to read:

13249.7. The Legislative Analyst shall report on the implementation of the programs authorized by this article to the Legislature and the Master Teacher Review Board on the fifth legislative day of the 1973, 1974, 1975, 1976, and 1977 Regular Sessions of the Legislature.

CHAPTER 1429

An act to amend Section 17045 of, and to add Section 17046 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor December 29, 1972. Filed with Secretary of State December 29, 1972.]

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

SECTION 1. Section 17045 of the Revenue and Taxation Code is amended to read:

17045. In the case of a joint return of a husband and wife under Section 18402, the tax imposed by Section 17041 shall be twice the tax which would be imposed if the taxable income were cut in half.

For purposes of this section, a return of a surviving spouse (as defined in Section 17046) shall be treated as a joint return of a husband and wife.

SEC. 2. Section 17046 is added to the Revenue and Taxation Code, to read:

17046. (a) For purposes of this part the term "surviving spouse" means a taxpayer:

(1) Whose spouse died during either of his two taxable years immediately preceding the taxable year; and

(2) Who maintains as his home a household which constitutes for the taxable year the principal place of abode (as a member of such household) of a dependent who within the meaning of Section 17056 is a son, stepson, daughter, or stepdaughter of the taxpayer, and with respect to whom the taxpayer is entitled to a credit for the taxable year under Section 17054. For purposes of this paragraph an individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by the individual.

(b) Notwithstanding subdivision (a), for purposes of Section 17045 a taxpayer shall not be considered to be a surviving spouse:

(1) If the taxpayer has remarried at any time before the close of the taxable year; or

(2) Unless, for the taxpayer's taxable year during which his spouse died, a joint return could have been made under the provisions of this part (without regard to subdivision (c) of Section 18402).

SEC. 3. 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 apply to taxpayers whose spouses die after December 31, 1971.

CHAPTER 1430

An act to add Part 9 (commencing with Section 7950) to Division 5 of the Labor Code, relating to tunnel safety.

[Approved by Governor December 29, 1972 Filed with Secretary of State December 29, 1972]

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

SECTION 1. Part 9 (commencing with Section 7950) is added to Division 5 of the Labor Code, to read:

PART 9. TUNNEL AND MINE SAFETY

CHAPTER 1. TUNNELS AND MINES

7950. This part shall be known and may be cited as "The Tom Carrell Memorial Tunnel and Mine Safety Act of 1972."

7951. As used in this part:

(a) Tunnel shall include excavation, construction, alteration, repairing, renovating, or demolishing of any tunnel except tunnel work covered under the compressed air safety orders adopted by the Industrial Safety Board and manhole construction.

(b) "Tunnel" means an underground passageway, excavated by men and equipment working below the earth's surface, that provides a subterranean route along which men, equipment, or substances can move.

(c) "Mine" means any excavation or opening above or below ground used for removal of ore, minerals, gravel, sand, rock, or other materials intended for manufacturing or sale. It shall include quarries and open pit operations, other than a gravel pit or other pit where material is removed by a contractor or other person for his own use and not for sale to others. The term "mine" shall not include a mine that is operated exclusively by persons having a proprietary interest in such mine or by persons who are paid only a share of the

profits from the mine, nor shall it include during any calendar year, any mine that produced less than five thousand dollars ($5,000) in ore, minerals, sand, rock, or other material during the preceding calendar year.

(d) "Access shaft" means a vertical shaft used as a regular means of worker access to underground mines and tunnels under construction, renovation, or demolition.

(e) "Lower explosive limit" means the lowest concentration at which a gas or vapor can be ignited or will explode.

(f) "Face" means the head of the tunnel where soil is being removed, or that area in a mine where digging is underway.

(g) "Muck" means excavated dirt, rock, or other material.

(h) "Permissible equipment" means equipment tested and approved by the U.S. Bureau of Mines or acceptable to other authorities recognized by the division, and acceptable by the division, which is safe for use in gassy or extrahazardous tunnels or underground mines.

(i) "Division" means the Division of Industrial Safety.

(j) "Board" means the Industrial Safety Board.

(k) "Underground mine" means a mine that consists of a subterranean excavation.

7952. There shall be within the division a separate unit of safety engineers trained to inspect all tunnel construction and mine operations.

7953. Sufficient manpower shall be maintained to provide for four annual inspections of underground mines, one inspection of surface mines or quarries annually, and six inspections of tunnels under construction annually.

7954. To assist the unit of safety engineers in determining the safety of tunnel construction and mine operation, the division shall make available at least one industrial hygiene engineer and one chemist. A laboratory for analysis of dust, gas, vapors, soil, or other materials shall be available to members of this unit. Contracts to provide for geological and other services may be signed by the division whenever it is necessary to assure safety for employees engaged in mining or tunnel work.

7955. The division and the owner of a mine, if he is not the operator of the mine, shall be notified before any initial mining operation or construction may be started at any mines or tunnels. A prejob safety conference shall be held with an authorized representative of the division for all underground operations. Representatives of the tunnel or mine owner, the employer, and employees shall be included in the prejob safety conference.

The division shall classify all tunnels or underground mines operating on the effective date of this section, or which commence operation thereafter, as one of the classifications set forth in subdivisions (a) to (d), inclusive. Such classification shall be made prior to the request for bids on all public works projects, whenever possible. This shall not, however, prevent the division from

reclassifying such mines or tunnels when conditions warrant it.

(a) Nongassy, which classification shall be applied to tunnels or underground mines where there is little likelihood of encountering gas during the construction of the tunnel or operation of an underground mine. Such tunnels shall be constructed or underground mines operated under regulations, rules, and orders developed by the division and board and approved by the board. This subdivision shall not prohibit the division chief or his representatives from establishing any special orders that they feel are necessary for safety.

(b) Potentially gassy, which classification shall be applied to tunnels or underground mines where there exists a possibility gas will be encountered.

(c) Gassy, which classification shall be applied to tunnels or underground mines where it is likely gas will be encountered. Special safety measures, including those set forth in Sections 7965 to 7976, inclusive, those established by the division and board and adopted by the board, or special orders written by the chief or his representatives shall be observed in construction of gassy tunnels in addition to regular rules, orders, special orders, or regulations.

(d) Extrahazardous, which classification may, when the division finds that there is a serious danger to the safety of the employees, be applied to tunnels or underground mines where gas or vapors have caused an explosion or fire, where the likelihood of encountering petroleum vapors exists, or where tests show, with normal ventilation, a concentration of hydrocarbon petroleum vapors in excess of 20 percent of the lower explosive limit within three inches of the roof, face, floor, or walls of any open workings. Construction in extrahazardous tunnels or operation in extrahazardous underground mines shall conform to safety measures set forth in Sections 7977 to 7985, inclusive, any rules, regulations, orders, or special orders of the division, or any special rules, orders, or regulations adopted by the board.

The division shall not be required to reclassify any tunnel or underground mine that is shut down seasonally, when such tunnel or underground mine is put back into operation in not less than six months after date of the shutdown.

7956. All personnel, including both employees working above ground and those in the tunnel or underground mine, shall be informed of the classification designated by the division for that job. A notice of the classification and any special orders, rules, or regulations to be used in construction, remodeling, demolition, or operation of the tunnel or underground mine shall be prominently posted at the site.

7957. An emergency rescue plan shall be developed by the employer for every tunnel or underground mine. Such plan, including a current map of the tunnel or underground mine, shall be provided to local fire and rescue units, to the division, and to every employee at the place of employment.

7958. A trained rescue crew of at least five men shall be provided at underground mines with more than 25 men or tunnels with 10 or more men underground at any one time. Smaller mines shall have one man for each 10 men underground who receives annual training in the use of breathing apparatus. Two trained crews shall be provided at mines with more than 50 men underground and at tunnels with more than 25 men underground.

7959. Rescue crews shall be familiar with all emergency equipment necessary to effect a rescue or search for missing employees in case of an accident or explosion. Such rescue crews shall hold practices with equipment and using emergency rescue plan procedures at least once monthly during construction or operation of the tunnel or underground mines. At least one rescue crew shall be maintained above ground at all times and within 30 minutes travel of the tunnel or underground mine site classified as gassy or extrahazardous.

7960. In any tunnel or underground mine classified as potentially gassy, tests for gas or vapors shall be made prior to start of work at each shift. If any concentration of gas at or above 10 percent of the lower explosive limit is recorded, the division shall be notified immediately.

7961. The division shall investigate immediately any notification of a gas reading 10 percent of the lower explosive limit or higher by an employer in a tunnel or underground mine classified as potentially gassy. If the inspection determines the likelihood of encountering more gas or vapor, the division may halt operations until the tunnel or mine can be reclassified.

7962. A safety representative qualified to recognize hazardous conditions and certified by the division shall be designated by the employer in any tunnel or underground mine. He shall have the authority to correct unsafe conditions and unsafe practices, and shall be responsible for directing the required safety programs.

7963. All underground mines and tunnels with more than five men underground at one time shall have telephone or other communication systems to the surface in operation at any time there are persons underground. Such systems shall be installed in such a manner that destruction or removal of one phone or communication device does not make other phones or communication devices inoperative.

7964. Whenever an access shaft is used as the normal means of entrance or exit to an underground mine or tunnel, it shall be constructed of fireproof material or fireproofed by chemical or other means.

7964.5. Nothing contained in this part shall restrict the division in contracting with the Secretary of the Interior for an approved state plan for mines under P.L. 89-577 (30 U.S.C. 721 et seq.).

CHAPTER 2. GASSY AND EXTRAHAZARDOUS TUNNELS

7965. Any tunnel or underground mine classified by the division as gassy shall operate under special procedures adopted by the board, as well as rules, regulations, special orders, or general orders for nongassy underground mines and tunnels.

7966. In any tunnel classified as gassy by the division, there shall be tests for gas or vapors taken prior to each shift and at least hourly during actual operation. If a mechanical excavator is used, gas tests shall be made prior to removal of muck or material and before any cutting or drilling in tunnels or underground mines where explosives are used. A log shall be maintained for inspection by the division showing results of each test. Whenever a tunnel excavation or underground mine operation approaches a geologic formation in which there is a likelihood of encountering gas or water, a probe hole at least 20 feet ahead of the tunnel face or area where material is being mined shall be maintained.

7967. Whenever gas levels in excess of 10 percent of the lower explosive limit are encountered initially in a tunnel or underground mine classified as gassy, the division shall be notified immediately by telephone or telegraph. The chief of the division or his authorized representative may waive subsequent notification for gas readings less than 20 percent of the lower explosive limits upon a finding that adequate ventilation and other safety measures are provided to assure employee safety.

7968. In any gassy tunnel or underground mine, the division may order work halted until adequate testing can be completed to determine the level of hazard from gases or vapors. A notice of such shutdown shall be filed by the division inspector with his superiors as soon as practicable. Any overruling of such order must be made by the chief or his designated representative and must be in writing. An onsite inspection must be made by the person overruling an inspector's order prior to resumption of work.

7969. In any gassy tunnel or underground mine the division shall review plans for electrical lighting and power for equipment. When it is necessary for safety, the inspector may require changes in the amount and type of lighting, and may require permissive-type wiring, switches, tools, and equipment.

7970. In any tunnel or underground mine classified gassy, smoking shall be prohibited and the employer shall be responsible for collecting all personal sources of ignition such as lighters and matches from employees entering the tunnel.

7971. Whenever there is any ignition of gas or vapor in a tunnel or underground mine, all work shall cease, employees shall be removed, and reentry except for rescue purposes shall be prohibited until the division has conducted an inspection and authorized reentry for maintenance or production in writing.

7972. If the level of gas in any tunnel or underground mine reaches 20 percent of its lower explosive limit at any time all men

shall be removed, the division notified immediately by telephone or telegram, and no one shall reenter the tunnel or underground mine until approval is given by the division.

7973. In any tunnel or underground mine classified as gassy, all employees shall be informed of any special orders made by the division following an inspection. Such notice shall be given before entering the tunnel or underground mine. A copy of any orders subsequently written by the division shall be posted and all employees shall be notified at a safety meeting called by the safety representative before they are permitted to start work.

7974. In any tunnel classified as gassy by the division, ventilation shall include continuous exhausting of fumes and air, unless an alternative ventilation plan which is as effective or better is approved by the division. Fans for this purpose shall be located at the surface, and shall be reversible from a single switch at the portal or shaft. These requirements shall not preclude the use of auxiliary fans to supply more air or greater exhaust to a tunnel or underground mine.

7975. A "kill" button capable of cutting off all electrical equipment shall be maintained in any gassy tunnel or underground mine. The safety representative or his designated representative shall cut off power at any time gas or vapor levels reach 20 percent of the lower explosive limit or more. Before work is restarted every employee underground shall be informed of the level of gas or vapor recorded, and a permanent record shall be called to the surface and retained in a special log.

7976. In any tunnel or underground mine classified as gassy, the division shall determine the number of fire extinguishers necessary and their locations.

7977. Any tunnel or underground mine classified as extrahazardous by the division shall comply with the provisions for gassy tunnels in this chapter, as well as regulations, rules, special orders, and general orders of the division or board.

7978. In any extrahazardous tunnel or underground mine smoking by employees or open flame shall be prohibited. Welding or cutting with arc or flame underground in other than fresh air shall be done under the direct supervision of qualified persons who shall test for gas and vapors before welding or cutting starts and continuously during such an operation. No cutting or welding shall be permitted in atmospheres where any concentration of gas or vapor reaches 20 percent of the lower explosive limit or more while a probe hole is being drilled or when the tunnel face or material from a mine is being excavated.

7979. In tunnels or underground mines classified extrahazardous, sufficient air shall be supplied to maintain an atmosphere of all of the following conditions:

(a) Not less than 19 percent oxygen.

(b) Not more than 0.5 percent carbon dioxide.

(c) Not more than 5 parts per million nitrogen dioxide.

(d) No petroleum vapors or other toxic gases in concentrations exceeding the threshold limit values established annually by the American Conference of Governmental Industrial Hygienists.

7980. All electrical equipment and machines, including diesel engines, used in tunnels or underground mines classified extrahazardous shall be permissible equipment. The division may, however, permit the use of nonpermissive equipment in a tunnel or underground mine in areas where it finds there is no longer danger from gas or other hazards.

7981. An escape chamber or alternate escape route shall be maintained within 5,000 feet of the tunnel face or areas being used to excavate material in an underground mine classified as gassy or extrahazardous. Workers shall be provided with emergency rescue equipment and trained in its use.

7982. Records of air flow and air sample tests to assure compliance with required standards shall be maintained by the employer at the site of any tunnel or underground mine classified extrahazardous. Such records shall be made available to any division representative upon request.

7983. The main fan line used for ventilation in any tunnel or underground mine classified extrahazardous shall contain a cutoff switch capable of halting all machinery underground automatically should the fan fail or its performance fall below minimum power needed to maintain a safe atmosphere.

7984. In any tunnel or underground mine classified extrahazardous a device or devices which automatically and continuously test the atmosphere for gases or vapors shall be maintained. Such device or devices shall be placed as near the face or area of operation as practical, but never more than 50 feet from such point. The division shall determine if additional monitors are necessary and where they should be located. This requirement shall apply only to tunnels or underground mines where excavation of material is by mechanical means.

7985. All such testing device or devices shall be U.S. Bureau of Mines approved or acceptable to other authorities recognized by the division and shall automatically sound an alarm and activate flashing red signals visible to employees underground whenever the concentration of gases or vapors reaches or exceeds permissible levels. Permissible levels may be established lower than the limits set in division rules, regulations, or general orders whenever a division inspector considers such action necessary to make the operation safe for employees.

CHAPTER 3. LICENSING AND PENALTIES

7990. In any tunnel or mine under jurisdiction of the division, the use of explosives shall be limited to persons licensed by the division.

7991. To obtain a license under Section 7990, a person shall pass an oral and written examination given by the division. The division

shall offer such examination in Spanish, or any other language, when requested by the applicant. The division shall administer such examination orally when requested by an applicant who cannot write. Application for such license shall cost fifteen dollars ($15), which is nonreturnable. Licenses shall be renewable annually at a fee of five dollars ($5).

7992. The board shall determine qualifications for persons seeking an "explosive blaster's license" and rules and regulations for use of explosives in tunnels or mines.

7993. Any person holding an "explosive blaster's license" who is convicted of violating any safety order involving the use or handling of explosives shall have his license suspended for not less than 30 days upon hearing by the division, in addition to any other penalties he may be assessed.

7994. Any person holding an "explosive blaster's license" who is convicted of violating safety orders involving use or handling of explosives in which the violation is judged to be responsible for an accident involving serious injury or death shall have his license revoked for a least one year, in addition to any other penalties he may be assessed. Any person who has had his "explosive blaster's license" revoked may apply for a new license after the minimum period of revocation expires. He shall be required to pass all examinations before a new license is granted.

7995. Any person who has had his "explosive blaster's license" revoked who is subsequently convicted of violations of a safety order involving the use or handling of explosives shall have his license permanently revoked in addition to other penalties he may be assessed.

7996. All safety equipment required to provide safe employment in tunnels or underground mines shall be U.S. Bureau of Mines approved, or acceptable to other authorities recognized by the division, and acceptable by the division.

7997. The board shall review and update general orders for tunnels and mines at least every two years. Representatives of the unit inspecting tunnels and mines shall be consulted during each review and shall be permitted to submit suggested changes to the general orders at any time.

7998. The board shall also develop tests, available in English, Spanish, or other languages where a sufficient portion of employees exists to show need, to qualify gas testers and safety representatives in tunnels and mines.

7999. No person shall be qualified to operate as a gas tester, or serve as a safety representative in a tunnel or mine unless he holds a certificate issued by the division.

8000. Requirements established by the board shall preempt local government rules, regulations, and laws requiring certification or licensing as gas testers or safety representatives. However, local governments may contract with the division for testing applicants and issuing certifications.

8001. A fee sufficient to cover costs of examination and certification of gas testers and safety representatives for tunnels and mines, but not more than fifteen dollars ($15) annually for original applications and five dollars ($5) annually for renewals, may be charged by the division.

8002. All fees from such applications shall be nonrefundable. Such fees shall be paid into the State Treasury by the division to the credit of the General Fund.

8003. Violation of regulations, rules, orders, or special orders adopted by the board or division as a condition of certification shall be punishable by suspension or revocation of certification, unless such violation is responsible for death or injury to employees, in which case it shall be punishable as a misdemeanor.

8004. The provisions of this part shall not apply to the normal operation, maintenance, or repair of any completed tunnels owned or operated by a utility as defined in Section 229 of the Public Utilities Code. However, it shall apply to the initial construction or substantial modification of such a tunnel.

CHAPTER 1431

An act to amend Section 1070 of the Evidence Code, relating to newsmen's privilege.

[Approved by Governor December 29, 1972. Filed with Secretary of State December 29, 1972.]

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 judicial, legislative, administrative body, or any other body having the power to issue subpoenas, for refusing to disclose, in any proceeding as defined in Section 901, 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 1432

An act to add Chapter 7 (commencing with Section 30301) to Division 21 of the Education Code, relating to private colleges and universities.

[Approved by Governor December 29, 1972 Filed with Secretary of State December 29, 1972.]

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

SECTION 1. Chapter 7 (commencing with Section 30301) is added to Division 21 of the Education Code, to read:

CHAPTER 7. EDUCATIONAL FACILITIES AUTHORITY ACT

Article 1. Purpose

30301. It is the purpose of this chapter to give this and future generations of youth the fullest opportunity to learn and develop their intellectual and mental capacities by providing private institutions of higher education within the state an additional means by which to expand, enlarge, and establish dormitory, academic, and related facilities, to finance such facilities, and to refinance existing facilities.

30302. This chapter shall be known and may be cited as the California Educational Facilities Authority Act.

Article 2. Short Title; Definitions

30303. As used in this chapter, the following words and terms shall have the following meanings, unless the context indicates or requires another or different meaning or intent:

"Authority" means the California Educational Facilities Authority created by this chapter or any board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers conferred upon the authority by this chapter shall be given by law;

"Bond" means bonds, notes, debentures, or other securities that are negotiable instruments pursuant to Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the authority issued pursuant to this chapter that the State Treasurer is authorized to sell at such time or times and in such amounts as may be fixed by the State Treasurer, provided that he shall first offer to sell such instruments at a public sale, and if no bids or in his determination not sufficient bids are received, he then may offer to sell the instruments privately;

"Dormitory" means a housing unit with necessary and usual attendant and related facilities and equipment;

"Educational facility" means a structure suitable for use as a dormitory, dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, health care facility (including for an institution of higher education which maintains and operates a school of medicine, structures or facilities providing or designed to provide services as a hospital or clinic, whether such hospital or clinic is operated directly by the institution of higher education or by a separate nonprofit corporation, the member or members of which consist of the educational institution or the members of its governing body), and parking, maintenance, storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, and the necessary and usual attendant and related facilities and equipment, but shall not include any facility used or to be used for sectarian instruction or as a place for religious worship or any facility used or to be used primarily in connection with any part of the program of a school or department of divinity;

"Participating college" means a private college which neither restricts entry on racial or religious grounds nor requires all students gaining admission to receive instruction in the tenets of a particular faith, and which, pursuant to the provisions of this chapter, participates with the authority in undertaking the financing and construction or acquisition of a project;

"Project" means a dormitory or an educational facility or any combination thereof;

"Private college" means an institution for higher education other than a public college, situated within the state and which, by virtue of law or charter, is a nonprofit educational institution empowered to provide a program of education beyond the high school level;

"Cost," as applied to a project or portion thereof financed under the provisions of this chapter, embraces all or any part of the cost of construction and acquisition of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements and interests acquired or used for a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during and for a period after completion of such construction as determined by the authority, provisions for working capital, reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations and improvements, the cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates, administrative expenses and other expenses necessary or incident to determining the feasibility of constructing any project or incident to the construction or acquisition or financing thereof.

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Article 3. Organization of Authority and General Powers and Duties Thereof

30304. (a) There is in the state government an authority known as the California Educational Facilities Authority. The authority constitutes a public instrumentality and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of an essential public function.

(b) The authority shall consist of five members: the Director of Finance, the State Controller, the State Treasurer, and two members appointed by the Governor to serve for terms of four years; provided that the terms of the members first appointed shall be arranged by the Governor so that such terms shall expire on April 30 in different years. One of the members appointed by the Governor shall be affiliated with a public institution of higher education as a governing board member or in an administrative capacity and the other member shall be affiliated with a private institution of higher education as a governing board member or in an administrative capacity. Each member shall hold office for the term of his appointment and shall continue to serve during the term of his successor unless and until his successor shall have been appointed and qualified. Any vacancy among the members appointed by the Governor shall be filled by appointment for the unexpired term only. A member of the authority shall be eligible for reappointment.

(c) Any member of the authority appointed by the Governor may be removed from office by the Governor for cause after a public hearing.

(d) The members of the authority shall serve without compensation, but the authority may reimburse its members for necessary expenses incurred in the discharge of their duties.

(e) The authority, upon the first appointment of its members and thereafter on or after April 30 in each year, shall annually elect from among its members a chairman and a vice chairman who shall hold office until April 30 next ensuing and shall continue to serve during the terms of their respective successors unless and until their respective successors shall have been appointed and qualified.

30305. The powers of the authority shall be vested in the members thereof in office from time to time and a majority of the total authorized membership of the authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the authority at any meeting thereof by the affirmative vote of a majority of the members present, unless in any case the bylaws of the authority shall require a larger number. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

30306. Before the issuance of any bonds under the provisions of this chapter, the members and the officers and the executive secretary of the authority charged with the handling of the

authority's moneys shall be covered by a surety bond or bonds, including a blanket bond covering all members of the authority and staff, in a penal sum of not less than fifty thousand dollars ($50,000) per person conditioned upon the faithful performance of the duties of their respective offices, and executed by a surety company authorized to transact business in the State of California as surety. Each such bond shall be submitted to the Attorney General for his approval and upon his approval shall be filed in the office of the Secretary of State prior to the issuance of any bonds by the authority. At all times after the issuance of any bonds by the authority the officer of the authority and each member charged with the handling of the authority's moneys shall maintain such surety bonds in full force and effect. All costs of such surety bonds shall be borne by the authority.

30307. Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a trustee, director, officer or employee of a participating college to serve as a member of the authority; provided such trustee, director, officer or employee shall abstain from discussion, deliberation, action and vote by the authority under this chapter in specific respect to such participating college of which such member is a trustee, director, officer or employee. It shall not be or constitute a conflict of interest for a member of the authority to be affiliated with a bank that serves the authority as bond trustee, depository of funds, or in any other financial, advisory, or fiduciary capacity.

30308. The authority shall maintain an office in the City of Sacramento or in any other city as the authority decides is reasonably required.

30309. The authority may employ an executive secretary and such other persons as are necessary to enable it properly to perform the duties imposed upon it by this chapter.

Article 4. Powers and Duties; Notes and Bonds

30310. The authority shall have power:

(a) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(b) To adopt and have an official common seal and alter the same at pleasure;

(c) To sue and be sued in its own name, and plead and be impleaded;

(d) To borrow money and to issue bonds and notes and other obligations of the authority and to provide for the rights of the holders thereof as provided in this chapter;

(e) To acquire, lease as lessee, hold and dispose of real and personal property or any interest therein, in the exercise of its powers and the performance of its duties under this chapter;

(f) To acquire in the name of the authority by purchase or otherwise, on such terms and conditions and in such manner as it

may deem proper any land or interest therein and other property which it may determine is reasonably necessary for any project, including any lands held by any county, municipality or other governmental subdivision of the state; and to hold and use the same and to sell, convey, lease or otherwise dispose of property so acquired, no longer necessary for the authority's purposes;

(g) To receive and accept, from any federal or other public agency or governmental entity, grants or loans for or in aid of the acquisition or construction of any project, and to receive and accept aid or contributions from any other source, of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants, loans and contributions may be made;

(h) To prepare or cause to be prepared plans, specifications, designs and estimates of costs for the construction and equipment of projects for participating colleges under the provisions of this chapter, and from time to time to modify such plans, specifications, designs or estimates;

(i) By contract or contracts or by its own employees to construct, acquire, reconstruct, rehabilitate and improve, and furnish and equip, projects for participating colleges;

(j) To employ consulting engineers, architects, accountants, construction and financial experts, superintendents, and such other employees and agents as may be necessary in its judgment and to fix their compensation;

(k) To determine the location and character of any project to be undertaken pursuant to the provisions of this chapter, and to construct, reconstruct, repair, lease, as lessee or lessor, the same; to enter into contracts for any or all such purposes; and to designate a participating college as its agent to determine the location and character of a project undertaken by such participating college under the provisions of this chapter and, as the agent of the authority, to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same, and, as agent of the authority, to enter into contracts for any and all such purposes including contracts for the management and operation of such project;

(*l*) To establish rules and regulations for the use of a project or any portion thereof and to designate a participating college as its agent to establish rules and regulations for the use of a project undertaken by such participating college;

(m) Generally to fix and revise from time to time and to charge and collect rates, rents, fees and other charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with holders of its bonds and with any other person, party, association, corporation or other body, public or private, in respect thereof;

(n) To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the authority

or to carry out any power expressly given in this chapter;

(o) To invest any moneys held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, at the discretion of the authority, in such obligations as are authorized by law for the investment of trust funds in the custody of the State Treasurer.

(p) To charge, and equitably apportion among participating colleges, its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter.

30311. All expenses incurred in carrying out the provisions of this chapter shall be payable from funds provided the authority therefor, and no liability or obligation shall be incurred by the authority hereunder beyond the extent to which moneys shall have been provided therefor.

30311.5. The authority shall establish financial eligibility standards by studying the creditworthiness and earning capacity of each project together with the amount of pledged revenues, debt service coverage, and basic security, in addition to establishing machinery to monitor the ongoing compliance of each project with state authority and bond indenture requirements.

30312. The authority is authorized from time to time to issue its negotiable notes for any corporate purpose and renew from time to time any notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The authority may issue notes partly to renew notes or to discharge other obligations then outstanding and partly for any other purpose. The notes may be authorized, sold, executed and delivered in the same manner as bonds. Any resolution or resolutions authorizing notes of the authority or any issue thereof may contain any provisions which the authority is authorized to include in any resolution or resolutions authorizing bonds of the authority or any issue thereof, and the authority may include in any notes any terms, covenants or conditions which it is authorized to include in any bonds. All such notes shall be payable from revenues of the authority or other moneys available therefor and not otherwise pledged, subject only to any contractual rights of the holders of any of its notes or other obligations then outstanding.

30313. (a) The authority is authorized from time to time to issue its negotiable bonds for any corporate purpose. In anticipation of the sale of such bonds the authority may issue negotiable bond anticipation notes and may renew the same from time to time. Such notes shall be paid from any revenues of the authority or other moneys available therefor and not otherwise pledged, or from the proceeds of sale of the bonds of the authority in anticipation of which they were issued. The notes shall be issued 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 bond resolution of the authority may contain.

(b) Except as may otherwise be expressly provided by the

authority, every issue of its bonds or notes shall be general obligations of the authority payable from any revenues or moneys of the authority available therefor and not otherwise pledged, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or moneys and subject to any agreements with any participating institution. Notwithstanding that such bonds or notes may be payable from a special fund, they shall be and be deemed to be for all purposes negotiable instruments, subject only to the provisions of such bonds or notes for registration.

(c) The bonds may be issued as serial bonds or as term bonds, or the authority, in its discretion, may issue bonds of both types. The bonds shall be authorized by resolution of the authority and shall bear such date or dates, mature at such time or times, not exceeding 50 years from their respective dates, bear interest at such rate or rates, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide. The bonds or notes may be sold at public or private sale for such price or prices as the authority shall determine.

Pending preparation of the definitive bonds, the authority may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

(d) Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds to be authorized, as to: (1) pledging the full faith and credit of the authority or pledging all or any part of the revenues of a project or any revenue-producing contract or contracts made by the authority with any individual, partnership, corporation or association or other body, public or private, to secure the payment of the bonds or of any particular issue of bonds, subject to such agreements with bondholders as may then exist; (2) the rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues; (3) the setting aside of reserves or sinking funds, and the regulation and disposition thereof; (4) limitations on the right of the authority or its agent to restrict and regulate the use of the project; (5) limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or any issue of the bonds; (6) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds; (7) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; (8) limitations on the amount of moneys derived from the project to be expended for operating,

administrative or other expenses of the authority; (9) defining the acts or omissions to act which shall constitute a default in the duties of the authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default; and (10) the mortgaging of a project and the site thereof for the purpose of securing the bondholders.

(e) Neither the members of the authority nor any person executing the bonds or notes shall be liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

(f) The authority shall have power out of any funds available therefor to purchase its bonds or notes. The authority may hold, pledge, cancel or resell such bonds, subject to and in accordance with agreements with bondholders.

30314. In the discretion of the authority, any bonds issued under the provisions of this chapter may be secured by a trust agreement by and between the authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the revenues to be received or proceeds of any contract or contracts pledged and may convey or mortgage the project or any portion thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including particularly such provisions as have hereinabove been specifically authorized to be included in any resolution or resolutions of the authority authorizing bonds thereof. Any bank or trust company incorporated under the laws of this state which may act as depositary of the proceeds of bonds or of revenues or other moneys may furnish such indemnifying bonds or pledge such securities as may be required by the authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of a project.

30315. Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt or liability of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision other than the authority, but shall be payable solely from the funds herein provided. All such bonds shall contain on the face thereof a statement to the effect that neither the State of California nor the authority shall be obligated to pay the same or the interest thereon except from revenues of the

project or the portion thereof for which they are issued and that neither the faith and credit nor the taxing power of the State of California or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds. The issuance of bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the state or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment. Nothing in this section contained shall prevent nor be construed to prevent the authority from pledging its full faith and credit or the full faith and credit of a participating institution to the payment of bonds or issue of bonds authorized pursuant to this chapter.

30316. The authority is authorized to fix, revise, charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by each project and to contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof. Such rates, rents, fees and charges shall be fixed and adjusted in respect of the aggregate of rents, rates, fees and charges from such project so as to provide funds sufficient with other revenues or moneys, if any:

(a) To pay the cost of maintaining, repairing and operating the project and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for;

(b) To pay the principal of and the interest on outstanding bonds of the authority issued in respect of such project as the same shall become due and payable; and

(c) To create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such bonds of the authority.

Such rates, rents, fees and charges shall not be subject to supervision or regulation by any department, commission, board, body, bureau or agency of this state other than the authority. A sufficient amount of the revenues derived in respect of a project, except such part of such revenues as may be necessary to pay the cost of maintenance, repair and operation and to provide reserves for renewals, replacements, extensions, enlargements and improvements as may be provided for in the resolution authorizing the issuance of any bonds of the authority or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the rates, rents, fees and charges and other revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any

physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the authority. The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking or other similar fund shall be a fund for all such bonds issued to finance projects at a participating college without distinction or priority of one over another; provided the authority in any such resolution or trust agreement may provide that such sinking or other similar fund shall be the fund for a particular project at a participating college and for the bonds issued to finance a particular project and may, additionally, permit and provide for the issuance of bonds having a subordinate lien in respect of the security herein authorized to other bonds of the authority and, in such case, the authority may create separate sinking or other similar funds in respect of such subordinate lien bonds.

30317. Any holder of bonds issued under the provisions of this chapter or any of the coupons appertaining thereto, and the trustee or trustees under any trust agreement, except to the extent the rights herein given may be restricted by any resolution authorizing the issuance of, or any such trust agreement securing, such bonds, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this chapter or by such resolution or trust agreement to be performed by the authority or by any officer, employee or agent thereof, including the fixing, charging, and collecting of the rates, rents, fees, and charges herein authorized and required by the provisions of such resolution or trust agreement to be fixed, established, and collected.

30318. All moneys received pursuant to the authority of this chapter, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this chapter. Any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this chapter and the resolution authorizing the bonds of any issue or the trust agreement securing such bonds may provide.

30319. (a) The authority is hereby authorized to provide for the issuance of bonds of the authority for the purpose of refunding any bonds or notes of the authority then outstanding, including the payment of any redemption premium thereon and any interest

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accrued or to accrue to the earliest or subsequent date of redemption, purchase or maturity of such bonds, and, if deemed advisable by the authority, for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project or any portion thereof.

(b) The proceeds of any such bonds issued for the purpose of refunding outstanding bonds may, in the discretion of the authority, be applied to the purchase or retirement at maturity or redemption of such outstanding bonds either on their earliest or any subsequent redemption date or upon the purchase or at the maturity thereof and may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the authority.

(c) Any such escrowed proceeds, pending such use, may be invested and reinvested in obligations of, or guaranteed by, the United States of America, or in certificates of deposit or time deposits secured by obligations of, or guaranteed by, the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment, as to principal, interest and redemption premium, if any, of the outstanding bonds to be so refunded. The interest, income and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, income and profits, if any, earned or realized on the investments thereof may be returned to the authority for use by it in any lawful manner.

(d) The portion of the proceeds of any such bonds issued for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project may be invested and reinvested in obligations of, or guaranteed by, the United States of America, or in certificates of deposit or time deposits secured by obligations of, or guaranteed by, the United States of America, maturing not later than the time or times when such proceeds will be needed for the purpose of paying all or any part of such cost. The interest, income and profits, if any, earned or realized on such investment may be applied to the payment of all or any part of such cost or may be used by the authority in any lawful manner.

(e) All such bonds shall be subject to the provisions of this chapter in the same manner and to the same extent as other bonds issued pursuant to this chapter.

30320. (a) The authority is hereby authorized to loan funds to a participating institution and to provide for the issuance of bonds for the purpose of refinancing projects not originally funded pursuant to this chapter and which have a completion date not greater than three years from the date of enactment of this chapter.

(b) For purposes of this section, "completion date" shall mean the

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date on which the notice of completion is filed.

(c) All such bonds shall be subject to the provisions of this chapter in the same manner and to the same extent as other bonds issued pursuant to this chapter.

30321. Bonds and notes issued by the authority under the provisions of this chapter are hereby made securities in which all banks, bankers, savings banks, trust companies, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever who now are or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest any funds, including capital belonging to them or within their control; and said bonds, notes or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any state or municipal officers or agency of the state for any purpose for which the deposit of bonds or other obligations of the state is now or may hereafter be authorized by law.

30321.5. The total amount of bonds authorized to be issued and sold under this chapter shall be one hundred fifty million dollars ($150,000,000), provided that not more than fifty million dollars ($50,000,000) of such bonds shall be issued and sold within two years of the effective date of this chapter.

30322. The State of California does pledge to and agree with the holders of the bonds, notes and other obligations issued pursuant to authority contained in this chapter, and with those parties who may enter into contracts with the authority pursuant to the provisions of this chapter, that the state will not limit, alter or restrict the rights hereby vested in the authority and the participating colleges to maintain, construct, reconstruct and operate any project as defined in this chapter or to establish and collect such rents, fees, receipts or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation thereof and to fulfill the terms of any agreements made with the holders of bonds authorized by this chapter, and with the parties who may enter into contracts with the authority pursuant to the provisions of this chapter, or in any way impair the rights or remedies of the holders of such bonds or such parties until the bonds, together with interest thereon, are fully paid and discharged and such contracts are fully performed on the part of the authority. The authority as a public body corporate and politic shall have the right to include the pledge herein made in its bonds and contracts.

30323. On or before March 31 in each year the authority shall make an annual report of its activities for the preceding calendar year to the Governor and the Legislature. Each such report shall set forth a complete operating and financial statement covering the authority's operations during the year. The authority shall cause an

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audit of its books and accounts to be made at least once in each year by certified public accountants.

30324. The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of a project by the authority will constitute the performance of an essential public function, neither the authority nor its agent shall be required to pay any taxes or assessments upon or in respect of a project or any property acquired or used by the authority under the provisions of this chapter, or upon the income therefrom, and any bonds issued under the provisions of this chapter, their transfer and the income therefrom, shall at all times be free from taxation of every kind by the state and by the municipalities and other political subdivisions in the state.

Article 5. Conflicts of Interest

30325. Except as otherwise expressly provided in this chapter, any member, officer, agent or employee of the authority who is interested, either directly or indirectly, in any contract of another with the authority, or in the sale of any property, either real or personal, to the authority, shall be guilty of a misdemeanor.

Article 6. Examination and Visitorial Powers of State; Assistance of State Employees

30326. The State Controller and his legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the authority, including its receipts, disbursements, contracts, sinking funds, investments and any other matters relating to its financial standing.

30327. The authority shall be entitled to call to its assistance and avail itself of the services of such employees of any state department or agency as it may require and as may be available to it for said purpose.

The Attorney General shall be the legal counsel for the authority, but with the approval of the Attorney General the authority may employ such legal counsel as in its judgment is necessary or advisable to enable it to carry out the duties and functions imposed upon it by this chapter, including the appointment of such bond counsel as may be deemed advisable in connection with the issuance and sale of bonds.

Article 7. Construction of Facilities

30328. In addition to foregoing powers, the authority shall have power:

(a) Upon application of the participating college to construct,

acquire or otherwise provide projects for the use and benefit of the participating college and the students, faculty and staff of such participating college. The participating college for which such a project is undertaken by the authority shall approve the plans and specifications and location of such project;

(b) To lease any project provided pursuant to this section to the participating college for which such project is provided. At such time as the liabilities of the authority incurred for any such project have been met and the bonds of the authority issued therefor have been paid, or such liabilities and bonds have otherwise been discharged, the authority shall transfer title to all the real and personal property of such project vested in the authority, to the participating college in connection with which such project is then leased; provided, however, that if at any time prior thereto such participating college ceases to offer educational facilities, then such title shall vest in the State of California.

Any lease of a project authorized by this section shall be a general obligation of the lessee and may contain provisions, which shall be a part of the contract with the holders of the bonds of the authority issued for such project, as to:

(i) Pledging all or any part of the moneys, earnings, income and revenues derived by the lessee from such project or any part or parts thereof, or other personal property of the lessee, to secure payments required under the terms of such lease;

(ii) The rates, rentals, fees and other charges to be fixed and collected by the lessee, the amounts to be raised in each year thereby, and the use and disposition of such moneys, earnings, income and revenues;

(iii) The setting aside of reserves and the creation of special funds and the regulation and disposition thereof;

(iv) The procedure, if any, by which the terms of such lease may be amended, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(v) Vesting in a trustee or trustees such specified properties, rights, powers and duties as shall be deemed necessary or desirable for the security of the holders of the bonds of the authority issued for such projects;

(vi) The obligations of the lessee with respect to the replacement, reconstruction, maintenance, operation, repairs and insurance of such project;

(vii) Defining the acts or omissions to act which shall constitute a default in the obligations and duties of the lessee, and providing for the rights and remedies of the authority and of its bondholders in the event of such default;

(viii) Any other matters, of like or different character, which may be deemed necessary or desirable for the security or protection of the authority or the holders of its bonds.

30329. The authority also shall have power:

(a) To make loans to any private college for the construction of

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projects in accordance with a loan agreement and plans and specifications approved by the authority. No such loan shall exceed the total cost of such project and the equipment therefor as determined by the authority. Each such loan shall be premised upon an agreement between the authority and the private college as to payment, security, maturity, redemption, interest and other appropriate matters.

(b) To make loans to any private college to refund existing bonds, mortgages or advances given or made by such private college for the construction of projects to the extent that this will enable such private college to offer greater security for loans for new project construction.

30330. For the purpose of obtaining and securing loans under Section 30329 every private college shall, notwithstanding the provisions of any other law, have power to mortgage and pledge any of its real or personal property, and to pledge any of its income from whatever source to repay the principal of and interest on any loan made to it by the authority or to pay the interest on and principal and redemption premium, if any, of any note, bond or other evidence of indebtedness evidencing the debt created by any such loan; provided that the foregoing shall not be construed to authorize actions in conflict with specific legislation, trusts, endowment, or other agreements relating to specific properties or funds.

30331. Moneys of the authority received from any private college in payment of any sum due to the authority pursuant to the terms of any loan or other agreement or any bond, note or other evidence of indebtedness, shall be deposited in an account in which only moneys received from private colleges shall be deposited and shall be kept separate and apart from and not commingled with any other moneys of the authority. Moneys deposited in such account shall be paid out on checks signed by the chairman of the authority or by such other person or persons as the authority may authorize.

30332. (a) Whenever the authority under Section 30328 undertakes to construct, acquire or otherwise provide a project and to lease the same to a private college, the lessee shall be responsible for the direct operation and maintenance costs of such project and, in addition, shall be responsible for the overall supervision of each project, for the overhead and general administrative costs of the lessee which are incurred because of such project and for the integration of each project operation into the lessee's educational program.

(b) Whenever the authority under Section 30329 makes loans for the construction of a project, the private college at which such project is located shall be responsible for the direct operation and maintenance costs of such project and, in addition, shall be responsible for the overall supervision of each project, for the overhead and general administrative costs of the private college which are incurred because of such project and for the integration of each project operation into the institution's educational program.

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30333. Any pledge of moneys, earnings, income or revenues authorized with respect to private colleges, pursuant to the provisions of this chapter, shall be valid and binding from the time when the pledge is made. The moneys, earnings, income or revenues so pledged and thereafter received by the pledgor shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act. The lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the pledgor irrespective of whether such parties have notice thereof. No instrument by which such a pledge is created need be filed or recorded in any manner.

Article 8. Construction

30334. This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes hereof.

30335. Nothing contained in this chapter shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit of the state.

30336. The foregoing sections of this chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of bonds or refunding bonds under the provisions of this chapter need not comply with the requirements of any other law applicable to the issuance of bonds.

30337. The powers granted to the authority by this chapter may be exercised without regard or reference to any department or agency of the state. All other general or special laws, or parts thereof, inconsistent with this chapter are hereby declared to be inapplicable to the provisions of this chapter.

CHAPTER 1433

An act making an appropriation for overtime for state employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 29, 1972. Filed with Secretary of State December 29, 1972.]

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

SECTION 1. There is hereby appropriated from the General Fund the sum of seven hundred fifty thousand dollars ($750,000) for the purpose of complying with the provisions of the Federal Fair Labor Standards Act for the period January 13, 1970, through June 30,

1971, to be allocated by the Department of Finance to the Department of the Youth Authority in augmentation of its appropriation for support or for other purposes in such amounts as needed to comply with Section 2 of this act, which shall be available through June 30, 1973.

SEC. 2. An employee of the Youth Authority covered by the provisions of the Fair Labor Standards Act who has worked overtime during the period January 13, 1970, through June 30, 1971, may file a claim for payment therefor with the Youth Authority in such form and manner and containing such information as prescribed by the State Personnel Board. The Youth Authority shall assist the employee in preparing such claim by furnishing the needed information available from its records.

Without limiting a right to file a claim or to take other action at a later date provided by any other statute, such claims shall be filed on or before June 30, 1973, notwithstanding any earlier time limitations prescribed, and any such time limitations are extended to June 30, 1973.

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

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

The United States Supreme Court has ruled that the Federal Fair Labor Standards Act is constitutional in its application to state governments. Under provisions of the law, the state is required to comply with the overtime provisions to those state employees entitled to such overtime compensation.

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

CHAPTER 1434

An act to amend Section 29018.5 of the Education Code, relating to private schools.

[Approved by Governor December 29, 1972 Filed with Secretary of State December 29, 1972]

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

SECTION 1. Section 29018.5 of the Education Code is amended to read:

29018.5. (a) There is in the Department of Education a Council for Private Postsecondary Educational Institutions consisting of the

Director of Education, or his designee, and 12 additional members who shall be appointed by the Director of Education, subject to the concurrence of the State Board of Education, as follows:

(1) Six members who shall be administrative heads of institutions operating under the authority of Section 29007 or Section 29007.5. One such member shall be selected from a school or college operating under paragraph (1) of subdivision (a) of Section 29007 and one shall be the administrative head of a school or college operating under subdivision (b), (c), or (d) of Section 29007. Except as provided elsewhere in this section, no person shall be eligible for appointment if he is the administrative head of an institution authorized exclusively under the provisions of paragraph (3) of subdivision (a) of Section 29007.

(2) Six shall represent the public. Four members shall be appointed who have a strong interest in developing private postsecondary academic, vocational, technical, and professional education; two members representing the public shall be representatives of business and labor that employ substantial numbers of persons in positions requiring vocational and technical skills.

(3) In addition, the following shall serve as ex officio members of the council:

(i) The chief of the Division of Labor Law Enforcement.

(ii) The chief of the Division of Apprenticeship Standards.

(iii) One administrative head of an institution operating exclusively under the provisions of paragraph (3) of subdivision (a) of Section 29007 appointed by the Director of Education; such appointment shall no longer be made when all such institutions have qualified under other provisions of the code.

Ex officio members have no vote.

(b) The first members shall be appointed on or before January 15, 1973, and the Director of Education shall designate the date of the first meeting of the council.

The terms of office of the members of the council shall commence on January 15, 1973, and the members shall enter upon their terms of office by lot so that the terms of four members shall expire on January 15, 1974; the terms of four members shall expire on January 15, 1975; and the terms of four members shall expire on January 15, 1976.

Thereafter, the terms of the members of the council shall be three years. No appointee shall serve on the council for more than six consecutive years.

No person shall be deemed to be a member of the council until his appointment has been concurred in by the State Board of Education, which shall take action regarding such appointment at the board meeting next following the appointment.

At the first meeting of the council, and annually thereafter, the members shall select one of their number to serve as chairman and one to serve as vice chairman. The vice chairman shall preside over

all meetings of the council in the absence of the chairman.

(c) Any vacancy on the council shall be filled in the same manner as provided for appointment of council members in subdivision (a). The appointee to fill a vacancy shall hold office only for the balance of the unexpired term.

(d) Appointed members of the council shall receive no compensation but shall receive their actual expenses for attendance at official council meetings, and when on official council business approved by the Director of Education, not to exceed board of control expense allowances.

(e) The council shall determine the time and place of council meetings which shall not be fewer than six times in each calendar year.

(f) The council shall advise the Director of Education on the establishment of policy for the administration of this article and on the adoption of regulations governing the exercise of authority conferred on the Director of Education by this article and on any action by the Director of Education to grant, deny, suspend, or withdraw recognition of courses or schools pursuant to this article. All advice communicated to the Director of Education shall be adopted by an affirmative vote of a majority of the membership of the council, and shall be in writing.

(g) The Director of Education, with the advice of the council, shall:

(1) Establish policy for the administration of this chapter.

(2) Adopt regulations not inconsistent with this chapter governing the exercise of authority conferred by this article which shall be adopted in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

(3) Prepare, annually, a proposed budget for the support of the activities of the Department of Education pursuant to this article. The proposed budget shall be presented to the council for its review and recommendations.

(h) The Director of Education shall:

(1) Advise the council prior to promulgating any rules or regulations pursuant to this section and prior to instituting any action to deny, suspend, or withdraw recognition of courses or schools pursuant to this article.

(2) Take into consideration the advice of the council on all matters where the council is authorized by this section to communicate advice to the Director of Education.

(i) The Director of Education may impanel special committees of technically qualified persons to assist him and the council in the development of standards for courses and the evaluation of any course or school applying for recognition pursuant to subdivision (a) (2) of Section 29007 and Section 29007.5. The special committees shall make such inspections and studies as may be necessary to enable them to advise the council and the Director of Education in regard

to action to be taken in any particular situation. Members of these special committees shall not be connected in any way with a school which is the subject of inspection or investigation. The members of the special committees shall serve at no expense to the state.

CHAPTER 1435

An act to amend Section 3 of, and to add Sections 3.5 and 3.7 to, Chapter 491 of the Statutes of 1971, relating to the transfer of the real property of the DeWitt State Hospital facility.

[Approved by Governor December 29, 1972. Filed with Secretary of State December 29, 1972.]

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

SECTION 1. Section 3 of Chapter 491 of the Statutes of 1971 is amended to read:

Sec. 3. (a) In the event the County of Placer ceases to use the property transferred by this act for a public purpose, the property shall revert to the state.

(b) In the event the County of Placer receives money from private persons or entities for the use of such property which exceeds the cost of maintaining such property and a reserve for depreciation, the excess amount shall be paid to the state. The definition of expenditures that shall be considered as costs of maintaining such property and the determination of an acceptable amount to be established as a reserve for depreciation shall be made and mutually agreed upon by the Department of General Services and the County of Placer.

SEC. 2. Section 3.5 is added to Chapter 491 of the Statutes of 1971, to read:

Sec. 3.5. For the purposes of Section 3 of this act *only*, public purpose shall mean any use of the property which is of a public character, or which will benefit the employment or economy of the surrounding area.

In adopting the foregoing meaning of the term public purpose, it is not the intention of the Legislature to affect the meaning of such term in any other application. The foregoing definition of public purpose shall only apply to the property transferred by this act because statements made by state officials have led the public to believe that the state has, in this unique case, assumed a responsibility to assist the local economy to compensate for the negative economic impact resulting from closure of a major state facility.

SEC. 3. Section 3.7 is added to Chapter 491 of the Statutes of 1971 to read:

Sec. 3.7. The County of Placer shall not transfer its interest in the property transferred by this act.

CHAPTER 1436

An act to add Section 13891.5 to the Education Code, and to add Section 20233 to, the Government Code, relating to the retirement systems.

[Approved by Governor December 29, 1972. Filed with Secretary of State December 29, 1972.]

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

SECTION 1. Section 13891.5 is added to the Education Code, to read:

13891.5. The board shall employ a certified public accountant or public accountant, who is not in public employment, to audit the financial statements of the State Teachers' Retirement System. The costs of such audit shall be paid from the income of the Teachers' Retirement Fund. The audit shall be made annually commencing with the year ending June 30, 1974. The board shall file a copy of the audit report with the Governor, the Secretary of the Senate, and the Chief Clerk of the Assembly.

Such audits shall not be duplicated by the Department of Finance or the Auditor General. The system shall be exempt from a pro rata general administrative charge for auditing.

SEC. 2. Section 20233 is added to the Government Code, to read:

20233. The board shall annually employ a certified public accountant or public accountant, who is not in public employment, to audit the financial statements of the Public Employees' Retirement System. The costs of such audit shall be paid from the income of the retirement fund. The audit shall be made annually commencing with the year ending June 30, 1974. The board shall file a copy of the audit report with the Governor, the Secretary of the Senate, and the Chief Clerk of the Assembly.

Such audits shall not be duplicated by the Department of Finance or the Auditor General. The system shall be exempt from a pro rata general administrative charge for auditing.

CHAPTER 1437

An act to add Article 2.5 (commencing with Section 11075) to Chapter 1 of Title 1 of Part 4 of the Penal Code, relating to criminal information.

[Approved by Governor December 29, 1972 Filed with Secretary of State December 29, 1972]

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

SECTION 1. Article 2.5 (commencing with Section 11075) is added to Chapter 1 of Title 1 of Part 4 of the Penal Code, to read:

Article 2.5. Criminal Record Dissemination

11075. (a) As used in this article, "criminal offender record information" means records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release.

(b) Such information shall be restricted to that which is recorded as the result of an arrest, detention, or other initiation of criminal proceedings or of any consequent proceedings related thereto.

11076. Criminal offender record information shall be disseminated, whether directly or through any intermediary, only to such agencies as are, or may subsequently be, authorized access to such records by statute.

11077. The Attorney General is responsible for the security of criminal offender record information. To this end, he shall:

(a) Establish regulations to assure the security of criminal offender record information from unauthorized disclosures at all levels of operation in this state.

(b) Establish regulations to assure that such information shall be disseminated only in situations in which it is demonstrably required for the performance of an agency's or official's functions.

(c) Coordinate such activities with those of any interstate systems for the exchange of criminal offender record information.

(d) Cause to be initiated for employees of all agencies that maintain, receive, or are eligible to maintain or receive, criminal offender record information a continuing educational program in the proper use and control of criminal offender record information.

(e) Establish such regulations as he finds appropriate to carry out his functions under this article.

11078. Each agency holding or receiving criminal offender record information in a computerized system shall maintain, for such period as is found by the Attorney General to be appropriate, a listing of the agencies to which it has released or communicated such information.

11079. The Attorney General may conduct such inquiries and investigations as he finds appropriate to carry out functions under this article. He may for this purpose direct any agency that maintains, or has received, or that is eligible to maintain or receive criminal offender records to produce for inspection statistical data, reports, and other information concerning the storage and dissemination of criminal offender record information. Each such agency is authorized and directed to provide such data, reports, and other information.

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11080. Nothing in this article shall be construed to affect the right of access of any person or public agency to individual criminal offender record information that is authorized by any other provision of law.

11081. Nothing in this article shall be construed to authorize access of any person or public agency to individual criminal offender record information unless such access is otherwise authorized by law.

CHAPTER 1438

An act to amend Section 21252.6 of, and to add Section 20017.78 to, the Government Code, relating to retirement.

[Approved by Governor December 29, 1972. Filed with Secretary of State December 29, 1972]

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

SECTION 1. Section 20017.78 is added to the Government Code, to read:

20017.78. Notwithstanding Section 20017.75 "state safety member" shall include persons employed as members of a state college police department who meet the minimum standards of competence established by the Commission on Peace Officer Standards and Training, pursuant to Chapter 1 (commencing with Section 13500) of Title 4 of Part 4 of the Penal Code, except those members employed under class titles of parking officer and campus guard.

SEC. 2. Section 21252.6 of the Government Code as amended by Chapter 1452 of the Statutes of 1971 is amended to read:

21252.6. The combined prior and current service pension for a state safety member, 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 state safety, police, fire, or county peace officer service which is credited to him as a state safety 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 state safety 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 or 20017.78 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 paragraph shall not apply to a member who retires after the date upon which coverage under the federal system of persons in his employment terminates. It shall not apply to a local safety member employed by a contracting agency electing to be subject to this section after the effective date of the amendments to this section at the 1972 Regular Session unless such agency elects to be subject to this paragraph by amendment to its contract or by appropriate provision of a contract entered into after this provision is effective and as to any such member, the reduction in the percentage of final compensation shall apply to all local safety service to such agency, if any of such local safety service has been included in 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

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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.

CHAPTER 1439

An act relating to Inglenook Fen, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 29, 1972 Filed with Secretary of State December 29, 1972]

I am reducing the appropriation contained in Section 3 of Senate Bill No. 191 from $30,000 to $10,000

The reduced appropriation will be sufficient for the Department of Parks and Recreation to complete the study and plan required by this bill

With the above reduction, I approve Senate Bill No 191.

RONALD REAGAN, Governor

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

SECTION 1. The Department of Parks and Recreation shall undertake a study and prepare a plan setting forth those actions necessary to maintain in perpetuity the biologic integrity of that land and water area lying easterly of the Pacific Ocean, westerly of State Highway Route 1, and approximately five miles northeasterly of Fort Bragg, Mendocino County, commonly known as the Inglenook Fen. The department shall solicit the assistance of appropriate scientific, educational, and conservation agencies in undertaking the study and in the preparation of the plan. The plan shall determine the amount, location, and approximate cost of any land deemed by the department necessary for public acquisition together with planning, zoning, or other land use restrictions appropriate for consideration by local government in order to assure protection of the scientific, scenic, educational, and conservation values of the Inglenook Fen and its environs.

SEC. 2. The department shall undertake the study and plan immediately and submit it to the Legislature no later than June 15, 1973.

SEC. 3. There is hereby appropriated from the General Fund in the State Treasury to the Department of Parks and Recreation for use during fiscal year 1972–73 the sum of thirty thousand dollars ($30,000) for the purposes of this act.

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

The Inglenook Fen is in immediate danger of adverse biologic changes due to projected land use changes which would affect the scientific, scenic, educational, and conservation values of the Inglenook Fen and its environs.

CHAPTER 1440

An act making an appropriation for demonstration project to purchase workshop services for needy disabled recipients.

[Approved by Governor December 29, 1972 Filed with Secretary of State December 29, 1972]

I am reducing the appropriation contained in Senate Bill No 820 from $329,000 to $165,000.

I believe that the purpose of the demonstration project can be accomplished with a reduced appropriation. The $165,000 appropriation will fund 400 workshop stations With the above reduction, I approve Senate Bill No 820

RONALD REAGAN, Governor

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

SECTION 1. There is hereby appropriated from the General Fund the sum of three hundred twenty-nine thousand dollars ($329,000) to the Department of Social Welfare for a demonstration project to purchase workshop services for current and potential recipients of aid to needy disabled and for related administrative and evaluation costs. The appropriation provided in this section is in addition to any other appropriation for such purposes, and shall be used to provide workshop services to a larger number of current and potential recipients of aid to needy disabled.

Funds appropriated from the State General Fund by this act shall be utilized to obtain federal funds under any federal program which requires a state contribution in order to receive federal funds.

CHAPTER 1441

An act to amend Sections 12786, 12787, 12788 and 12792 of, to add Division 25 (commencing with Section 37000) to, to repeal Section 12771 of, the Education Code, and to amend Section 1300 of the Labor Code, relating to manpower development effectiveness programs, and making an appropriation therefor.

[Approved by Governor December 29, 1972 Filed with Secretary of State December 29, 1972]

I am reducing the appropriation contained in Section 8 of Assembly Bill No 814 from $500,000 to $50,000

I am aware of the problems and needs addressed by AB 814 and I am sympathetic to the intent and purposes of the bill However, I have been informed that the funds

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identified in the bill to finance a pilot career guidance center have already been largely obligated to local school districts to assist with current 1972–73 operations Since AB 814 is not an urgency measure and will not become immediately effective, the pilot career guidance center will require funding for only a few months of 1972–73 Therefore, I have reduced the appropriation in AB 814 to $50,000 for use in the remainder of 1972–73. Further, to make funds available, I have asked the Director of Finance to propose reserving $125,000 in the 1973–74 Budget Bill to support the pilot center during 1973–74 from the source of funds identified by AB 814 in the 1972–73 Budget Act

With the above reduction, I approve Assembly Bill No. 814.

RONALD REAGAN, Governor

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

SECTION 1. Section 12771 of the Education Code is repealed.

SEC. 2. Section 12786 of the Education Code is amended to read:

12786. Every person, firm, corporation, or agent or officer of a firm or corporation, employing minors shall keep on file all permits to employ minors during the term of the employment.

SEC. 3. Section 12787 of the Education Code is amended to read:

12787. The employer of any minor subject to this chapter shall send to the officer authorized to issue the permit to work a written notification of intent to employ a minor. The form of the intent to employ a minor shall be prescribed by the Department of Education and shall be furnished to the employer by the officer.

SEC. 4. Section 12788 of the Education Code is amended to read:

12788. The notification of intent to employ a 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.

SEC. 5. Section 12792 of the Education Code is amended to read:

12792. Failure to produce a permit to work is prima facie evidence of the illegal employment of any minor whose permit to work is not produced.

SEC. 6. Division 25 (commencing with Section 37000) is added to the Education Code, to read:

DIVISION 25. MANPOWER DEVELOPMENT EFFECTIVENESS

CHAPTER 1. POLICY

37000. The Legislature hereby finds and declares that there exists in this state a serious need to increase the effectiveness of manpower development programs. For this purpose, the Legislature intends that the one pilot California career guidance center, established

pursuant to this division, shall serve as a regional manpower development resource center, amply equipped to serve public and private agencies with modern occupational measurement and career guidance materials and a professional resource staff, oriented to the labor market characteristics of the area in which it is situated. The Department of Education, in cooperation and consultation with the agencies set forth in Section 37022, shall provide state level guidance and supervision to the career guidance pilot project.

The Legislature further intends that the guidance center study and recommend: (a) occupational testing programs, occupational curriculum designs, and occupational competency certification for jobs that young and adult students can enter from high schools, technical schools and colleges, community colleges, and employer personnel programs; and (b) fiscal accountability measures for occupational preparation programs.

CHAPTER 2. DEFINITIONS

37010. "Board" means State Board of Education.

37011. "Commission" means the Commission for Teacher Preparation and Licensing.

37012. "Department" means the Department of Education.

37013. "Guidance center " means a California career guidance center.

37014. "Committee" means the Career Guidance Center Advisory Committee composed of representatives of those agencies listed in Section 37022.

CHAPTER 3. CALIFORNIA CAREER GUIDANCE CENTERS

37020. One pilot guidance center shall be established.

37021. The guidance center shall be established pursuant to guidelines adopted by the board pursuant to Section 37024.

37022. In the implementation of this division, the department shall advise and consult with, on a regular basis, representatives of the Department of Human Resources Development, the office of the Chancellor of the California Community Colleges, the Coordinating Council for Higher Education, the University of California, the Chancellor of the California State University and Colleges, the commission, the Department of Industrial Relations, the Department of Consumer Affairs, the California Advisory Council on Vocational Education and Technical Training, and the State Personnel Board.

37023. The Superintendent of Public Instruction, or his designee, shall hold at least one public meeting of the committee per quarter regarding the implementation of this division.

37024. The Superintendent of Public Instruction shall recommend guidelines for adoption by the board for the administration of this division. The board shall adopt guidelines

which shall include, but not be limited to, criteria for selection of the additional and future project sites, fiscal accountability, interagency contractual procedures, occupational education credential review procedures, evaluation procedures, and overall program administration pursuant to Chapter 4 of this division. It is the intent of the Legislature that in the implementation of the first (pilot) guidance center, priority shall be given to contractors who are thoroughly acquainted with the hiring standards and personnel selection practices of the industry..

37025. Selection of the additional and future guidance center sites shall be made by the board upon recommendation of the Superintendent of Public Instruction, after consultation with the agencies listed in Section 37022.

37026. To prospective public and private employers, including the military services of the United States, school and college district governing boards may, notwithstanding Section 10751, release at their own discretion only the following career guidance information relating to their respective students and graduating seniors: (a) name, (b) permanent address, and (c) that board's issuance of a certificate, diploma, or degree relative to occupational competencies. Nothing shall prohibit school and college district governing boards from releasing additional information, if specifically requested by the student. The board and the Board of Governors of the California Community Colleges may establish guidelines respecting this section.

On or before March 30, 1973, and annually thereafter, the department and the agencies listed in Section 37022, with the assistance of the guidance center, shall report to the board an inventory of their respective programs, current and planned, as follows: (a) occupational and job analyses, (b) occupational and job performance testing and evaluation, both written and nonwritten, (c) costs of job training for classroom, on-the-job, and home-study programs, (d) work experience evaluation, especially in relation to occupational competencies, (e) quality control techniques and practices for conducting job-training programs, (f) personnel selection techniques, practices, and respective costs thereof, (g) administration and evaluation of occupational training advisory committees for entry, but not necessarily including, professional levels, and (h) proportion of their respective employees and students enrolled in job-training programs at entry, but not necessarily including, professional levels.

Nothing in this chapter shall require any agency specified in this section to provide services other than those actually provided on the effective date of this section, and nothing in this chapter shall prohibit the provision by such agencies of additional services.

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CHAPTER 4. DEFINITIONS RESPECTING GUIDANCE CENTERS

37040. The guidance center has such powers as are necessary to carry out the provisions of this division, in accordance with guidelines adopted by the board, including, but not limited to, the formation and execution of contracts to employ staff and provide products and services pursuant to this division.

37041. The guidance center has a planned program consisting of, but not limited to, the following components:

(a) An inventory of career and personnel guidance measurement instruments for use in determining occupational interests, occupational aptitudes, occupational literacies, and occupational proficiencies, based upon both written and nonwritten instruments.

(b) An inventory of resource materials on preparation for occupational competencies. Using validated occupational analysis procedures, the guidance center shall develop a system of collecting and coordinating local, state, and national occupational information that results in data related to job and occupational availability and job and occupational competencies at entry, technician, and professional levels.

(c) An inventory and development of techniques and practices for standard and direct cost estimations of occupational preparation programs, including institutional, on-the-job, and home study training.

(d) An inventory of effective career and personnel selection techniques and practices, including direct and standard costing of same, as developed by both public and private educational and personnel agencies, and incorporate these into the model plan where feasible.

(e) The development of techniques and practices for in-service training of staff in educational and personnel agencies for effective use of materials and programs collected, identified, and developed by the guidance center.

(f) A study of the techniques for certifying occupational competencies particularly regarding internships, apprenticeships, and work experience education at entry, but not necessarily including, professional levels.. The guidance center shall make recommendations for certifying occupational competencies.

(g) An inventory and development of techniques and practices for estimating and validating earning power of marketable occupational skills for which persons enroll in formal training financed on the basis of student loan programs. The guidance center shall make findings and recommendations annually.

(h) The development of a procedure whereby students participating in occupational preparation programs are continuously followed up on a periodic and systematic basis.

(i) A study and report to the Career Guidance Center Advisory Committee by the fifth calendar day of January of each year on the statewide supply and demand status and job relatedness regarding

credentials and licenses in occupational fields served by the agencies on the committee, and make findings and recommendations.

37042. The guidance center shall establish and publish a price and in-service training schedule for the use of the purchasers of the products and services, including but not limited to, the items specified in subdivisions (a) to (h), inclusive, of Section 37041.

37043. The guidance center shall provide, pursuant to Section 37024, basic assistance to, including a schedule of products, services, and in-service training especially oriented to, (a) apprenticeship, on-the-job training, and certificated internship programs at entry, but not necessarily including, professional levels and (b) the occupational area planning committees designated pursuant to Section 37024.

CHAPTER 5. MISCELLANEOUS

37050. By the one-hundredth calendar day of the 1973 Regular Session of the Legislature, the Superintendent of Public Instruction shall report to the Legislature on those guidelines adopted by the board pursuant to this division.

37051. The guidance center shall be evaluated by the department, in cooperation and consultation with the committee. The evaluation shall include, but not be limited to, the factors listed in Sections 37027 and 37041. The Superintendent of Public Instruction shall submit his evaluation to the Legislature by the fifth calendar day of the 1974 Regular Session.

37052. Through the pilot guidance center, the State Board of Education, utilizing state and federal funds made available under this division, shall undertake, in consultation with the agencies listed in Section 37022, a study, design, and budget estimate for phased implementation of a statewide job-training system which integrates (a) apprenticeship, on-the-job training, and certificated internships, (b) occupational area planning, and (c) area career guidance centers. The board shall submit its report, including findings and recommendations, to the Legislature by the fifth calendar day of the 1974 Regular Session.

37053. The Legislative Analyst shall report to the Legislature on or before March 30, 1973, and on or before September 30, 1973, regarding his findings and recommendations as to state agency and state administered federal funds which (a) are available and (b) may be made available for the study and report and for the implementation of the statewide job training system, as set forth in Section 37052.

37054. Commencing March 1, 1973, there is established a Career Guidance Center Advisory Committee composed of representatives of the agencies listed in Section 37022. The Superintendent of Public Instruction, or his designee, shall be the chairman of the committee and shall hold at least one public meeting of the committee per quarter. The committee shall be the vehicle for conducting those

interagency activities provided for in this division.

37055. In consultation with the committee, the superintendent shall appoint a local advisory committee for the guidance center. The local advisory committee shall be composed of 10 members selected for their interest and abilities in the field of personnel selection and personnel training.

Five of the members shall hold responsible positions in personnel administration, including the college or university level instruction thereof. The remaining five shall be members of various occupational area planning committees, established pursuant to Article 10.4 (commencing with Section 6268) of Chapter 6 of Division 6 of the Education Code.

The local advisory committee shall make annual formal findings and recommendations regarding the operation of the career guidance center and report thereon to the Superintendent of Public Instruction.

Members of the local advisory committee shall serve without compensation, but they shall receive actual and necessary traveling expenses in performing duties under this section.

SEC. 7. Section 1300 of the Labor Code is amended to read:

1300. All certificates and permits to work or to employ shall be subject to cancellation at any time by the Labor Commissioner or by the issuing authority, whenever the commissioner or the issuing authority finds that the conditions for the legal issuance of such certificate or permit no longer exist or have never existed.

SEC. 8. From the funds appropriated for the support of vocational education programs in public school districts by Item 277 of the Budget Act of 1972, there is appropriated to the State Board of Education, the sum of five hundred thousand dollars ($500,000) to be expended during the 1972–1973 and 1973–1974 fiscal years for the pilot career guidance center established pursuant to Sections 37024 and 37025 of the Education Code. No more than two hundred fifty thousand dollars ($250,000) from the amount appropriated hereby shall be available for expenditure during the 1972–1973 fiscal year.

SEC. 9. The amount appropriated hereby may be used by the Superintendent of Public Instruction only for a period of two years after the effective date of this act.

SEC. 10. It is the intent of the Legislature that the availability of this amount for expenditure shall be contingent upon its being matched by an equal amount from federal funds available to the Department.

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CHAPTER 1442

An act to add Article 12 (commencing with Section 50280) to Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, to repeal the heading of Article 3 (commencing with Section 5036.5) of Chapter 1 of Division 5 of, to amend and renumber Section 5036.5 of, and to add Article 3 (commencing with Section 5031) to Chapter 1 of Division 5 of, the Public Resources Code, and to add Article 7 (commencing with Section 1161) to Chapter 5 of Part 2 of Division 1 of the Revenue and Taxation Code, relating to the taxation of property of historical significance.

[Approved by Governor December 29, 1972 Filed with Secretary of State December 29, 1972]

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

SECTION 1. Article 12 (commencing with Section 50280) is added to Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, to read:

Article 12. Historical Property Contracts

50280. Upon the application of an owner or the agent of an owner of any qualified historical property described in Article 3 (commencing with Section 5031) of Chapter 1 of Division 5 of the Public Resources Code, the legislative body of a city, county, or city and county may, by ordinance, create an historic zone encompassing so much of such property and so much additional property as the legislative body deems reasonable to carry out the purposes of this article and of Article 7 (commencing with Section 1161) of Chapter 5 of Part 2 of Division 1 of the Revenue and Taxation Code.

50281. The legislative body of a city, county, or city and county may contract with the owner of any qualified historical property within an historic zone to restrict the use of such property to retain its characteristics as property of historical significance. Any contract entered into under this article shall contain the following provisions:

(a) The term of the contract shall be for a minimum period of 20 years.

(b) Where applicable, the contract shall provide:

(1) For the preservation of the qualified historical property and, when necessary, to restore and rehabilitate such property to conform to the rules and regulations of the Department of Parks and Recreation.

(2) For reasonable public access to the property, including visual observation of the exterior. If the interior of the premises relates to the property's eligibility as a qualified historical property, the owner shall also agree to public access to the interior of the premises, at least to the extent of allowing tours on a limited basis.

(3) For reasonable access to the interior and exterior of the

premises to students of history, architecture, landscape architecture, interior design, archaeology, and similar disciplines, and to representatives of local, state, and federal government conducting recording and survey programs.

(4) For such periodic examinations of the interior and exterior of the premises by the assessor, the Department of Parks and Recreation, and the State Board of Equalization as may be necessary to determine the owner's compliance with the contract.

(5) For it to be binding upon, and inure to the benefit of, all successors in interest of the owner. A successor in interest shall have the same rights and obligations under the contract as the original owner who entered into the contract.

50282. (a) Each contract shall provide that on the anniversary date of the contract or such other annual date as is specified in the contract a year shall be added automatically to the initial term of the contract unless notice of nonrenewal is given as provided in this section. If the property owner or the legislative body desires in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract on the other party in advance of the annual renewal date of the contract. Unless such notice is served by the owner at least 90 days prior to the renewal date or by the legislative body at least 60 days prior to the renewal date, one year shall automatically be added to the term of the contract.

(b) Upon receipt by the owner of a notice from the legislative body of nonrenewal, the owner may make a written protest of the notice of nonrenewal. The legislative body may, at any time prior to the renewal date, withdraw the notice of nonrenewal.

(c) If the legislative body or the owner serves notice of intent in any year not to renew the contract, the existing contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be.

(d) The owner shall furnish the legislative body with such information as the legislative body shall require in order to enable it to determine the eligibility of the property involved.

(e) No later than 20 days after a city or county enters into a contract with an owner pursuant to this article, the clerk of the legislative body shall record with the county recorder a copy of the contract, which shall describe the property subject thereto, together with a reference to the map showing the location of the historic zone in which the property lies. From and after the time of such recordation such contract shall impart such notice thereof to all persons as is afforded by the recording laws of this state.

50283. The effect of removal of property under contract from an historic zone shall be the equivalent of notice of nonrenewal by the city or county rezoning the property and such city or county shall, at least 60 days prior to the next renewal date following the rezoning, serve a notice of nonrenewal as provided in Section 50282.

50284. The legislative body may cancel a contract if it determines that the owner has breached any of the conditions of the contract

provided for in this article or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property as prescribed by rules and regulations adopted by the Department of Parks and Recreation. The legislative body may also cancel a contract if it determines that the owner has failed to restore or rehabilitate the property in the manner specified in the contract.

50285. No contract shall be canceled under Section 50284 until after the legislative body has given notice of, and has held, a public hearing on the matter. Notice of the hearing shall be mailed to the last known address of each owner of property within the historic zone and shall be published pursuant to Section 6061.

50286. If a contract is canceled under Section 50284, the owner shall pay a cancellation fee of 50 percent of the assessed value of the property at the time of cancellation, as determined by the county assessor without regard to any restriction on such property imposed pursuant to this article. The cancellation fee shall be paid to the Controller, at such time and in such manner as the Controller shall prescribe, and shall be deposited in the State General Fund.

50287. As an alternative to cancellation of the contract for breach of any condition, the county, city, or any landowner may bring any action in court necessary to enforce a contract including, but not limited to, an action to enforce the contract by specific performance or injunction.

50288. In the even that property subject to contract under this article is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the legislative body to frustrate the purpose of the contract, such contract shall be canceled and no fee shall be imposed under Section 50286. Such contract shall be deemed null and void for all purposes of determining the value of the property so acquired.

50289. In the event that property restricted by a contract with a county under this article is annexed to a city, the city shall succeed to all rights, duties, and powers of the county under such contract.

SEC. 2. The heading of Article 3 (commencing with Section 5036.5) of Chapter 1 of Division 5 of the Public Resources Code is repealed.

SEC. 3. Section 5036.5 of the Public Resources Code is amended and renumbered to read:

5025.3. The Governor's Mansion, located at 1526 H Street, Sacramento, shall be under the control and management of the department and shall be maintained as a state monument at such times as it is not needed as a residence.

SEC. 4. Article 3 (commencing with Section 5031) is added to Chapter 1 of Division 5 of the Public Resources Code, to read:

Article 3. Qualified Historical Property

5031. "Qualified historical property" means privately owned property which is not exempt from property taxation, is visually accessible to the public, and which is:

(a) All landmark registrations up to and including Register No. 769, which were approved without the benefit of criteria, shall be approved only if the landmark site conforms to the existing criteria as determined by the California Historical Landmarks Advisory Committee. Any other registered California historical landmark under Article 2 (commencing with Section 5020) of this chapter, except points of historical interest, and which satisfies any of the following requirements:

(1) The property is the first, last, only, or most significant historical property of its type in the region;

(2) The property is associated with an individual or group having a profound influence on the history of California; or

(3) The property is a prototype of, or an outstanding example of, a period, style, architectural movement, or construction, or if it is one of the more notable works, or the best surviving work, in a region of a pioneer architect, designer, or master builder; or

(b) A property which is listed on the national register described in Section 470a of Title 16 of the United States Code.

5032. (a) "Qualified historical property" pursuant to Section 5031 includes:

(1) Individual sites having structures.

(2) Façades or portions of entire sites.

(3) Historic districts.

(b) "Qualified historical property" does not include individual sites without structures.

(c) Commercial operation in itself does not necessarily disqualify a landmark's registration. However, should a commercial enterprise by its physical development plans, or its proximity, impact, excessive use, or management philosophy so dilute or erode the significance of or quality of the landmark's integrity, then an adverse effect shall have occurred and its registration may be withdrawn.

5033. The department shall adopt all rules and regulations relating to standards for qualifying as a historical property. In adopting such rules and regulations, the department shall consider all recommendations of the Historical Landmarks Advisory Committee.

SEC. 5. Article 7 (commencing with Section 1161) is added to Chapter 5 of Part 2 of Division 1 of the Revenue and Taxation Code, to read:

Article 7. Property of Historical Significance

1161. In the valuation of property subject to an historical property contract pursuant to Article 12 (commencing with Section

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50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, there is a rebuttable presumption, affecting the burden of proof, that the contract will be renewed and continued and the value of the property is the value attributable to the uses permitted by the contract.

In assessing property under contract where the presumption is not rebutted, the assessor, board and local board of equalization shall not consider sales of other property unless under similar contracts or such property has any limitations which have the same effect as the contract. This section shall apply where the contract has not been subject to a notice of nonrenewal by the landowner pursuant to Government Code Section 50282, and in case of such a notice by a city or county and protest by the property owner pursuant to subdivision (b) of Section 50282 of the Government Code, this section shall apply until less than 10 years remain prior to the expiration of the contract.

1162. The board shall adopt rules and regulations to carry out the provisions of this article.

SEC. 6. The state shall not be required to provide subventions for revenues lost to a city, county or city and county by reason of such city, county or city and county acting pursuant to the provisions of this act.

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CONCURRENT AND JOINT RESOLUTIONS
AND CONSTITUTIONAL AMENDMENTS

REGULAR SESSION

1972

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

Adopted at the 1972 Regular Session of the Legislature

RESOLUTION CHAPTER 1

Assembly Concurrent Resolution No. 2—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State January 19, 1972.]

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

Senate Concurrent Resolution No. 12—Approving amendment to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a special election held therein on the 18th day of January, 1972.

[Filed with Secretary of State February 10, 1972.]

WHEREAS, Proceedings have been taken and had for the adoption and ratification of an amendment, hereinafter set forth, to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the President of the Council of the City of Los Angeles and the city clerk of said city, as follows:

CERTIFICATE OF 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 eight 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 a proposal for the amendment of the Charter of said city to be voted upon by said qualified electors at a special election held on the 18th day of January, 1972, all as required by law, which said proposal was designated as Proposed Charter Amendment No. 1.

That on the 9th day of December, 1971, the said proposed amendment was published and advertised in accordance with Section 34461 of the California Government Code, in each and every edition of said day of December 9, 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 amendment were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said city; and copies thereof could be had upon application therefor at the office of the City Clerk on and from December 8, 1971, to and including January 18, 1972; and a notice was advertised and published on and from December 8, 1971, to and including January 18, 1972, in "The Los Angeles Daily Journal," a newspaper of general circulation in said city, that copies thereof might be had at the office of the City Clerk of said city upon application therefor.

Such proposed charter amendment was submitted to the electors of said city for adoption and ratification at a special election held on January 18, 1972, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendment aforesaid.

At said election a majority of the qualified electors voting upon the proposed charter amendment voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns

thereof by the City Clerk of the City of Los Angeles dated January 26, 1972, and by the declaration of the Council of said City of Los Angeles, which pursuant to law met on January 26, 1972, 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 amendment to the Charter of the City of Los Angeles, so adopted and ratified by the qualified electors of said city, and which shall be submitted to the Legislature for approval or rejection, is in words and figures as follows:

Proposed Charter Amendment No. 1

Sub-sec. 6 and Clause (1), Subd. (a) of Sub-sec. 16 of Section 229 of the Charter of The City of Los Angeles are amended to read:

Sub-sec. 6. Determination and limitation of amounts of issues.

Subd. (a). Whenever the Department shall exercise the power to borrow money, or to refund indebtedness, pursuant to this section 229, the Board shall by resolution determine the amount or amounts required for the purposes for which the money is to be borrowed or required for such refunding.

Subd. (b). Whenever the Department shall exercise the power to borrow money pursuant to this section 229 the Board may authorize the issuance of bonds in any amount determined pursuant to subdivision (a) next above; provided that no bonds so authorized shall be issued unless the amount of the surplus (including surplus arising from contributions in aid of construction), as of the end of the last fiscal year which ended not less than four months prior to the making, with reference to the bonds so to be issued, of the finding and determination provided for in clause (1) of subdivision (a) of subsection 16 of this section 229, derived from the operation of the works to which pertains the revenue fund out of which the bonds so authorized are to be payable, equals at least sixty percent (60%) of the aggregate of the three following amounts, (i) the amount of the bonds to be so issued, (ii) the amount of the bonds of the Department outstanding at the time of the acceptance of a proposal for the purchase of the bonds so authorized and payable out of that revenue fund, and (iii) the amount of the bonds of the City outstanding at that time and serviced out of that revenue fund.

Subd. (c). The limitation prescribed in subdivision (b) of this subsection 6 shall not be applicable to the issuance of any refunding bonds pursuant to this section 229, and the amount of any issue of such refunding bonds may equal, but shall not exceed, the amount required for the payment or redemption of the bonds to be refunded thereby, including the premiums, if any, due upon such redemption, but excluding any interest due upon such redemption; nor shall such limitation be applicable to the issuance of any notes or other evidences of indebtedness under the authority of subsection 18 of this section 229.

Subd. (d). The limitation prescribed in subdivision (b) of this subsection 6 shall not be applicable to the issuance of any bonds whenever the proposition of such issuance shall have been assented to by the voters.

Subd. (e). Any bond for the payment and discharge of which, upon maturity or upon redemption prior to maturity, provision has been made through the setting apart in a reserve fund or special trust account created pursuant to subsection 10 of this section 229 to insure the payment thereof, of moneys sufficient for that purpose, or through the irrevocable segregation for that purpose, in some sinking fund or other fund or trust account, of moneys sufficient therefor, shall be deemed to be no longer outstanding within the meaning of any provision of this section 229.

Sub-sec. 16. Board to determine facts showing laws have been complied with, and findings to be conclusive.

Subd. (a). After accepting a proposal for the purchase of each issue of bonds to be issued pursuant to this section 229 (except in the case of the exchange of refunding bonds for bonds to be refunded thereby, in which case it shall be after authorizing such exchange) and prior to the issuance thereof, the Board, after satisfying itself respecting the relevant facts, shall, by resolution, find and determine - -

Clause (1) - - the amount of surplus (including surplus arising from contributions in aid of construction) derived from the operation of the works of the Department to which the revenue fund out of which such bonds are to be payable pertains, as of the end of the last fiscal year which ended not less than four months prior to the making of such finding and determination, and that the ascertainment of such surplus has been in accordance with sound accounting practice; provided, however, that such finding and determination need not be made in the case of the authorization of refunding bonds, or in the case of the issuance of notes or other evidences of indebtedness under the authority of subsection 18 of this section 229, or in any case where the voters have assented to the issuance of bonds in excess of the limitation specified in subdivision (b) of subsection 6 of this section 229;

We further certify that we have compared the text of the foregoing amendment with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct, complete and exact copy thereof. That as to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Los Angeles to be affixed hereto this 27th day of January, 1972.

JOHN S. GIBSON, JR.
(SEAL) John S. Gibson, Jr.
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 said proposed amendment as ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the 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 concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as a part of the Charter of the said City of Los Angeles.

RESOLUTION CHAPTER 3

Assembly Concurrent Resolution No. 10—Relative to the anniversary of the Cinco de Mayo as Mexican-American Week.

[Filed with Secretary of State February 18, 1972.]

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 110th 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 April 30 through May 6, 1972, 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 4

Assembly Concurrent Resolution No. 1—Relative to adoption of the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State February 18, 1972]

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 1972 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 they shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of subdivision (a) of Section 8 of Article IV of the Constitution. 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 March 15th 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 March 15th shall be made to the Legislative Counsel on or before 5 p.m. on the seventh day preceding March 15th.

(c) Each Member of the Legislature may introduce three bills after March 15th notwithstanding the procedure set forth in subdivisions (a) and (b).

(d) 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.

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.

(g) An accredited member of the association who violates subdivision (a) or (f) of this rule shall be subject to the following penalties:

(1) For the first offense, the Standing Committee of the Capitol Correspondents Association shall send a letter of admonition to the offending member. his employer and the Joint Rules Committee. The letter shall state the nature of the member's rule violation and shall warn of an additional penalty for a second offense.

(2) For a second offense, the Standing Committee of the Capitol Correspondents Association shall recommend to the Joint Rules Committee that the member's accreditation be suspended or revoked and that he lose all rights and privileges attached thereto. The Standing Committee of the Capitol Correspondents Association shall also dismiss the member from the association.

Any member of the Standing Committee of the Capitol Correspondents Association may propose that the committee make an inquiry to determine if an association member has violated subdivision (a) or (f) of this rule. Upon a majority vote of the Standing Committee of the Capitol Correspondents Association, an inquiry shall be made.

Upon receipt of a signed, written notice from any association member of his belief that another association member may have violated subdivision (a) or (f) of this rule, the Standing Committee of the Capitol Correspondents Association shall commence an inquiry into the possible violation.

If the Standing Committee of the Capitol Correspondents Association determines by majority vote that an association member has broken an association rule, it shall inform the member of its finding. Within two weeks of notification, the member may request a meeting of the membership. If the member makes such a request, the Standing Committee of the Capitol Correspondents Association shall promptly schedule a meeting at the soonest possible time. After hearing the member and the committee review the circumstances of the alleged violation, the membership may, by majority vote, nullify the finding of the Standing Committee of the Capitol Correspondents Association. If nullification does not occur, the Standing Committee of the Capitol Correspondents Association shall impose immediately the appropriate penalty.

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 expand 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, and 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 seeking action of any character on matters then pending before the Legislature.

(f) No employee of either house of the Legislature shall, during the time he is so employed, commit any act or engage in any activity prohibited by any part of this rule.

(g) No person shall induce or seek to induce any Member of the Legislature to violate any part of this rule.

(h) Violations of these rules are punishable as provided in Section 8926 of the Government Code.

Joint Legislative Ethics Committee

45. (a) The Joint Legislative Ethics Committee is hereby created. The committee shall consist of three Members of the Senate appointed by the Senate Committee on Rules and three Members of the Assembly appointed by the Speaker of the Assembly. Of the three members appointed from each house, at least one from each house shall be a member of the political party having the largest number of members in that house and at least one from each house shall be a member of the political party having the second largest number of members in that house. The committee shall elect its own chairman. Vacancies occurring in the membership of the committee shall be filled in the manner provided for in these rules for other committees. A vacancy shall be deemed to exist as to any member of the committee whose term is expiring whenever such member is not reelected at the general election.

(b) The committee is authorized to make rules governing its own proceedings. The provisions of Rule 36 of the Joint Rules of the

Senate and Assembly relating to investigating committees shall apply to the committee.

Prior to the issuance of any subpoena by the committee with respect to any matter before the committee, it shall by a resolution adopted by a vote of two members of the committee from each house of the Legislature define the nature and scope of its investigation in the matter before it.

(c) Funds for the support of the committee shall be provided from the Contingent Funds of the Assembly and the Senate in the same manner that such funds are made available to other joint committees of the Legislature.

(d) The committee shall have power, pursuant to the provisions of this rule, to investigate and make findings and recommendations concerning alleged violations by Members of the Legislature of the provisions of Rule 44.

(e) Any person may: (a) file with the committee a verified complaint in writing which shall state the name of the Member of the Legislature alleged to have committed the violation complained of, and which shall set forth the particulars thereof, or (b) file a complaint concerning the alleged violation by a Member of the Legislature with the district attorney of the appropriate county.

If a person files a complaint with respect to any alleged violation by a Member of the Legislature with the committee, he may not thereafter file a complaint to institute a criminal prosecution for such violation until the committee has rendered its report or until a period of 120 days has elapsed since the filing of the complaint. If a complaint is filed with the appropriate district attorney by any person concerning an alleged violation by a Member of the Legislature of any provision of Rule 44, such person may not thereafter file a complaint with respect to such alleged violation with the committee.

If a complaint is filed with the committee, the committee shall promptly send a copy of the complaint to the Member of the Legislature alleged to have committed the violation complained of, who shall thereafter be designated as the respondent.

No complaint may be filed with the committee after the expiration of six months from the date upon which the alleged violation occurred.

(f) If the committee determines that the verified complaint does not allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of Rule 44, it shall dismiss the complaint and notify the complainant and respondent thereof. If the committee determines that such verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of Rule 44, the committee shall promptly investigate the alleged violation and, if

after such preliminary investigation, the committee finds that probable cause exists for believing the allegations of the complaint, it shall fix a time for a hearing in the matter, which shall be not more than 30 days after such finding. If, after the preliminary investigation, the committee finds that probable cause does not exist for believing the allegations of the complaint, the committee shall dismiss the complaint. In either event the committee shall notify the complainant and respondent of its determination.

(g) After the complaint has been filed the respondent shall be entitled to examine and make copies of all evidence in the possession of the committee relating to the complaint.

(h) If a hearing is to be held pursuant to subdivision (f) the committee, before the hearing has commenced, shall issue subpoenas and subpoenas duces tecum at the request of any party in accordance with the provisions of Chapter 4 (commencing with Section 9400), Part 1, Division 2, Title 2 of the Government Code. All of the provisions of Chapter 4, except Section 9410, shall be applicable to the committee and the witnesses before it.

(i) At any hearing held by the committee:

(1) Oral evidence shall be taken only on oath or affirmation.

(2) Each party shall have these rights: to be represented by legal counsel; to call and examine witnesses; to introduce exhibits; and to cross-examine opposing witnesses.

(3) The hearing shall be open to the public.

(j) Any official or other person whose name is mentioned at any investigation or hearing of the committee and who believes that testimony has been given which adversely affects him, shall have the right to testify or, at the discretion of the committee, to file a statement of facts under oath relating solely to the material relevant to the testimony of which he complains.

(k) After the hearing the committee shall state its findings of fact. If the committee finds that the respondent has not violated any 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 5

Senate Concurrent Resolution No. 17—Relative to memorializing Los Angeles County Supervisor Frank G. Bonelli.

[Filed with Secretary of State March 9, 1972]

WHEREAS, It was with the most sincere and profound sorrow that the Members of the Legislature of the State of California learned of

the death of their long-time friend and former colleague, Los Angeles County Supervisor Frank G. Bonelli; and

WHEREAS, No one knew the First Supervisorial District of the County of Los Angeles better than Mr. Bonelli, who, although born in Grand Junction, Colorado, was brought to California by his family when he was only a year old, and had resided in the First District ever since; and

WHEREAS, He attended Polytechnic High School in Los Angeles and later became a successful businessman for some 20 years in his home community of Huntington Park; and

WHEREAS, His public career began with the Huntington Park City Council, on which he served for 10 years with two terms as mayor, and thereafter Mr. Bonelli was elected to the State Assembly, representing the 52nd District, where he served five years; and

WHEREAS, While a member of the State Assembly, he was elected county supervisor at the primary election in June 1958, and he was reelected without opposition in 1962 and 1966; and

WHEREAS, Mr. Bonelli served four terms as Chairman of the Board of the Los Angeles County Board of Supervisors, three terms as Chairman of the State Regional Water Quality Control Board for Los Angeles and Ventura Counties, represented the Los Angeles County Board of Supervisors on the Local Agency Formation Commission, and was an ex officio of the Los Angeles County Fair Association; and

WHEREAS, Credited with being the "Father of California Reapportionment," Supervisor Bonelli spearheaded two constitutional amendment initiatives to bring about equitable representation for Los Angeles County and southern California in the State Senate; and

WHEREAS, In June 1962, Supervisor Bonelli was returned to office without opposition, marking the first time in the county's history that an incumbent First District Supervisor's reelection was not opposed; and

WHEREAS, Supervisor Bonelli was again unopposed for reelection at the 1966 primary election and received the largest number of votes ever received by a county supervisor in the State of California; and

WHEREAS, He was a past president of Kiwanis, past president of the Chamber of Commerce, past president of the Toastmasters, and held memberships in the Benevolent and Protective Order of Elks, Knights of Columbus, Anchor Club, Moose, and Eagles, and was an honorary member of Rotary; and

WHEREAS, He is survived by his loving wife, Muriel, of Huntington Park, and two married daughters, Mrs. Barbara Macke and Mrs. Beverly Jean Cusolito, and nine grandchildren; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature do hereby

pay homage to the memory of Los Angeles County Supervisor Frank G. Bonelli, whose work in making his community and state a better place for all, will long be appreciated, and extend their deepest condolences to his bereaved widow and family; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Mrs. Frank G. Bonelli, Mrs. Barbara Macke, and Mrs. Beverly Jean Cusolito.

RESOLUTION CHAPTER 6

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 16 to Article IX, by amending Section 1 of Article X, by repealing Sections 1, 4, 5, 6, 7, 8, 13, 15, 16, and 24 of Article XII, by adding Section 42 to Article XIII, by amending Section 1 of Article XIV, by repealing Sections 2 and 3 of Article XVII, by adding Section 24 to Article XX, and by repealing Article XXII thereof, relating to partial revision of the Constitution of the State of California.

[Filed with Secretary of State March 9, 1972]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1972 Regular Session commencing on the third day of January, 1972, 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 as follows:

First—That Section 16 is added to Article IX, to read:

SEC. 16. It shall be competent, in all charters framed under the authority given by Section 5 of Article XI, to provide, in addition to those provisions allowable by this Constitution, and by the laws of the state for the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

Second—That Section 1 of Article X is amended to read:

SECTION 1. The labor of convicts shall not be let out by contract to any person, copartnership, company or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

Third—That Section 1 of Article XII is repealed.

Fourth—That Section 4 of Article XII is repealed.

Fifth—That Section 5 of Article XII is repealed.

Sixth—That Section 6 of Article XII is repealed.

Seventh—That Section 7 of Article XII is repealed.

Eighth—That Section 8 of Article XII is repealed.

Ninth—That Section 13 of Article XII is repealed.

Tenth—That Section 15 of Article XII is repealed.

Eleventh—That Section 16 of Article XII is repealed.

Twelfth—That Section 24 of Article XII is repealed.

Thirteenth—That Section 42 is added to Article XIII, to read:

SEC. 42. The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation, except that the state and each political subdivision, district, municipality, and public agency thereof is hereby authorized to acquire and hold shares of the capital stock of any mutual water company or corporation when such stock is so acquired or held for the purpose of furnishing a supply of water for public, municipal or governmental purposes; and such holding of such stock shall entitle such holder thereof to all of the rights, powers and privileges, and shall subject such holder to the obligations and liabilities conferred or imposed by law upon other holders of stock in the mutual water company or corporation in which such stock is so held.

Notwithstanding provisions to the contrary in this section and Section 25 of this article, the Legislature may authorize the investment of moneys of any public pension or retirement fund, not to exceed 25 percent of the assets of such fund determined on the basis of cost in the common stock or shares and not to exceed 5 percent of assets in preferred stock or shares of any corporation provided:

a. Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended, but such registration shall not be required with respect to the following stocks:

1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars ($50,000,000);

2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars ($50,000,000);

3) Any preferred stock

b. Such corporation has total assets of at least one hundred million dollars ($100,000,000);

c. Bonds of such corporation, if any are outstanding, qualify for investment under the law governing the investment of the retirement fund, and there are no arrears of dividend payments on its preferred stock;

d. Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last 3 years;

e. Such investment in any one company may not exceed 5 percent of the common stock shares outstanding; and

f. No single common stock investment may exceed 2 percent of the assets of the fund, based on cost.

Notwithstanding provisions to the contrary in this section and Section 25 of this article, the Legislature may authorize the investment of moneys of any public pension or retirement fund, in stock or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars ($50,000,000); provided, however, that the total investment in such stocks and shares, together with stocks and shares of all other corporations may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

Fourteenth—That Section 1 of Article XIV is amended to read:

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law.

Fifteenth—That Section 2 of Article XVII is repealed.

Sixteenth—That Section 3 of Article XVII is repealed.

Seventeenth—That Section 24 is added to Article XX, to read:

SEC. 24. All laws now in force in this State concerning corporations and all laws that may be hereafter passed pursuant to this section may be altered from time to time or repealed.

Eighteenth—That Article XXII is repealed.

RESOLUTION CHAPTER 7

Assembly Joint Resolution No. 1—Relative to the creation of a Commission on Indian Treaties.

[Filed with Secretary of State March 15, 1972.]

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

create a commission to review and evaluate the various treaties made between the United States government and the various Indian tribes and nations; 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 8

Assembly Joint Resolution No. 12—Relative to federal maintenance dredging of small craft harbors.

[Filed with Secretary of State March 23, 1972]

WHEREAS, The State of California has an active program for harbors of refuge and assistance to local entities for the construction of small craft harbors; and

WHEREAS, The state also has a vital interest in the preservation of these harbors upon their completion and continual operation; and

WHEREAS, The federal government, through the Corps of Engineers, plays a vital role in maintaining these harbor entrances and navigable waterways; and

WHEREAS, These dredging projects funded by the federal government are of paramount importance in the continuation of the financial feasibility of maintaining small craft harbors in 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 respectfully memorializes the President and the Congress of the United States to continue to provide funds for maintenance dredging of small craft harbor entrances and navigable waterways 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, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 9

Assembly Concurrent Resolution No. 40—Relative to a recess of the Legislature.

[Filed with Secretary of State March 23, 1972.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Assembly shall be in recess from adjournment on Thursday, March 23, 1972, until the time set by the Assembly for reassembly on Monday, April 3, 1972; provided that this recess shall not constitute the constitutional recess specified in Section 3 of Article IV of the Constitution.

RESOLUTION CHAPTER 10

Assembly Joint Resolution No 10—Relative to the improvement of safety standards for toys.

[Filed with Secretary of State March 24, 1972]

WHEREAS, Injuries to children in excess of 700,000 incidents per year have resulted from defectively designed or defectively manufactured toys; and

WHEREAS, The protection of children from the harmful effects of dangerous toys requires vigilance in discovering dangerous conditions and strict enforcement of health and safety laws relating to toys; and

WHEREAS, Self-regulation by the toy industry has not proved to be an effective deterrent to the introduction of dangerous toys into the market for eventual use by small children; 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 Congress to review existing legislation on child protection and toy safety to determine whether further protection is needed; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the Food and Drug Administration of the United States Department of Health, Education, and Welfare, and the Federal Trade Commission, to vigorously enforce existing laws and regulations relating to child protection and toy safety; 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 Food and Drug Administration of the United States Department of Health, Education and Welfare, and to the Federal Trade Commission.

RESOLUTION CHAPTER 11

Senate Concurrent Resolution No. 22—Relative to memorializing Louis G. Sutton.

[Filed with Secretary of State April 11, 1972]

WHEREAS, It was with the most sincere and profound sorrow that the Members of the Legislature of the State of California learned of the death of their long-time friend and former colleague, Louis G. Sutton; and

WHEREAS, A native of the Maxwell community, Mr. Sutton was educated in a one-room rural grammar school, Colusa High School, Oakland Polytechnic Business College, and as a special student of the University of California; he was admitted to the State Bar in 1911; and he later became a successful farmer and businessman in Maxwell; and

WHEREAS, Elected to the State Senate in 1944, representing the old Eighth Senatorial District, which was then composed of Colusa, Glenn, and Tehama Counties, he served in the State Legislature for 14 years; and

WHEREAS, While in the Legislature, Mr. Sutton either sponsored or cosponsored numerous pieces of legislation which were of benefit to his area and to the state as a whole, including legislation which provided special classes for handicapped children, the licensing of vocational nurses, and early legislation which led to the establishment of the Sacramento River State Park at Colusa; and

WHEREAS, As author of the "Anti-Commercial Fish Netting Bill" in the 1957 session, he was credited with being the Senator responsible for the removal of the fish nets from the Sacramento River and the lower delta area; and

WHEREAS, Prior to his service in the State Legislature, Mr. Sutton served as a member of the Colusa County Board of Supervisors from 1924 to 1929, as trustee and secretary of Reclamation District No. 2047 from 1933 to 1939, and as a member of the Colusa County Selective Service Board in both World War I and World War II; and

WHEREAS, He was a 50-year member, past master and tiler of Maxwell Lodge No. 288 of Masons; a 50-year member of the Wild Rose Chapter of the Eastern Star; a charter member of the Willows Lodge of Elks; a member of Colusa Aerie No. 675 of Eagles; Colusa Parlor No. 69, Native Sons of the Golden West; the Grange; the Farm Bureau; and the Commonwealth Club of San Francisco; and

WHEREAS, He is survived by his loving wife, Evelyn; a son, Park Sutton, a married daughter, Mrs. Gerald Boyes, six grandchildren, and two great-grandchildren; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature do hereby pay homage to the memory of former State Senator Louis G. Sutton, whose work in making his community and state a better place for all will long be appreciated, and extend their deepest condolences to his bereaved widow, family, and many friends; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Mrs. Louis G. Sutton.

RESOLUTION CHAPTER 12

Assembly Concurrent Resolution No. 9—Relative to Ken Legg Peak.

[Filed with Secretary of State April 17, 1972]

WHEREAS, Ken Legg has been an outstanding park ranger with the Department of Parks and Recreation for nearly 25 years and is a recognized authority on the flora and fauna of the Lake Tahoe area; and

WHEREAS, Ken Legg writes a weekly column in the Tahoe City World newspaper entitled "Along the Trail," and has authored noted scholarly works on Lake Tahoe wildflowers and mammals; and

WHEREAS, Through his writings, his lectures, and the hikes and peak climbs he has led, Park Ranger Legg has dedicated himself to bringing to the public an awareness, an understanding, and an appreciation of the beauty and wonders of nature; and

WHEREAS, Over the years, he has led many parties on climbs to the top of the unnamed 9,195-foot mountain peak which rises above Emerald Bay State Park, and it would be a fitting tribute to this distinguished naturalist if that peak were named in his honor; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the peak located in El Dorado County approximately one mile northwest of Eagle Falls Campground and approximately one-half mile southeast of Rubicon Lake and standing at an elevation of 9,195 feet above sea level is hereby designated as Ken Legg Peak; and be it further

Resolved, That copies of this resolution be transmitted to the Director of Parks and Recreation, the chairman of the State Park and Recreation Commission, and to the Chairman of the State Lands Commission.

RESOLUTION CHAPTER 13

Senate Concurrent Resolution No. 7—Relative to public transportation in the San Francisco Bay area.

[Filed with Secretary of State April 20, 1972]

WHEREAS, The Metropolitan Transportation Commission was created by Chapter 891 of the Statutes of 1970 to provide comprehensive transportation planning in the San Francisco Bay area; and

WHEREAS, A viable public transportation system is essential to the prosperity of the bay area; and

WHEREAS, With the enactment of Senate Bill No. 325 as Chapter 1400 of the Statutes of 1971, nearly $34,000,000 annually in additional revenue will be available to finance public transportation in the bay area; and

WHEREAS, With this new source of revenue, it would be appropriate to determine the feasibility of a free public transportation system in the bay area as a means of providing the necessary mobility to the people thereof without increasing vehicular congestion and the air pollution resulting therefrom; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Metropolitan Transportation Commission is hereby requested to conduct a comprehensive study on the feasibility of a free public transportation system, including the economic, social, and political impact thereof, in the San Francisco Bay area; and be it further

Resolved, That the Metropolitan Transportation Commission report its findings and recommendations to the Legislature no later than June 30, 1973; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Metropolitan Transportation Commission.

RESOLUTION CHAPTER 14

Assembly Concurrent Resolution No. 6—Relative to public transit diesel buses.

[Filed with Secretary of State April 20, 1972]

WHEREAS, Certain two-cycle diesel engines used in some older buses emit a significant amount of hydrocarbons into the ambient air; and

WHEREAS, The State Air Resources Board has determined that a diesel fuel injector has been developed which would reduce hydrocarbon exhaust emissions from these engines by more than 70 percent; and

WHEREAS, Public transportation agencies operate large numbers of these buses in metropolitan areas where air pollution is most severe; and

WHEREAS, Under the Urban Mass Transportation Assistance Act of 1970, funds are available to such agencies to finance the installation of such diesel fuel injectors; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That all public transportation agencies be urged to apply to the Department of Transportation for funds to equip their two-cycle diesel engine buses which emit a significant amount of hydrocarbons with diesel fuel injectors to reduce their hydrocarbon exhaust emissions into the ambient air and to require the installation of such injectors on new buses; and be it further

Resolved, That the public transportation agencies are hereby requested to report, by December 31, 1972, to the executive officer of the State Air Resources Board on the action they have taken to install such injectors; and be it further

Resolved, That the executive officer of the State Air Resources Board is hereby requested to submit a report, not later than March 1, 1973, to the Legislature on the action taken by public transportation agencies to install such injectors; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the California Association of Publicly Owned Transit Systems and to the executive officer of the State Air Resources Board.

RESOLUTION CHAPTER 15

Assembly Concurrent Resolution No. 26—Relative to Humboldt State College.

[Filed with Secretary of State April 20, 1972]

WHEREAS, Cooperative wildlife research units have been established in various states and there is a need for such a unit in California; and

WHEREAS, These units are cooperative ventures involving a university or college, a state fish and game department, the United States Fish and Wildlife Service, and the Wildlife Management Institute, and are designed to serve several functions, including the training of wildlife biologists and the conducting of research projects to serve regional and national needs; and

WHEREAS, Humboldt State College in Arcata is well situated for such a unit, being close to important populations of big game, birdlife and furbearers and having good tranportation connections with the balance of the state; and

WHEREAS, The United States Cooperative Fisheries unit has been

located at Humboldt State College since 1966, as is a branch of the Pacific Southwest Forest and Range Experiment Station, which has been there since 1963; and

WHEREAS, The Humboldt Bay National Wildlife Refuge and the Redwood National Park have recently been established near Humboldt State College; and

WHEREAS, Already established at the college is a well-developed wildlife program which in 1971 enrolled 352 students, making it the third largest such program in the United States and by far the largest in California; and

WHEREAS, The college has the mandate from the Trustees of the California State Colleges as the only campus to specialize in natural resources within the California state college system, and currently maintains a school of natural resources having a student body of about 1,350 and a full-time faculty of 36; and

WHEREAS, The proposed unit can be funded initially from existing budget sources and it is expected that additional support costs will be funded by the federal government; and

WHEREAS, The establishment of a cooperative wildlife research unit at Humboldt State College will be of great benefit to all of the citizens of the state and will be especially beneficial to the instructional program in natural resources; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature supports the proposal to establish a cooperative wildlife research unit at Humboldt State College and whatever supportive efforts need be made by the Department of Fish and Game; 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, to Humboldt State College, and to the Director of the State Department of Fish and Game.

RESOLUTION CHAPTER 16

Senate Concurrent Resolution No. 11—Relative to state flag memorials.

[Filed with Secretary of State April 21, 1972]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Rule 40.7 be added to the Joint Rules of the Senate and Assembly for the 1972 Regular Session to read:

STATE FLAG MEMORIALS

40.7. The Rules Committee of either house may, upon the death of a Member or former Member of the Legislature, authorize the presentation of a flag of the State of California that has flown over,

or within, the State Capitol to the widow or widower of such member. Such presentations may also be made with respect to members or former members who have died prior to the adoption of this rule.

RESOLUTION CHAPTER 17

Assembly Joint Resolution No. 26—Relative to Solidarity Day.

[Filed with Secretary of State May 2, 1972.]

WHEREAS, President Richard M. Nixon plans to visit Russia on a mission that seeks to create a greater bridge of understanding between the two great powers of the United States and Russia; and

WHEREAS, Such bridges of understanding will help to promote the cause of world peace; and

WHEREAS, The Members of the Assembly believe that this mission provides an opportunity for the President to take up the issue of grievances of Soviet Jews as well as other oppressed people under Soviet control on a humanitarian basis; 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 citizens of this great state to join in the Nationwide Solidarity Day for Soviet Jewry, which takes place on Sunday, April 30, as a means of informing our President that the citizens of this great nation feel strongly about the issue of human rights and freedoms as exemplified in the dilemma of Soviet Jews as well as other oppressed people under Soviet rule; and that we convey to our President by this means the importance of his taking up this matter on the agenda with the leaders of the U.S.S.R.; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to President Richard M. Nixon.

RESOLUTION CHAPTER 18

Senate Concurrent Resolution No. 35—Relative to Transportation Week.

[Filed with Secretary of State May 3, 1972]

WHEREAS, President Richard M. Nixon, by executive order, has proclaimed May 27 to June 4, 1972, to be "National Transportation Week" and has named Secretary of Transportation John A. Volpe as director of our country's first United States International Transportation Exposition, popularly known as "Transpo 72"; and

WHEREAS, The Congress of the United States, by legislative

enactment, has authorized the expenditure of funds necessary to develop an attractive exposition facility on a 320-acre site paralleling 1½ miles of runway at Washington D.C.'s Dulles International Airport; and

WHEREAS, This will represent the first occasion when all forms of transportation—land, sea, air, and space—have been brought together in an international exposition, offering participation opportunities for all nations; and

WHEREAS, The basic objectives of "Transpo 72" are fourfold: (1) to open new markets abroad for United States products; (2) to make the public more aware of the contribution of the transportation industry to the economic, social, and cultural progress of man; (3) to bring together in one place the know-how and products that together must solve the transportation crisis; and (4) to emphasize the integrated systems function of transportation; and

WHEREAS, It is anticipated that more than one million persons will visit the exposition to view the daily air and surface shows and acquaint themselves with the products and techniques represented by the exhibits; and

WHEREAS, Our state's dominant role in transportation has resulted in the appointment of many distinguished Californians who will fill prominent roles in the development of "Transpo 72" including: California "Transpo 72" Chairman, Robert W. Prescott, President and Chief Executive Officer of Flying Tiger Line, Inc.; Special Assistant to Secretary Volpe, William J. Bird, Vice President of Kaiser Industries; Cochairman of Secretary Volpe's Advisory Committee, Charles B. Thornton, Board Chairman of Litton Industries; and Members of the Secretary's Advisory Committee, Congressman John J. McFall, Chairman, House Appropriations Sub-committee on Transportation; Otto N. Miller, Board Chairman of Standard Oil Company; Simon Ramo, Board Chairman of TRW, Inc.; and Donald J. Russell, Board Chairman of Southern Pacific Transportation Company; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby congratulates California "Transpo 72" Chairman Robert W. Prescott and the other distinguished Californians for their role in promoting our great transportation industry through "Transpo 72"; and be it further

Resolved, That the Legislature of the State of California declares May 27 to June 4, 1972, as "Transportation Week" in California and encourages all segments of our society to join in making this international exposition a great success for our country and for our state; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to California "Transpo 72" Chairman Robert W. Prescott.

RESOLUTION CHAPTER 19

Senate Concurrent Resolution No. 1—Relative to dedicating the Lakeport Vista Point-Tourist Information Center in memory of George Hoberg, Sr.

[Filed with Secretary of State May 4, 1972]

WHEREAS, George Hoberg, Sr., known as "Mr. Lake County" for his unflagging promotion of Lake County, was born January 29, 1904, at Hoberg's Resort and died there July 19, 1970; and

WHEREAS, In 1934, he and his brothers, Paul and Frank, took over operation of Hoberg's Resort, which was started by their great-grandfather in 1885; and

WHEREAS, He was very active in community affairs, having been president of the Redwood Empire Association from 1944 to 1947, president of the Lake County Chamber of Commerce from 1937 to 1948, director of the California Hotel Association for many years, district chairman of the California State Chamber of Commerce from 1939 to 1944, and a member of the California Highway Commission; and

WHEREAS, He was a member of many fraternal and civic organizations, including the Shriners, the Masons, the Native Sons, the Footprinters Association, the Lions, the Elks, and the Moose Lodge; and

WHEREAS, Through the joint efforts of the City of Lakeport, the County of Lake, the California Division of Highways, and the Lake County Chamber of Commerce, the Lakeport Vista Point-Tourist Information Center, located on State Highway Route 29 at the Lakeport Boulevard Interchange, with magnificent views of Clear Lake and Mount Konocti and the surrounding country, will be dedicated in mid-1972 and will be the first vista point in the state operating with a full-time tourist information center; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Lakeport Vista Point-Tourist Information Center be dedicated in memory of George Hoberg, Sr.; and be it further

Resolved, That the Division of Highways of the Department of Public Works is hereby requested to erect and maintain appropriate signs showing the dedication; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to his widow, Gertrude, and a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 20

Senate Joint Resolution No. 3—Relative to United States military medals.

[Filed with Secretary of State May 4, 1972.]

WHEREAS, The Los Angeles County Council of the Veterans of Foreign Wars has requested the President of the United States to release a complete set of United States military medals, to be donated as a gift to the citizens of the City and County of Los Angeles for a permanent historical display in Patriotic Hall, located in the Los Angeles metropolitan area; and

WHEREAS, The display of these United States military medals would be an inspiration to all the people of California and would make an outstanding contribution to the celebration of national holidays and patriotic events throughout the year; and

WHEREAS, The donation of these medals would be particularly important in contributing to an understanding and appreciation of the tremendous sacrifices made by our veterans, both living and dead, who have served the American people in the highest traditions of gallantry and honor; 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 to issue an executive order releasing a complete set of United States military medals, to be donated to the citizens of the City and County of Los Angeles and of the State of California and to be presented to the Commander of the Los Angeles County Council of the Veterans of Foreign Wars for use in a permanent historical display in Patriotic Hall in the County of Los Angeles; and be it further

Resolved, That the Secretary of Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Army, to the Secretary of the Navy, to the Secretary of the Air Force, and to the Commandant of the United States Coast Guard.

RESOLUTION CHAPTER 21

Senate Concurrent Resolution No. 14—Relative to the Public Utilities Commission.

[Filed with Secretary of State May 9, 1972]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Auditor General is directed to audit the Public Utilities Commission; and be it further

Resolved, That the Auditor General report the results of such audit

to the Legislature on or before January 1, 1973.

RESOLUTION CHAPTER 22

Senate Concurrent Resolution No. 5—Relative to the California Law Revision Commission.

[Filed with Secretary of State May 11, 1972]

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 1971 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 relating to attachment, garnishment, and property exempt from execution should be revised;

(2) 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;

(3) Whether the law relating to the right of nonresident aliens to inherit should be revised;

(4) Whether the law relating to liquidated damages in contracts and, particularly, in leases should be revised;

(5) Whether Section 1698 of the Civil Code (oral modification of a written contract) should be repealed or revised;

Other Topics Authorized for Study:

(1) Whether the law respecting jurisdiction of courts in proceedings affecting the custody of children should be revised;

(2) Whether the law relating to nonprofit corporations should be revised;

(3) Whether the various sections of the Code of Civil Procedure relating to partition should be revised and whether the provisions of the Code of Civil Procedure relating to the confirmation of partition sales and the provisions of the Probate Code relating to the confirmation of sales of real property of estates of deceased persons should be made uniform and, if not, whether there is need for clarification as to which of them governs confirmation of private judicial partition sales;

(4) Whether the parol evidence rule should be revised;

(5) Whether the law relating to the award of prejudgment

interest in civil actions and related matters should be revised;

(6) Whether the law relating to arbitration should be revised;

Topics Continued on Calendar for Further Study:

(1) Whether the doctrine of sovereign or governmental immunity in California should be abolished or revised;

(2) Whether the Evidence Code should be revised;

(3) Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised (including but not limited to liability for damages resulting from flood control projects) and whether the law relating to the liability of private persons under similar circumstances should be revised;

(4) Whether the law relating to the rights and duties attendant upon termination or abandonment of a lease should be revised;

(5) Whether the law relating to the use of fictitious names should be revised;

(6) Whether the law relating to the escheat of property and the disposition of unclaimed or abandoned property should be revised;

(7) Whether the law relating to quasi-community property and property described in Section 201.5 of the Probate Code should be revised;

(8) Whether the law relating to a power of appointment should be revised;

(9) 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;

(10) Whether the law relating to counterclaims and cross-complaints should be revised;

(11) Whether the law relating to joinder of causes of action should be revised;

now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature approves the topics listed above as studies in progress for continued study by the California Law Revision Commission; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the California Law Revision Commission.

RESOLUTION CHAPTER 23

Senate Joint Resolution No. 11—Relative to space shuttle research and development facilities.

[Filed with Secretary of State May 11, 1972]

WHEREAS, There is an acute economic need to level out and avoid the sharp rises and pitfalls in sporadic aerospace employment; and

WHEREAS, The initial development and manufacturing of the space shuttle is particularly sought to prevent an acute employment and economic slump, which will occur at the conclusion of the next six years unless corrective steps are taken now; and

WHEREAS, Decisions are being taken now that will affect the long-term economic stability of California at the conclusion of this decade and through the remainder of this century; and

WHEREAS, The skills developed in the manufacture of the space shuttle can best be utilized in the followup to the shuttle's manufacture; and

WHEREAS, The space shuttle base site is anticipated to hire 19,000 employees which will contribute to the approximately 60,000 residents expected to be located at the base site; and

WHEREAS, The income and expenditures associated with shuttle launch operations are now estimated to approximate from $2.5 billion to $4 billion per decade; and

WHEREAS, The employees associated with the current Vandenberg and Edwards operations might be diminished and drawn elsewhere if a base site is selected for a location other than California; and

WHEREAS, The launch operations currently conducted at Vandenberg contribute over $1 billion to the California economy each decade, and might otherwise be drawn elsewhere if California is not selected as a launch and landing site; and

WHEREAS, The history of the space program during the past decade has indicated that the increasing size of the missile components has required manufacturing and employment to gravitate within a convenient geographic and logistics relationship with ultimate launch site, and

WHEREAS, California has suffered a consistent decline in relative share of aerospace manufacturing, aerospace activity, aerospace employment; and

WHEREAS, There are highly logical, scientifically warranted, technically justified, and economically sound reasons for locating the research, development, launch, and landing site, as well as the long-term operational base site, in California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States and the National Aeronautics and Space Administration to locate the initial space shuttle base site, as well as the research and development site for the space shuttle, 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 Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of the National Aeronautics and Space Administration.

RESOLUTION CHAPTER 24

Senate Joint Resolution No. 1—Relative to grape tariff.

[Filed with Secretary of State May 16, 1972]

WHEREAS, The Trade Expansion Act of 1962 provides for a diminution of the tariff on imported table grapes; and

WHEREAS, Such act establishes minimum protection during the California table grape harvest; and

WHEREAS, Foreign imports during this calendar period are increasing rapidly; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That in order to recognize the growing importance of the California table grape industry to the United States economy and to prevent irreparable injury to that industry, the Legislature of the State of California respectfully memorializes the President and the Congress of the United States, the United States Department of State, and the United States Tariff Commission to adjust the tariff on grapes, other than hothouse grapes, which would provide the degree of protection for California table grapes warranted by these circumstances; 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 State, the United States Tariff Commission, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 25

Senate Concurrent Resolution No. 38—Relative to acquisition, construction, and improvement of student health facilities.

[Filed with Secretary of State May 17, 1972]

WHEREAS, The Trustees of the California State University and Colleges have established a student health facilities' fee to provide for the acquisition, construction, and improvement of student health facilities; and

WHEREAS, Several of the state colleges require adequate student health facilities to provide proper medical care to their students; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That pursuant to the requirement of California

Education Code Section 23752.4, approval is hereby given for the construction of student health centers at the following state colleges: Chico State College; Fresno State College; California State College, Fullerton; California State College, Hayward; Sonoma State College; San Diego State College; Sacramento State College; and California State Polytechnic College, San Luis Obispo; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Trustees of the California State University and Colleges.

RESOLUTION CHAPTER 26

Senate Concurrent Resolution No. 40—Relative to joint committees.

[Filed with Secretary of State May 17, 1972]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the joint committees named below are continued in existence until the date specified after each, notwithstanding the provisions of any prior concurrent resolution affecting 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 or hereafter 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 Seismic Safety, June 30, 1974.

(b) The Subcommittee on Economic Conversion, July 31, 1973. Such subcommittee shall continue in existence independently of the Joint Committee on the State's Economy should the latter committee cease to exist.

RESOLUTION CHAPTER 27

Senate Concurrent Resolution No. 6—Relative to the California Law Revision Commission.

[Filed with Secretary of State May 19, 1972]

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 Legislature has directed the commission to undertake a study to determine "whether the law respecting jurisdiction of courts in proceedings affecting the custody of children should be revised" and a study to determine whether the law relating to attachment, garnishment and property exempt from execution should be revised; and

WHEREAS, The commission's study of these topics indicates that the scope of these topics should be expanded to permit study of related matters; 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 study the following topics:

Whether the law relating to attachment, garnishment, execution, repossession of property (including the claim and delivery statute, Chapter 2 (commencing with Section 509) of Title 7 of Part 2 of the Code of Civil Procedure, self-help repossession of property, and the Commercial Code repossession of property provisions), civil arrest, confession of judgment procedures, default judgment procedures, and related matters should be revised; and

Whether the law relating to custody of children, adoption, guardianship, freedom from parental custody and control, and related matters should be revised; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the California Law Revision Commission.

RESOLUTION CHAPTER 28

Senate Concurrent Resolution No. 46—Relative to the Joint Legislative Budget Committee.

[Filed with Secretary of State May 19, 1972]

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 ninety thousand dollars ($1,390,000), 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 29

Senate Concurrent Resolution No. 50—Relative to congratulating Thomas A. Maloney on his 83rd birthday.

[Filed with Secretary of State May 19, 1972]

WHEREAS, It is with the warmest of best wishes that the Members of the Legislature of the State of California congratulate their former colleague, Thomas A. Maloney, on the occasion of his 83rd birthday; and

WHEREAS, First elected to the State Senate in 1924, Mr. Maloney served with distinction in the upper house through 1932; and

WHEREAS, In 1932 he was elected to the Assembly, where he continued to serve the people of San Francisco and the State of California until 1956; and

WHEREAS, From the 1943 Regular Session until he left the State Assembly, Mr. Maloney served as Speaker pro Tempore; and

WHEREAS, On May 22 our former colleague, who during his many years of state service earned the affection and respect of all who knew him, will celebrate the 83rd anniversary of his birth; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature extend their heartiest congratulations to Thomas A. Maloney upon the occasion of the 83rd anniversary of his birth; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Thomas A. Maloney.

RESOLUTION CHAPTER 30

Assembly Concurrent Resolution No. 83—Relative to commemorating the Shriners' 100th anniversary and to proclaiming the week of May 8, 1972, Centennial Shrine Week.

[Filed with Secretary of State May 22, 1972]

WHEREAS, On September 26, 1872, a meeting was called in Masonic Hall in New York City for the purpose of organizing the first Shrine temple (Mecca Temple) to be regularly recognized in the United States; and

WHEREAS, Today in the State of California the Ancient Arabic Order, Nobles of the Mystic Shrine, is an organization with more than 70,000 members; and

WHEREAS, The Shriners of this state have performed vital humanitarian services to thousands of crippled children and others who have been maimed by fire; and

WHEREAS, The first Shrine hospital for crippled children was

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opened in Shreveport, Louisiana, on September 16, 1922, and today there are 22 such Shrine hospitals, three of which are Shrine burns institutes; and

WHEREAS, The care of children by 22 Shrine hospitals is performed without regard to race, color, creed or national origin, without cost or charges of any kind whatsoever; and

WHEREAS, The year 1972 is now being observed as the centennial year of Shrinedom, celebrating 100 years of fraternal and public service; and

WHEREAS, Al Malaikah Temple in Los Angeles, the largest temple in the nation, is host to all Shrine temples in the 11 western states, Hawaii, and Mexico, for the centennial celebration of the Western Shrine on May 11, 12, and 13, 1972; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature extend their warmest greeting to all Shriners visiting California during 1972 in celebration of their centennial; and be it further

Resolved, That the week commencing May 8th shall be proclaimed Centennial Shrine Week in California and be duly observed by all persons as such; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Al Malaikah Temple.

RESOLUTION CHAPTER 31

Assembly Joint Resolution No. 16—Relative to furtherance of family planning research and services.

[Filed with Secretary of State May 25, 1972]

WHEREAS, The health and well-being of the residents of the State of California and of the United States are of vital importance to this Legislature; and

WHEREAS, The adoption of public policies to voluntarily reduce the birth rate in a manner consistent with human rights, human dignity, and individual conscience is the most moral and democratic way to insure that population stabilization is not forced upon us by higher death rates, social catastrophes, or legislated fertility control; and

WHEREAS, The Legislature of the State of California has recognized the need for comprehensive, realistic, confidential and well-publicized birth prevention programs; and

WHEREAS, In recognition of the fact that the State of California and the government of the United States should play a leading role in the fight for human rights and population stabilization; 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 give immediate and favorable attention to the funding, implementation and continuation of U.S. Public Law 91-572 entitled "The Family Planning Services and Population Research Act of 1970," which is an act "to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the federal government, and for other purposes"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, to the President pro Tem of the Senate, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 32

Assembly Concurrent Resolution No. 28—Relative to the utilization of state hospital employees.

[Filed with Secretary of State May 25, 1972]

WHEREAS, The Legislature is concerned with the retraining and employment of state hospital manpower resources that are available as a result of reduction in hospital staff and closure of state hospitals; and

WHEREAS, These resources represent a reservoir of experience in health and human relations that should be utilized in appropriate state and local agencies and programs; and

WHEREAS, The State Personnel Board is urged to review position classifications in order to expand opportunities for utilizing qualified state hospital experience; and

WHEREAS, The Department of Mental Hygiene is urged to review any positions that may be available with the department and make every effort to inform other state and local agencies of experienced former state hospital employees who are available for employment and of their qualifications; and

WHEREAS, The Department of Health is urged in evaluating and organizing their functions to give particular attention to areas in which the experience of former state hospital employees may be utilized; and

WHEREAS, The Conference of Local Mental Health Directors is urged to cooperate with state agencies and local civil service systems to expand the opportunities in local programs for the transfer and retraining of available state hospital manpower resources; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That as a means of implementing this resolution, the Legislature of the State of California intends that first priority be

given in utilizing available state hospital manpower resources in bringing all state hospitals up to 100 percent of SCOPE staffing standards and after such implementation that any additional available state hospital manpower resources be utilized by appropriate state and local agencies.

RESOLUTION CHAPTER 33

Assembly Concurrent Resolution No. 84—Relative to a recess of the Assembly.

[Filed with Secretary of State May 31, 1972]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Assembly shall be in recess from adjournment on Thursday, June 1, 1972, until 2 o'clock p.m., Wednesday, June 7, 1972.

RESOLUTION CHAPTER 34

Assembly Concurrent Resolution No. 87—Approving an amendment to the Charter of the City of Culver City, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 11th day of April 1972.

[Filed with Secretary of State June 1, 1972]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Culver 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:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF CULVER CITY OF A CERTAIN CHARTER AMENDMENT

State of California
County of Los Angeles
City of Culver City

We, the undersigned, Martin A. Lotz, Mayor of the City of Culver City, County of Los Angeles, State of California, and Agnes V. Christensen, City Clerk and Ex-Officio Clerk of said City Council of the City of Culver City, do hereby certify and declare as follows:

That the City of Culver City, a municipal corporation of the County of Los Angeles, State of California, now is and at all times

herein mentioned was, a city having a population of more than thirty-five hundred (3,500) inhabitants and less than fifty thousand (50,000) inhabitants, and has been, since January 21, 1947, and is now organized and acting under a Charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, as said Section existed at the time of said adoption, which Charter was duly ratified by a majority of the qualified electors of such City at a special election held for that purpose on the 7th day of January, 1947, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 27th day of January, 1947, (Statutes 1947, page 3386).

That in accordance with the provisions of Section 3, Article XI of the Constitution of the State of California, on its own motion the Council of the City of Culver City, being the legislative body thereof, duly and regularly submitted to the qualified electors of the said City of Culver City a certain proposal for the amendment of the Charter of said City, to be voted upon by said qualified electors at a General Municipal Election held, as provided for by law, in said City on the 11th day of April, 1972.

That the City Council at its regular meeting held on the 24th day of January, 1972, by Resolution No. CS-6687, adopted by a four-fifths vote of said City Council, submitted to the electors of said City of Culver City at the General Municipal Election to be held in said City on the 11th day of April, 1972, the proposition of the adoption of said proposed Charter amendment framed by the legislative body of said City, which proposed Charter amendment is set out in said Resolution.

That said proposed Charter amendment was published and advertised in accordance with the laws of the State of California, in the Evening Star-News, a newspaper of general circulation in said City of Culver City.

That pursuant to the law in such cases made and provided, the said proposed amendment was submitted to the qualified electors of said City for their ratification at said General Municipal Election, and that at said Election, a majority of the qualified electors voting thereon voted in favor of the ratification and did ratify said proposed amendment to the Charter of said City, hereinafter fully set forth.

That the City Council of the said City of Culver City, in accordance with the law in such cases made and provided, did meet on the 18th day of April, 1972, at its usual place of meeting and duly canvassed the returns of said election as certified by the election boards and duly found, determined and declared that said proposed amendment to the Charter of the City of Culver City was ratified by a majority of the electors of said City voting thereon.

That said Amendment to the Charter so ratified by the electors of the City of Culver City is in words and figures as follows:

"Shall Section 804 of the City Charter of Culver City be amended so that, at the first regular meeting of the Board of Education in May

of each calendar year, the Board shall elect a President, Vice-President, and Clerk and that no officer of the Board shall serve more than two consecutive years in the same office?"

That the Charter shall be worded as follows:

"Section 804. Officers. At the first regular meeting of the Board of Education in May of each calendar year, the Board shall elect a President, Vice-President, and Clerk and no officer of the Board shall serve more than two consecutive years in the same office."

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendment to said Charter is true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of Culver City to be affixed hereto this 25th day of April, 1972.

(SEAL)

MARTIN A. LOTZ
Martin A. Lotz
Mayor
City of Culver City,
California.

Attest:
AGNES V. CHRISTENSEN
Agnes V. Christensen
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 Culver 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 an amendment to, and as part of, the Charter of the City of Culver City.

RESOLUTION CHAPTER 35

Assembly Concurrent Resolution No. 89—Approving amendments 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 on May 9, 1972.

[Filed with Secretary of State June 9, 1972.]

WHEREAS, proceedings have been had for the proposal, adoption and ratification of four amendments 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 ON MAY 9, 1972, OF FOUR AMENDMENTS 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 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 3, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach four amendments to the Charter of said City and ordered that said proposed amendments be submitted to said qualified electors of said City at a Special Municipal Election to be held in said City on the 9th day of May, 1972; and

That said proposed amendments to be so submitted on May 9, 1972,

were designated as Propositions 1, 2, 4 and 6, and were duly published the 24th day of March, 1972, 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 amendments, 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 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 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 amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and

That said City Council did, by an ordinance designated as Ordinance No. C-5009, order the holding of said special municipal election in said City of Long Beach on May 9, 1972, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, 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: April 26, 1972, April 27, 1972, and April 28, 1972; and

That said special municipal election was held in said City of Long Beach on May 9, 1972, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments once in said Long Beach Independent as aforesaid; and

That the City Council did, by resolution adopted on the 10th day of May, 1972, 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 amendments; and

That said proposed amendments to the Charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, are respectively in words and figures as follows, to wit:

PROPOSITION 1—CHARTER AMENDMENT

That the Charter of the City of Long Beach be amended by repealing Sections 69b and 70a thereof and by adding 70c, 72c and 72d thereto and by amending Sections 65a, 67, 67b, 68, 69a, 70, 70b,

73b and 74a thereof to read as follows:

Sec. 65a. The primary nominating election for elective officers of the City shall be held in the City of Long Beach on the third Tuesday in March. Candidates shall take the oath of affirmation provided in Section 67b, and shall present nominating petitions to the City Clerk as provided in Section 69a. The general municipal election for elective officers of the City shall be held in the City of Long Beach on the second Tuesday in May and candidates so elected shall serve until the election and qualification of their successors. Such primary and general municipal elections shall be held in the City of Long Beach every three years.

Sec. 67. The provisions of the general law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections of the City of Long Beach; provided, that the City Council shall meet and declare the results thereof within the seven days after any municipal election.

Sec. 67b. Candidates for elective offices in the City of Long Beach shall be nominated in the following manner, and not otherwise: Prior to the signing of the nominating petition of any candidate, and not more than seventy nor less than fifty-five days before the day of the primary nominating election, the candidate shall take the following oath of affirmation, and the same shall remain as a matter of record in the office of the City Clerk:

State of California
County of Los Angeles } ss.
City of Long Beach

I, _____, residing at No. _____ Street, Long Beach, California, being first duly sworn, hereby declare myself registered to vote in City of Long Beach elections and a candidate for the office of _____ for the City of Long Beach, to be voted for at the _____ primary nominating election to be held in said City on the _____ day of _____, 19__.

_____

Signature of Candidate

Subscribed and sworn to before me this _____ day of _____, 19__.

_____

City Clerk

By _____

Deputy.

(Amendment of 1929)

Sec. 68. Petitions for nominations shall contain not less than fifty nor more than seventy-five signatures of electors duly qualified to sign same, and shall be in substantially the following form:

Petition of Nomination of _____
candidate for the office of _____

State of California
County of Los Angeles } ss.
City of Long Beach

I, the undersigned, hereby join in a petition for the nomination of _____, whose residence is No. _____ Street, Long Beach, California, for the office of _____, to be voted for at the primary nominating election to be held in the City of Long Beach, California, on the _____ day of _____, 19__, and I further state that I am registered to vote in City of Long Beach elections, duly qualified to sign this petition, residing at the place herein mentioned; that I am not at this time a signer of any other petition nominating any other candidates for the above-named office; and I further declare that I intend to support for such nomination the candidate named herein.

Date _____, 19__

Name _____, Residence _____

City District No. _____ County Precinct No. _____

Sec. 69a. Said petition shall be presented to the City Clerk not more than sixty-five days and not less than fifty days prior to the primary nominating election, and the said Clerk shall endorse thereon the date of such presentation. The said City Clerk shall immediately, upon the presentation to him of a petition, ascertain and determine whether or not the petition is signed by the requisite number of qualified electors. If requested by him the Council shall allow the Clerk extra assistants in this work, and the provisions of this charter respecting classified civil service of the city shall not apply to the persons so employed. The Clerk shall, within five days after the presentation of such petition to him, attach his certificate thereto showing the result of his examinations.

Sec. 70. If the petition shall be found to be sufficiently signed as herein provided, the same shall be filed by the City Clerk. Said petition, when filed, shall not be withdrawn or added to, and no signature shall be withdrawn therefrom after presentation to the Clerk.

Sec. 70b. Not later than thirty days before the day of the primary nominating election, the City Clerk shall enter the names of the candidates nominated as hereinbefore provided in a list, with the offices to be filled, and shall certify such list to the City Council as being the list of candidates nominated as required by the City Charter of the City of Long Beach; and the City Council shall cause said certified list of names, and the offices to be filled to be published

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in an ordinance calling the election, which said ordinance shall be published at least three (3) times in the official newspaper of the City of Long Beach ten (10) days prior to the date of said election. Said ordinance shall conform in all respects to the general law governing the conduct of municipal elections now or hereafter in force, except as in this charter otherwise provided.

Sec. 70c. Notwithstanding the limitations set forth in Article XXVI, hereof, the City Clerk shall, with the approval of the City Council, select a printing and consulting firm or firms by negotiation to provide the necessary ballots, cards and other printed election materials and supplies and advice necessary to assure that the election or elections be conducted in a timely manner and within the legal requirements of law. The City Clerk shall select any such printing and consulting firm or firms based upon their experience in handling municipal elections and ability to produce the printed materials and supplies with the necessary specialized equipment to insure timely delivery and proper quality and quantity of such election materials and supplies for such ensuing election or elections.

Sec. 72c. No person whose name has been written in upon a ballot for an office at the primary election may have his name placed upon the ballot as a candidate for that office for the ensuing general election unless at that primary election he received for that office votes equal in number to one (1) percent of all votes cast for that office.

Sec. 72d. When as a result of any primary election, a person has received a nomination to any office without first having filed an oath of affirmation and having his name printed on the primary election ballot, he may not later than forty (40) days before the day of the general election, cause his name to be withdrawn from nomination by filing with the City Clerk his request to withdraw, in writing, signed and acknowledged by him. When this section has been complied with, the name of the candidate shall not be printed on the election ballot for the ensuing general election as a candidate for that office.

Sec. 73b. Not later than thirty days before the day of the general municipal election, the City Clerk shall enter the names of the candidates nominated as hereinbefore provided in a list with the offices to be filled, and shall certify such list to the City Council as being the list of candidates nominated as required by the City of Long Beach; and the City Council shall cause said certified list of names, and the offices to be filled to be published in an ordinance calling the election, which said ordinance shall be published at least three times in the official newspaper of the City of Long Beach ten days prior to the date of said election. Said ordinance shall conform in all respects to the general law governing the conduct of municipal elections, now or hereafter in force, except as herein required.

Sec. 74a. The City Clerk shall cause to be printed sample ballots identical with the ballot to be used at any election, except as to quality and color of paper, and numbering, and shall mail one such

ballot to each voter entitled to vote at any such election, so that all of said sample ballots shall have been mailed at least ten (10) whole days before the day of the election.

PROPOSITION 2—CHARTER AMENDMENT

That the Charter of the City of Long Beach be amended by amending Section 57 thereof to read as follows:

Sec. 57. Unless otherwise provided in this Charter, each officer and each employee shall have such compensation for his services as may be prescribed by resolution of the City Council or duly fixed by resolution of the board or body having jurisdiction under this Charter to fix his compensation. Notwithstanding the provisions of Subsection 19 of Section 228 of this Charter, the Board of Harbor Commissioners shall, commencing with the 1972–73 fiscal year, fix compensation for its employees by resolution instead of by ordinance as therein provided. The salaries or compensation proposed to be fixed by each such board or body shall be subject to the prior approval of the City Council by resolution.

Time and method of payment of salaries of all officers and employees, including those whose salary is set by some body other than the City Council, shall be prescribed by the City Council. Time of payment shall be not less than twice each calendar month.

PROPOSITION 4—CHARTER AMENDMENT

That the Charter of the City of Long Beach be amended by amending Subsections (2) and (3) of Section 217 thereof to read as follows:

(2) To appoint a General Manager who shall be, subject to the control of the Board, the chief administrative officer of the department, and an Assistant General Manager, each of whom shall hold office during the pleasure of the Board. No such General Manager or Assistant General Manager appointed under the provisions of this section, shall be, nor shall he have been for at least six (6) months prior to such appointment, a member of said Board of Water Commissioners. Should an employee of the classified civil service be appointed to a position mentioned in this subsection, his dismissal by the Board from such position shall not accomplish his dismissal from the classified civil service, but he shall be restored to the rank and grade held by him prior to his appointment under this subsection.

(3) To employ and appoint such other officers and employees as may be necessary or convenient in the execution of its functions; to prescribe and fix the duties, authority and compensation of all officers and employees; provided that all offices and places of employment in the permanent service of the Water Department shall be created by resolution duly passed by the Board, and provided further that all such permanent places of employment in the Water

Department, except the General Manager, Assistant General Manager, the Secretary of the Board, and the Heads of Divisions, shall be subject to such provisions of Article XI of this Charter as are not in conflict herewith; and provided further, that any officer or employee employed by the Board may be summarily dismissed for the good of the service by four-fifths of the Board. The Board may appoint additional employees, who need not be in the classified civil service, to perform emergency or temporary work. The compensation fixed by the Board for all officers and employees in the Water Department shall be subject to the prior approval of the City Council by resolution. Any such compensation so fixed and approved prior to the effective date of this amendment shall be valid for all purposes as though accomplished after such effective date. All other privileges and benefits to which such officers and employees shall be entitled, except as provided by this Charter or other applicable law, including, but not limited to, vacations, sick leaves and time off for overtime worked, shall be such as shall be prescribed by the City Council by ordinance. Until such ordinance is effective, such officers and employees, shall have the same privileges and benefits to which they were entitled by law immediately prior to the effective date of this amendment.

PROPOSITION 6—CHARTER AMENDMENT

That the Charter of the City of Long Beach be amended by amending Section 308 thereof to read as follows:

Sec. 308. The holder of any elective office in the City of Long Beach may be recalled by the registered qualified electors of the City of Long Beach in accordance with the provisions relating to the recall of municipal officers set forth in the Elections Code of the State of California, as the same now exists or may hereafter be amended or superseded, insofar as such provisions are not in conflict with the provisions of this Charter.

That the foregoing is a full, true and correct copy of said proposed amendments 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 16th day of May, 1972.

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(SEAL)

EDWIN W. WADE
Mayor of the City of Long Beach
MARGARET L. MOORE
City Clerk of the City of Long Beach

WHEREAS, Said proposed amendments to the Charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 3, Article XI, of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of Long Beach, as hereinabove fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as amendments to and as a part of the Charter of the City of Long Beach.

RESOLUTION CHAPTER 36

Assembly Joint Resolution No. 29—Relative to a veterans hospital for northern California.

[Filed with Secretary of State June 12, 1972]

WHEREAS, At the present time veterans living in the northern part of this state must travel at great inconvenience to San Francisco to receive hospital treatment; and

WHEREAS, The northern counties of California have a large and increasing number of veterans, many of whom are disabled and suffer great hardship in being forced to travel great distances for treatment; and

WHEREAS, The nearest Veterans Administration hospital facility for veterans residing in the 16 northern counties of this state involves a distance of between 200 and 400 miles of travel each way; and

WHEREAS, The need for a Veterans Administration hospital to service this great area has been clearly demonstrated, and, in addition, such a facility would serve much of southern Oregon as well as northern California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to undertake a study of the feasibility of constructing a Veterans Administration hospital in the vicinity of the City of Redding to serve the needs of veterans in northern California and southern Oregon;

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 37

Assembly Concurrent Resolution No. 67—Relative to streets and highways.

[Filed with Secretary of State June 12, 1972]

WHEREAS, Section 2156 of the Streets and Highways Code requires that every four years each city and county transmit to the Department of Public Works a report on the progress it has made in the construction or improvement of its road or street system and an estimate of its road or street needs for the next 5 and 10 years; and

WHEREAS, Section 2156 of the Streets and Highways Code also requires that the department review and audit the information contained in the reports submitted by the counties and cities and combine the information in a report which shall be submitted to the Legislature each four years through such interim committee or committees as may be designated by legislative resolution; and

WHEREAS, The next quadrennial Section 2156 report is due in 1973; and

WHEREAS, The needs information derived from the 1970–1990 California Functional Classification and Needs Study was developed on a sample basis in cooperation with the counties and cities in a manner completely consistent with the overall guidelines which have been established for past Section 2156 studies; and

WHEREAS, The League of California Cities, the County Supervisors Association of California, the California Highway Functional Classification Advisory Committee, and the present committee appointed to assist the department in the Section 2156 studies have determined that the information developed on a sample basis for the 1970–1990 California Functional Classification and Needs Study is an accurate representation of the combined statewide county and statewide city needs, and have recommended that it be presented to the Legislature as fulfilling the needs portion of the 1973 Section 2156 report; and

WHEREAS, The use of the information developed for the 1970–1990 California Functional Classification and Needs Study will result in a savings to the counties and cities of California estimated to be over a million dollars and, in addition, the department will save in excess of a quarter of a million dollars; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate

thereof concurring, That the counties' and cities' road and street needs derived from the 1970–1990 California Functional Classification and Needs Study be used for the 1973 Section 2156 study in lieu of an estimate of needs from each county and city, that the Section 2156 report and estimates be presented to the Legislature in the 1973 Regular Session by the Department of Public Works on the basis of information and estimates for all counties as a group and all cities as a group in a single simplified report, and that city and county Section 2156 reports will therefore not be required to be made in 1973; 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 to the chief executive officer of the governing bodies of each city and county in the State of California.

RESOLUTION CHAPTER 38

Assembly Concurrent Resolution No. 91—Approving amendments to the Charter of the City of Roseville, County of Placer, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 11th day of April, 1972.

[Filed with Secretary of State June 12, 1972.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Roseville, a municipal corporation in the County of Placer, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF ROSEVILLE

State of California
County of Placer } ss.
City of Roseville

We, the undersigned, George A. Buljan, Mayor of the City of Roseville, and Wheatley Shearer, City Clerk of the City of Roseville, do hereby certify and declare as follows:

That the City of Roseville is a municipal corporation in the County of Placer, State of California, and is now and at all times hereinafter referred to was, a City containing a population of more than Thirty-five Hundred (3500) inhabitants and less than Fifty-thousand (50,000) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said City of Roseville is now organized, existing and acting

under a freeholders charter adopted under and by virtue of Section 3, Article XI, of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on December 22, 1954 and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 10th day of January 1955;

That, in pursuance of Section 3 of Article XI of the Constitution of the State of California and on its own motion, the Council of the City of Roseville, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City of Roseville certain proposals for amendment of the Charter of said City to be voted upon by said qualified electors at a general municipal election held in said City on the 11th day of April, 1972, which proposals were designated as proposed MEASURE "A" and as proposed MEASURE "C";

That said proposed amendments were published and advertised, in the form and manner and for the length of time and in accordance with applicable law, in the Roseville Press-Tribune, which was then and there a newspaper of general circulation, printed and circulated at and within the City of Roseville, County of Placer, State of California;

That the election at which said proposed Charter amendments were voted upon was by Resolution set and called for the 11th day of April 1972, which date was not less than forty and not more than sixty days after the completion of the advertising in the newspaper as aforesaid;

That thereafter, the City Council of the City of Roseville did, in the manner provided by law, duly and regularly canvass the returns of said election, and that said Council by Resolution 72-44, adopted on the 17th day of April, 1972, declared the result of said election as determined from the canvass of the returns thereof;

That at said municipal election held on the 11th day of April, 1972, said proposed Charter amendments were ratified and adopted by a majority of the electors of said City voting thereon;

That said proposed Charter amendments so ratified by the electors of said City of Roseville is in the words and figures as follows, to wit:

MEASURE "A"

Sections 8.01 through 8.07 and 8.09 through 8.11 of Article VIII of the Charter of the City of Roseville are hereby repealed and reenacted to read as follows:

Article VIII
Personnel Administration

Sec. 8.01. Personnel Board.

A Personnel Board consisting of three (3) resident and qualified

voters shall be appointed by the City Council for six-year overlapping terms of office. Vacancies shall be filled by the Council by appointment for the unexpired portion of the term. A member of the Personnel Board shall be removed from office by the City Council only for malfeasance, misfeasance or nonfeasance and after charges have been filed and such member has been given a reasonable opportunity to defend himself in an open public hearing before the Council. The Board shall provide for its own organization and rules for conduct of meetings; provided, that all meetings shall comply with the public meeting requirements of State law. Two members shall constitute a quorum. Members of the Board shall serve without pay, but shall be entitled to actual and reasonable expenses incurred outside of the City in the performance of their duties.

Sec. 8.02. Powers and Duties of the Personnel Board.

The Personnel Board shall have the power and shall be required:

a. To advise the Council and administrative officials on all matters relating to personnel administration in the City service.

b. To review, upon request of the Council, all or any part of the compensation plan, including hours of work, holidays, vacation, leave, retirement, overtime and other working conditions which pertain to employees within the classified or unclassified service and present its recommendations to the Manager and the Council.

c. To review all proposed rules, together with revisions thereto, and submit them to the Council with recommendations. A compensation plan and rules and regulations relating to hours of work, holidays, vacation, leave, retirement, overtime and other working conditions shall not be deemed to be personnel rules and shall be governed by Sec. 8.02(b).

d. To investigate any or all matters relating to conditions of employment in the service of the City, either in response to employee complaints or on its own initiative, and report its findings to the Council.

e. To investigate and pass upon the claim of any person that his application for employment or promotion has not been processed and considered pursuant to the provisions of this Charter and the personnel rules governing the classified service; in which case, the decision of the Board shall be binding on the appointing authority.

f. To hear appeals from any action of suspension, reduction in rank or pay, or discharge of any employee in the classified service and to report its findings and decisions in writing to the appointing authority; such findings and decisions shall be final and binding on the appointing authority.

g. To subpoena witnesses and administer oaths.

Sec. 8.03 Personnel Director

The Personnel Director shall be appointed by the Manager. He shall be responsible for directing the personnel program of the City in accordance with the provisions of this Charter and ordinances supplemental thereto.

Sec. 8.04 Personnel Rules

It is the intention of this article to provide for a merit system of employment in the City service. The Council shall, upon recommendation of the Personnel Board, enact by ordinance a set of rules governing municipal employment which shall, among other things, provide:

a. For the classification of all positions in the classified service.

b. For open, free and competitive examinations to test the relative fitness of applicants for such positions, and for reasonable publication and public advertisement of all examinations and for promotion based upon competitive examinations or records of efficiency, character, conduct and seniority, or upon examination and record.

c. For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing on the examination and for the certification of those on the appropriate list to the Manager or department heads for appointment to fill vacancies and for the manner in which appointments shall be made from such list.

d. For the period of time in which eligible lists shall continue in effect.

e. For a period of probation not to exceed one year, both on original and promotional appointments, before the appointment is made permanent, during which time, in the case of an original appointment, the probationer may be discharged or, in the case of a promotion, returned to a position of his former classification by the head of the department or office in which employed.

f. For the rejection of candidates or eligibles who fail to comply with reasonable requirements in regard to age, sex and physical condition, or who have been guilty of crime or of infamous or disgraceful conduct, or who have attempted any deception or fraud in connection with an examination.

g. For the employment without examination of provisional employees, in cases of emergency pending appointment from an eligible list, but no such provisional employment shall continue for more than thirty (30) days after the establishment of an eligible list for the position held, and in no event for more than ninety (90) days.

h. For transfer from one position to a similar position in the same class and grade, for reinstatement after resignation, layoff or reduction in class or grade, and for reinstatement in a position of their former classification of employees promoted to and later demoted from appointive positions in the unclassified service.

i. For the discipline of employees by suspension, demotion, discharge or other actions not inconsistent with the provisions of this article.

j. For the certification to the Chief Finance Officer of the City of names and classifications of all persons legally employed in the City service, without which certifications this officer shall not authorize the issuance of salary warrants.

Sec. 8.05 Special Provisions Relating to Examinations.

All examinations shall be impartial and shall deal with the duties

and requirements of the positions to be filled. They may be oral, written or based on observed performance or educational and experience record, or any combination thereof. Unskilled laborers may be appointed in the order of priority of application after passing such tests of fitness as the Personnel Director may prescribe. The Personnel Director may develop an apprenticeship program for the recruitment and promotion of employees in the skilled trades.

Sec. 8.06 Special Services.

The Council, upon recommendation of the Manager or the Personnel Board, may contract with other political subdivisions of the state, or with any state department, or with an experienced private agency for the furnishing of personnel, fiscal or other consultative services.

Sec. 8.07 Classified and Unclassified Services.

The employments in the City service are hereby divided into the classified and unclassified service. The unclassified service shall consist of (a) officers elected by the people and persons appointed to fill vacancies in elective offices; (b) the members of boards and commissions as provided by this Charter; (c) the Manager, Attorney and department heads as provided for in this Charter; (d) persons employed in a professional or scientific capacity to conduct a special inquiry, investigation or examination; (e) persons employed for a temporary, seasonal or special purpose for a period not to exceed six (6) months full-time employment or the equivalent thereof in any one calendar year; (f) volunteer firemen; (g) volunteers participating in civilian defense activities; and (h) contractors and their employees performing services for the City on a contract basis. The classified service shall comprise all positions not specifically included in the unclassified service.

MEASURE "C"

Section 8.08 of Article VIII of the Charter of the City of Roseville is hereby amended to read as follows:

Sec. 8.08 Eligibility for Employment.

No person shall be eligible for employment in the City service who is not a citizen of the United States; provided, that as to laborers this requirement may be wavied by the Personnel Director when laborers who are citizens are not available.

That we have compared the foregoing Amendments with the original proposals, submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such Amendments to said Charter are and each of them is true.

That as to said Amendments, this Certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

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In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of Roseville to be affixed hereto, this 24 day of April, 1972.

GEORGE A. BULJAN
Mayor

(SEAL)
Attest:
WHEATLEY SHEARER
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 Roseville, County of Placer, 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 Roseville County of Placer.

RESOLUTION CHAPTER 39

Senate Concurrent Resolution No. 55—Approving amendments to the Charter of the City of Albany, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 11th day of April, 1972.

[Filed with Secretary of State June 13, 1972]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California
County of Alameda } ss.
City of Albany

We, Joe Carlevaro, Mayor of the City of Albany, and Althea Ippolito, 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 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 said City of Albany is now and was at all times herein mentioned, organized and existing under a Charter adopted under the provisions of Section 8, of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at the Special Municipal Election held therein on the 26th day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, Page 2312), and by Resolution of said Legislature filed with the Secretary of State of the State of California on the 19th day of April, 1927 (Statutes 1927, Chapter 53, Page 2312); and

Pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, the Legislative Body of said City, namely: The City Council of said City, did, on its own motion and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, duly propose to the electors of said City of Albany certain amendments to the Charter of said City, and ordered that said amendments be submitted to said electors of said City at the General Municipal Election to be held in said City on the 11th day of April, 1972; and

That said proposed amendments were, on the 16th day of February, 1972, 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. 72-17, which was duly adopted on the 13th day of March, 1972, call for and give notice of the General Municipal Election in the City of Albany on the 11th day of April, 1972, which date was more than 40 days and less than 60 days after the completion of the publication of the said proposed amendments to the Charter of the City of Albany, as aforesaid; and

That said General Municipal Election was held in said City on said 11th day of April, 1972, 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 Municipal Election held as aforesaid on said 11th day of April, 1972, 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 Council of the City of Albany, after duly canvassing the returns of said General Municipal Election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters voted thereon, and

voted in favor of and ratified said proposed amendments to the Charter of the City of Albany, which said amendments are in words and figures as follows:

Proposed Charter Amendment No. 1

"That Section 49, paragraph (j) of the Charter of the City of Albany be amended by deleting the word 'Maintenancemen', and inserting in lieu thereof 'Hosemen-Alarm Maintenance Men', in the first paragraph thereof, to hereafter read as follows:

"(j) Organization—There is hereby created a Fire Department which shall consist of a Chief of the Fire Department, Assistant Chief, Captains, Hosemen and Hosemen-Alarm Maintenance Men.

"That Section 49, paragraph (d) of the Charter of the City of Albany be amended by adding the following thereto:

"except that the eligibility list for the position of Hosemen-Alarm Maintenance Men in the Fire Department may be extended beyond the two-year period at the request of the Chief of the Fire Department.

and said paragraph shall hereafter read as follows:

"(d) It shall be the duty of the Civil Service Board to hold written and oral examinations consistent with the requirements set forth in paragraph (k), subparagraphs 1 and 2 of this section, and to administer other suitable tests to those desiring positions or who are applicants for, or may have been recommended for promotion in the classified service of the Fire Department or the Police Department, for the purpose of determining their fitness for such positions or their qualifications for such promotions and from the result of such written and oral examinations and tests, the Board shall prepare a list of eligibles for all positions in the classified service of the Fire Department and the Police Department. Any person carried on the eligible list for a period of two (2) years without being appointed or promoted shall be dropped from said eligible list and shall not be eligible for appointment or promotion without reexamination, except that the eligibility list for the position of Hosemen-Alarm Maintenance Men in the Fire Department may be extended beyond the two-year period at the request of the Chief of the Fire Department."

Proposed Charter Amendment No. 2

"That Section 49, paragraph (n) of the Charter of the City of Albany be amended by deleting 'Patrolmen-Clerks' from the first paragraph thereof, to hereafter read as follows:

"(n) Organization of Police Department. There is hereby created a Police Department, which shall consist of the Chief of the Police Department, Inspectors, Sergeants, Patrolmen, and Policewoman-Clerks."

Proposed Charter Amendment No. 3

"That Section 21 of the Charter of the City of Albany be amended by adding after the first sentence thereof the following:

"The qualifications for the Chief of Police shall be established, by ordinance, by the City Council, which qualifications shall be established within ninety (90) days from ratification.

and said Section 21 shall hereafter read as follows:

"Section 21. Chief of Police—There shall be a Chief of Police. The qualifications for the Chief of Police shall be established, by ordinance, by the City Council, which qualifications shall be established within ninety (90) days from ratification. He shall be the head of the Police Department of the City, and shall have all the powers that are now or may hereafter be 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 officials, 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 and property.

"He shall execute and return all process issued to him by legal authority. He shall perform the duties of a regular patrolman and have authority, and it is hereby made his duty, to arrest persons violating any law of the State or ordinance of this City. Those arrested for violating City ordinances may, before or after trial, be confined in the County Jail of Alameda County or in the City prison of the City of Albany. He shall have such other powers and duties appertaining to his office as may be prescribed by the Council or rules of the Police Department."

Proposed Charter Amendment No. 4

"That Section 49, paragraph (k) of the Charter of the City of Albany be amended by adding subparagraph 3 thereto, which shall hereafter read as follows:

"3. Lateral Entry—Patrolman—Police Department. In the event an applicant has had previous police experience, and holds a valid Basic Certificate issued by the Commission on Peace Officer Standards and Training, and meets the qualifications of age and physical fitness as established by the City Council by ordinance for such an applicant, and upon having passed the examination as prescribed by the Civil Service Board, said applicant shall be eligible for the position of Patrolman at the in-grade step commensurate with his years of experience. Such person, before promotion to a higher rank, shall meet the requirements for promotion as provided in Section 49(c).

"In considering the appointment to the rank of Patrolman in the Police Department, the Chief of Police may make such appointment from among the first three (3) highest standing candidates on the

Civil Service List as provided in Section 49(c), or from among the first three (3) highest standing candidates on the eligibility list for lateral entry prepared by the Civil Service Board pursuant to this Section."

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, Joe Carlevaro, Mayor as aforesaid, and Althea Ippolito, 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 10th day of May, 1972.

(SEAL)

JOE CARLEVARO
Mayor of the City of Albany
ALTHEA IPPOLITO
City Clerk of the City of Albany

Prepared and approved by:
LAURENCE 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 40

Senate Joint Resolution No. 9—Relative to resource recovery.

[Filed with Secretary of State June 13, 1972]

WHEREAS, It is in the public interest that greater resource recovery be obtained through the recycling of solid waste materials into new raw material and products; and

WHEREAS, Greater recycling of resources will conserve our natural

resources and provide a better environment for the people of the United States; and

WHEREAS, Congress, through the enactment of the Resource Recovery Act of 1970, established national policy to stimulate the development of resource recovery methods which will provide for more economic use of waste; and

WHEREAS, Recycling is the most constructive response that has been developed to answer the challenge of environmental management; and

WHEREAS, Transportation is a significant economic cost in the collection, recovery, processing, refining, converting, and manufacturing of new raw materials and products from solid waste matter; and

WHEREAS, The transportation rate structure affects the utilization of recycled materials; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation to ensure that rates for the transportation of materials for the purpose of the collection, recovery, processing, refining, converting, and manufacturing of solid waste for the purpose of resource recovery will be reasonable and that rates for the transportation of virgin materials used for the same ultimate purposes will not be unreasonable in relation thereto; and be it further

Resolved, That the Legislature of the State of California memorializes the Interstate Commerce Commission to review rates for the transportation of materials for the purpose of the collection, recovery, processing, refining, converting, and manufacturing of solid waste for the purpose of resource recovery to ensure that such rates for these materials are reasonable and that the rates for the transportation of virgin materials used for the same ultimate purposes are not unreasonable in relation thereto; 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 Chairman of the Interstate Commerce Commission.

RESOLUTION CHAPTER 41

Senate Concurrent Resolution No. 43—Relative to the Metropolitan Water District of Southern California.

[Filed with Secretary of State June 20, 1972]

WHEREAS, The Metropolitan Water District of Southern California is planning to construct a large feeder line from Hayvenhurst

Avenue in Granada Hills down Chatsworth Street to Chatsworth and on into Ventura County; and

WHEREAS, This feeder line, if constructed down Chatsworth Street, which is the main business street of the area, will greatly disrupt business in Granada Hills and would very likely bankrupt a number of merchants who are just now recovering from the effects of the earthquake; and

WHEREAS, There are alternate routes for the construction of such feeder line which would have sufficient space to store equipment and pile dirt and would not interfere with businesses or homes and would require no replacement of surface streets except at crossings; and

WHEREAS, The grid system under Chatsworth Street of sewers, water lines, power lines, and especially the telephone trunk lines, would create tremendous problems for the excavation and installation of the large concrete pipe; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Metropolitan Water District of Southern California is requested to construct its new feeder line along an alternative route that would bypass the business district of Granada Hills on Chatsworth Street; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Board of Directors of the Metropolitan Water District of Southern California.

RESOLUTION CHAPTER 42

Senate Joint Resolution No. 10—Relative to creating a national park in Los Angeles County.

[Filed with Secretary of State June 20, 1972]

WHEREAS, Congressman Alphonzo Bell has introduced a bill in the Congress of the United States to create a national park in the Santa Monica area of Los Angeles County; and

WHEREAS, The inclusion in this park of a system of parkways would enhance its value and utility; 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 Congressman Bell to amend his bill to include in it provisions for parkways; 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 enact Congressman Bell's park bill; 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.

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RESOLUTION CHAPTER 43

Assembly Joint Resolution No. 33—Relative to federal lands adjacent to point Mugu State Park.

[Filed with Secretary of State June 21, 1972.]

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 declare surplus and transfer to the Department of Parks and Recreation for inclusion in the state park system, under the federal government's legacy of parks program, those federal lands adjacent to, and northwesterly of, Point Mugu State Park which are not needed for military and defense purposes; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the 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 44

Assembly Joint Resolution No. 31—Relative to construction and operation of a Federal Job Corps center for the rural counties of northern California.

[Filed with Secretary of State June 23, 1972.]

WHEREAS, In the opinion of the Members of the Legislature of the State of California there is a need and a desire of establishing a community Job Corps center in the San Joaquin Valley; and

WHEREAS, Job Corps, one of several major manpower programs of the Labor Department, is designed to give intensive orientation, counseling, education, vocational training, work experience, and job placement in a residential atmosphere to disadvantaged individuals between the ages of 16 through 22; and

WHEREAS, All programs and support services would be linked to existing manpower services and community resources, and, in this way, such a center can best identify the needs of the area's youth, redirect and restructure their lives by selecting the appropriate combination of education and vocational training while instilling the motivation and know-how in securing desired full-time employment; and

WHEREAS, The proposed community Job Corps center would be a local program operating to recruit, train, support and place youth from the rural counties of central and northern California and would provide 24-hour supportive services which would be coupled with other local manpower and socially oriented programs; and

WHEREAS, Through its advisory board and the subcontractors, the center would have ties with local employers, employer organizations, and unions, as a means of creating training programs which will meet specific employer or union needs, as well as job and apprenticeship commitments for youth who complete their training program; 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, the Congress, Secretary of Labor, and Director of the Federal Job Corps Program to undertake a study of the feasibility of constructing and operating a Job Corps center for the rural areas of northern 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, to the Secretary of Labor, and to the Director of the Federal Job Corps Program.

RESOLUTION CHAPTER 45

Senate Joint Resolution No. 19—Relative to the San Felipe Division of the Central Valley Project.

[Filed with Secretary of State June 27, 1972]

WHEREAS, The federal budget for fiscal 1972–1973 contains no funds for completion of preconstruction activity for the San Felipe Division of the Central Valley Project; and

WHEREAS, It appears that the ground for the deletion of such funds is that by reason of the recent decision of the State Water Resources Control Board setting quality criteria for specified reaches of the Delta of the Sacramento-San Joaquin Rivers, the Bureau of Reclamation is unable to guarantee a water supply for such division; and

WHEREAS, It appears the Santa Clara sub-area, as the principal prospective contractor for San Felipe Division supplies, and other public contractors in the proposed service area in San Benito, Santa Cruz and Monterey Counties, are fully prepared to accept a form of contract which provides for temporary discontinuance of deliveries in years of shortage, hold-over underground storage being available; and

WHEREAS, The years in which a rationing might, upon such decision, be imposed will occur only under a combination of conditions remote in probability; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to augment the federal budget for fiscal 1972–1973 by the sum of three hundred thousand dollars ($300,000) which represents the capability of the Bureau of Reclamation to complete San Felipe Division preconstruction activity; 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 46

Assembly Concurrent Resolution No. 22—Relating to the William Martin Sell, Jr., Memorial Bridge.

[Filed with Secretary of State June 28, 1972]

WHEREAS, William Martin Sell, Jr., until his death on April 12, 1971, was one of the first pioneers and foremost citizens of the mountain area; and

WHEREAS, He operated various camps and hotels in the mountain area, among them being the Yosemite Lodge in Yosemite National Park and Camp Ahwahnee, which his father built, in Yosemite Valley; and

WHEREAS, He served as a member of the Madera County Board of Supervisors, president of the Madera County Board of Education, director of the Agricultural Adjustment Association, president and director of the Madera County Farm Bureau, director of the Madera County Action Committee of the Office of Economic Opportunity, and member of the Madera County Juvenile Commission; and

WHEREAS, He held honorary life memberships in the Madera County Red Cross, the Parent-Teachers Association, the Oakhurst Chamber of Commerce, and the Golden Chain Council of the Mother Lode Highway Association, and was also a member of the Elks Lodge, the Madera County Historical Society, and the Sierra Historic Sites Association; and

WHEREAS, For his service to the mountain area, he and his wife were named grand marshals for the Oakhurst Sierra Mountaineer Days in 1966, and for his many services to education, he received the Golden Apple Award of the California Elementary School Administrators Association, Central Section; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate

thereof concurring, That the bridge numbered 40-48, located in the County of Mariposa on State Highway Route 49, is hereby officially designated the William Martin Sell, Jr., Memorial Bridge; 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 Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 47

Assembly Concurrent Resolution No. 65—Relative to state-guaranteed loans to small businesses.

[Filed with Secretary of State June 28, 1972.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Commission for Economic Development is hereby requested to study the financial implications of state-guaranteed loans to small businesses, including the following:

(a) Review of existing federally guaranteed loan programs;

(b) Study of business and industrial trends and with recommendations as to how the resources of California can best be applied to the advantage of the state's economy; and

(c) Ascertainment of the potential effectiveness of a state-guaranteed loan program to small and emerging businesses with recommendations for the structuring and financing of the program; and be it further

Resolved, That such commission report its findings and recommendations to the Legislature by the first legislative day of the 1974 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 Commission for Economic Development.

RESOLUTION CHAPTER 48

Assembly Concurrent Resolution No. 80—Relative to foreign medical graduates.

[Filed with Secretary of State June 28, 1972]

WHEREAS, The Legislature hereby finds and declares that a shortage of qualified physicians exists in several areas of California; and

WHEREAS, Over 400 graduates of foreign medical schools attempt to become licensed in California each year; and

WHEREAS, Many of these foreign graduates declare their intention to practice medicine, if licensed, in medically underserved areas in California; and

WHEREAS, The procedures for licensing foreign medical graduates are more stringent than procedures for licensing domestic graduates, and are directly linked to standards for licensing foreign medical graduates promulgated by private accrediting agencies; and

WHEREAS, Procedures for licensing foreign medical graduates may therefore be unfair to these individuals as well as discouraging their use in medically underserved areas in the state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Board of Medical Examiners of the State of California shall report to the Legislature no later than November 1, 1972, concerning

(a) The number of foreign medical graduates who have attempted to become licensed in California each year for the past five years, the countries where they completed their medical training, and the number of United States citizens in this group; the number of foreign medical graduates who were successful in becoming licensed each year, the location of the medical schools they attended, and the number of United States citizens in this group.

(b) The exact procedures for licensing foreign medical graduates, a description of how these procedures differ from those for licensing graduates of domestic schools, and an explanation as to why these different procedures are necessary.

(c) A description of standards for licensing foreign medical graduates promulgated by nongovernmental organizations, the extent such standards are employed, their relationship to legal standards, and the probable consequences of conflicts between legal standards for licensing foreign medical graduates and standards established by private organizations.

(d) Recommendations for improving procedures for licensing foreign medical graduates; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Board of Medical Examiners of the State of California.

RESOLUTION CHAPTER 49

Assembly Concurrent Resolution No. 8—Relative to the W. R. Holman Highway.

[Filed with Secretary of State June 29, 1972]

WHEREAS, W. R. Holman of Pacific Grove was the motivating

force behind the construction of State Highway Route 68, stretching from the City of Pacific Grove to the top of Carmel Hill; and

WHEREAS, Beginning in 1923, Mr. Holman initiated a civic campaign, in the finest tradition of local action, to persuade the Monterey County Board of Supervisors to undertake the project in the interest of improved transportation between Carmel and Pacific Grove; and

WHEREAS, Support for the proposed project was substantial in Pacific Grove, evidenced by the fact that in 1925 1,100 motor enthusiasts lined up at Mr. Holman's call to parade to Salinas to present a petition to the board of supervisors; and

WHEREAS, W. R. Holman steadfastly advocated and vigorously argued the case, working energetically to muster support so that Pacific Grove could get its highway; and

WHEREAS, Finally, on November 20, 1930, the new highway was dedicated, a tribute to the effort of many citizens and the outstanding leadership of Mr. Holman; and

WHEREAS, It is altogether fitting and proper that W. R. Holman's name be given to the highway which he worked to create for the benefit of his community; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the portion of State Highway Route 68, from the City of Pacific Grove to the top of Carmel Hill, be designated the W. R. Holman Highway; 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 Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 50

Senate Concurrent Resolution No. 64—Approving amendments to the Charter of the City and County of San Francisco, State of California, ratified by the qualified electors of the city and county at a direct primary election held therein on the 6th day of June 1972.

[Filed with Secretary of State June 30, 1972.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City and County of San Francisco, State of California, as hereinafter set forth in the certificate of the president and clerk of the board of supervisors of the city and county, as follows:

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has

been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The governing body of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county eleven (11) amendments to said charter; and

WHEREAS, Said 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 I, Division 2, Title 4 of the Government Code of the State of California, did cause said eleven (11) 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 the Direct Primary Election held in the City and County of San Francisco on the sixth day of June, 1972, the said eleven (11) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said Direct Primary Election was held in said City and County of San Francisco on the sixth day of June, 1972, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "San Francisco Examiner," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the twenty-sixth day of June, 1972, duly certify to the board of supervisors the results of said Direct Primary Election as determined from the canvass of the returns thereof; and

WHEREAS, At said Direct Primary Election so held on the sixth day

of June, 1972, seven (7) of said proposed amendments were ratified by a majority of the electors of said City and County voting thereon, to wit, charter amendments designated as propositions C, D, E, H, I, K and M, and four (4) other charter amendments submitted at said Direct Primary Election, to wit, charter amendments designated as propositions F, G, J and L received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without 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 8.535 thereto, relating to retirement allowances of "miscellaneous" members of the Retirement System.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 6, 1972, a proposal to amend the charter of said city and county by adding Section 8.535 thereto, to read as follows:

8.535 Increasing Retirement Allowances of Miscellaneous Officers and Employees Retired on or After July 1, 1947, and Prior to April 1, 1966.

Every retirement allowance payable to or on account of a member who retired under the provisions of section 8.509 (formerly section 165.2 of the charter of 1932) on or after July 1, 1947, and prior to April 1, 1966, is hereby increased for time commencing on the effective date of this section, hereby designated as the first day of the month next following ratification by the State Legislature, to the amount it would have been if such allowance had been computed, on the date such member's retirement allowance was first effective, as if "average final compensation" were defined as the average monthly compensation earned by a member during any three consecutive years of credited service in the retirement system in which his average compensation is the highest.

This section does not give any person retired under the provisions of said section 8.509, or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to the effective date of this section.

Any increase in any retirement allowance resulting from the calculation provided in this section shall be disregarded in connection with any adjustment of retirement allowances pursuant to the provisions of section 8.526 (formerly section 164.1 of the charter of 1932).

CHARTER AMENDMENT

PROPOSITION D

Describing and setting forth a proposal to the qualified electors of the City and County of San Franciso to amend the Charter of said city and county by amending Section 8.340 thereof, relating to the probationary period for entrance positions in the uniform rank of the Fire Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 6, 1972, a proposal to amend the charter of said city and county by amending Section 8.340 thereof so that the same shall read as follows:

8.340 Dismissal During Probation Period

Any appointment to a position declared permanent by the civil service commission shall be on probation for a period of six months, provided that the probationary period for entrance positions in the uniform rank of the police and fire departments shall be for one year. At any time during the probationary period the appointing officer may terminate the appointment upon giving written notice of such termination to the employees and to the civil service commission specifying the reasons for such termination. Except in the case of uniformed members of the police and fire departments the civil service commission shall inquire into the circumstances. If the appointment resulted from an entrance examination the commission may declare such person dismissed or may return the name to the list of eligibles under such conditions for further appointment as the commission may deem just. If the appointment resulted from a promotional examination the employee shall have the right of appeal and hearing before the civil service commission. The commission shall render a decision within thirty days after receipt of the notice of termination and (a) may declare such person dismissed; or (b) order such person reinstated in his position without prejudice, and the commission may in its discretion order that the employee be paid salary from time of the termination of his appointment; or (c) order the return of such person to the position from which he was promoted. The decision of the commission shall be final. Immediately prior to the expiration of the probationary period the appointing officer shall report to the civil service commission as to the competence of the probationer for the position, and if

competent, shall recommend permanent appointment.

The provisions of this section shall be effective on the first day of the month immediately following the date of ratification of this amendment by the State Legislature.

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 2.203-1 thereto, relating to the Budget Analyst for the Board of Supervisors.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 6, 1972, a proposal to amend the charter of said city and county by adding Section 2.203-1 thereto, so that the same shall read as follows:

2.203-1 Budget Analyst

Notwithstanding any other provisions or limitations of this charter, there shall be a budget analyst for the board of supervisors, who shall be appointed and removed by the board. Such appointment shall be made solely upon the basis of qualifications by education, training and experience for the position to be filled. He shall be responsible for such duties and responsibilities as the board shall prescribe.

CHARTER AMENDMENT

PROPOSITION H

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Sections 8.545 and 8.569 thereof, to redefine "final compensation" under the Retirement System relating to death allowances payable to the survivors of members of the Police and Fire Departments, respectively, who die on or after July 1, 1971 as the result of a violent traumatic injury received in the performance of duty.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 6, 1972, a proposal to amend the charter of said city and county by amending Sections 8.545 and 8.569 thereof, to read as follows:

8.545 Definitions.

The following words and phrases as used in this section, unless a

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different meaning is plainly required by the context shall have the following meanings:

"Retirement allowance," "death allowance," or "allowance" shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workmen's Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the city and county, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the police department, but excluding remuneration paid for overtime.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration at the rates of remuneration attached at that time to the ranks or positions held by him during such period, it being assumed that during any absence he was in the rank or position held by him at the beginning of the absence, and that prior to becoming a member of the police department, he was in the rank or position first held by him in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the monthly compensation earnable by a member at the time of his retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, "final compensation," as to such member, shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he held at the time of retirement or death at the rate of remuneration attached at the time of said retirement or death to said next lower rank or position; provided, however, that in the case of a member's death before retirement as the result of a violent traumatic injury received in the performance of his duty, "final compensation," as to such member shall mean the monthly compensation earnable by such member at the rate of remuneration attached on the date he receives such injury to the rank or position held by such member on that date.

The amendment of the definition of "final compensation" contained in the proposition therefor submitted to the electorate on June 6, 1972, shall be retroactive and shall be applicable to any death allowance first effective on or after July 1, 1971. Said amendment does not and shall not increase any death allowance first in effect

prior to July 1, 1971, nor shall said amendment give any person receiving a death allowance, or his successors in interest any claim against the city and county for any increase in any death allowance paid or payable for time prior to July 1, 1971.

For the purpose of the retirement system and of this section, the terms "member of the police department," "member of the department" or "member" shall mean any officer or employee of the police department whose employment therein began prior to January 1, 1930, or whose employment therein began or shall begin after that date, and was or shall be subject to the charter provisions governing entrance requirements for members of the uniformed force of said department, and said terms further shall mean, from the effective date of their employment in said department, persons employed on July 1, 1945, regardless of age, or employed after said date at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform the duties now performed under the titles of criminologist, photographer, police patrol driver, police motor boat operator, woman protective officer, police woman or jail matron. Any police service performed by such member of the police department outside the limits of the city and county and under orders of a superior officer of any such member, shall be considered as city and county service, and any disability or death incurred therein shall be covered under the provisions of the retirement system.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in section 8.600 of the charter.

"Retirement board" shall mean "retirement board" as created in section 3.670 of the charter.

"Charter" shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

8.569 Definitions

The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workmen's Compensation Insurance and Safety Act of the State of

California, shall mean the remuneration payable in cash, by the city and county, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the fire department, but excluding remuneration paid for overtime.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him during such period, it being assumed that during any absence he was in the rank or position held by him at the beginning of the absence, and that prior to becoming a member of the fire department, he was in the rank or position first held by him in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the monthly compensation earnable by a member at the time of his retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, "final compensation," as to such member, shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he held at the time of retirement or death at the rate of remuneration attached at the time of said retirement or death to said next lower rank or position; provided, however, that in the case of a member's death before retirement as the result of a violent traumatic injury received in the performance of his duty, "final compensation," as to such member shall mean the monthly compensation earnable by such member at the rate of remuneration attached on the date he receives such injury to the rank or position held by such member on that date.

The amendment of the definition of "final compensation" contained in the proposition therefor submitted to the electorate on June 6, 1972, shall be retroactive and shall be applicable to any death allowance first effective on or after July 1, 1971. Said amendment does not and shall not increase any death allowance first in effect prior to July 1, 1971, nor shall said amendment give any person receiving a death allowance, or his successors in interest any claim against the city and county for any increase in any death allowance paid or payable for time prior to July 1, 1971.

For the purpose of the retirement system and of this section, the terms "member of the fire department," "member of the Department," or "member" shall mean any officer or employee of the fire department, excluding such officers and employees as are members of the retirement system under section 8.565 of the charter,

who was or shall be subject to the charter provisions governing entrance requirements of members of the uniformed force of said department, and said terms further shall mean, from the effective date of their employment in said department, persons employed on July 1, 1949, regardless of age, or employed after said date at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform the duties not performed by members of the salvage corps in the fire department, or duties now performed under the titles of pilot of fireboats, marine engineer of fire boats, marine fireman of fireboats, or hydrant-gateman. Any fire service performed by such member of the fire department outside the limits of the city and county and under orders of a superior officer of any such member, shall be considered as city and county service, and any disability or death incurred therein shall be covered under the provisions of the retirement system.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in section 8.500 of the charter.

"Retirement board" shall mean "retirement board" as created in Section 3.670 of the charter.

"Charter" shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

CHARTER AMENDMENT

PROPOSITION I

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Section 8.405 thereof, to provide that the rate of compensation for rank of sergeant in the Police Department be equal to the rate of compensation for the rank of lieutenant in the Fire Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 6, 1972, a proposal to amend the Charter of said city and county by amending Section 8.405 thereof, to read as follows:

8.405 Salaries of Uniformed Forces in the Police and Fire Departments

(a) Not later than the 15th day of February of each year, the civil

service commission shall survey and certify to the board of supervisors rates of compensation paid police officers or patrolmen employed in the respective police departments in all cities of 100,000 population or over in the State of California, based upon the latest federal decennial census.

Not later than the 1st day of April of each year, the board of supervisors shall have power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the police department whose annual compensations are set forth in section 3.531 of this charter and said rates shall be in lieu of said annual compensations and shall be effective on the 1st day of July next following.

The rates of compensation, fixed in said ordinance,

(1) for the fourth year of service and thereafter for police officers, police patrol drivers and women protective officers shall not exceed the highest rate of compensation paid police officers or patrolmen in regular service in the cities included in the certified report of the civil service commission;

(2) for the first, second and third year of service for police officers, police patrol drivers and women protective officers shall include the same amount of adjustment as that used in fixing the rates of compensation for the fourth year of service for the same class;

(3) for said members of the police department other than police officers, police patrol drivers and women protective officers shall include the same per cent of adjustment as that established by said ordinance for police officers in the fourth year of service; and

(4) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The rates of compensation set forth in the budget estimates, the budget and the annual salary ordinance shall be those fixed by the board of supervisors as in this section provided and appropriations therefor shall be based thereon.

Not later than the 1st Monday of August of each year, the civil service commission shall survey and certify to the board of supervisors the rates of compensation paid police officers or patrolmen on the first day of August of that year in the cities hereinbefore referred to. The board of supervisors shall thereupon have the power by ordinance to revise all of the rates of compensation as in this section provided. Said revised rates shall be effective from the first day of July of the then current fiscal year.

If the board of supervisors revises said rates of compensation, then it shall, not later than the 25th day of August of the then current fiscal year, have the power, and it shall be its duty, subject to the fiscal provisions of the charter, but without reference or amendment to the annual budget, to amend the annual salary ordinance and the annual appropriation ordinance to include the provisions necessary for paying the rates of compensation fixed by the board of supervisors as in this section provided for the then current fiscal year.

The expression "rates of compensation," as used in this section in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other city by way of holidays, vacations, other permitted absences of any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation."

Working benefits and premium pay differential of any type shall be allowed or paid to members of the police department referred to herein only as is otherwise provided in this charter.

For all purposes of the retirement system, the expression "rates of compensation" as used in this section, shall mean "salary attached to the rank" as used in section 166 of the charter of 1932, as amended, and, with the addition of fifteen dollars per month now provided in subsection (b) with respect to members assigned to two-wheel motorcycle traffic duty, shall also mean "compensation earnable" as used in section 8.549.

The term "police officers or patrolmen" as used in this section shall mean the persons employed in the police departments of said cities of 100,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by police officers, police patrol drivers and women protective officers in the San Francisco Police Department.

In determining years of service necessary for a police officer, woman protective officer and police patrol driver to receive the annual compensation is provided for herein, service rendered prior to the effective date of this amendment shall be given full credit and allowed.

The absence of any police officer, woman protective officer, or police patrol driver on military leave, as defined by section 8.361 of this charter, shall be reckoned a part of his service under the city and county, for the purpose of computing years of service in gaining added compensation as provided for herein.

On the recommendation of the chief of police, the commission may reward any member of the department for heroic or meritorious conduct. The form or amount of said reward to be discretionary with the commission, but not to exceed one month's salary in any one instance.

If any member of the department appointed as an assistant inspector is a sergeant at the time of the appointment or is appointed a sergeant thereafter, he shall receive the rate of compensation attached to the rank of sergeant.

(b) Not later than the fifteenth day of February of each year the civil service commission shall survey, and certify to the board of

supervisors, any additional rate of pay paid to members assigned to two-wheel motorcycle traffic duty in the respective police departments of all cities of 100,000 population or over in the State of California, based upon the latest decennial census.

Not later than the first day of April of each year the board of supervisors shall have power, and it shall be its duty by ordinance to fix the additional rate of pay for the members of the police department who are assigned to two-wheel motorcycle traffic duty, at a rate of pay not to exceed the highest rate of compensation paid to members assigned to two-wheel motorcycle traffic duties in the cities included in the certified report of the civil service commission.

Not later than the 1st Monday of August of each year the civil service commission shall survey and certify to the board of supervisors any additional rate of pay to be paid to members assigned to two-wheel motorcycle traffic duty on the first day of August of that year in the cities hereinbefore referred to.

The board of supervisors shall thereupon have the power by ordinance to revise the additional rate of pay as in the section provided. Said revised rates shall be effective from the first day of July of the then current fiscal year.

If the board of supervisors revises said additional rate of pay then, it shall, not later than the 25th day of August of the then current fiscal year, have the power, and it shall be its duty, subject to the fiscal provisions of the charter, but without reference or amendment to the annual budget, to amend the annual salary ordinance and the annual appropriation ordinance to include the provisions necessary for paying the additional rate of pay for members assigned to two-wheel motorcycle traffic duty fixed by the board of supervisors as in this section provided for the then current fiscal year.

Said additional rate of pay shall be in addition to the rate of compensation provided for in subsection (a).

In no event shall the additional rate so fixed be less than $15.00 per month.

(c) Not later than the 15th day of February of each year, the civil service commission shall survey and certify to the board of supervisors rates of compensation paid firemen employed in the respective fire departments of all cities of 100,000 population or over in the State of California, based upon the latest federal decennial census.

Not later than the 1st day of April of each year, the board of supervisors shall have the power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the fire department whose annual compensations are set forth or otherwise provided in section 3.542 of this charter, and said rates shall be in lieu of said annual compensations and shall be effective on the 1st day of July next following.

The rates of compensation, fixed in said ordinance,

(1) for the fourth year of service and thereafter for firemen shall not exceed the highest rate of compensation paid firemen in regular

service in the cities included in the certified report of the civil service commission;

(2) for the first, second and third year of service for firemen shall include the same amount of adjustment as that used in fixing rates of compensation for the fourth year of service for the same class;

(3) for said members of the fire department other than firemen shall include the same per cent of adjustment as that established by said ordinance for firemen in the fourth year of service; and

(4) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The rates of compensation set forth in the budget estimates, the budget and the annual salary ordinance shall be those fixed by the board of supervisors as in this section provided and appropriations therefor shall be based thereon.

Not later than the 1st Monday of August each year, the civil service commission shall survey and certify to the board of supervisors the rates of compensation paid firemen on the first day of August of that year in the cities hereinbefore referred to. The board of supervisors shall thereupon have the power by ordinance to revise all of the rates of compensation as in this section provided. Said revised rates shall be effective from the first day of July of the then current fiscal year.

If the board of supervisors revises said rates of compensation, then it shall, not later than the 25th day of August of the then current fiscal year, have the power, and it shall be its duty, subject to the fiscal provisions of the charter, but without reference or amendment to the annual budget, to amend the annual salary ordinance and the annual appropriation ordinance to include the provisions necessary for paying the rates of compensation fixed by the board of supervisors as in this section provided for the then current fiscal year.

The expression "rates of compensation" as used in this section, in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other city by way of holidays, vacations, other permitted absences for any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation."

Working benefits and premium pay differentials of any type shall be allowed or paid to members of the fire department referred to herein only as is otherwise provided in this charter.

For all purposes of the retirement system, the expression "rates of compensation," as used in subsections (c) and (d) of this section shall mean "salary attached to the rank" as used in section 169 of the charter of 1932, as amended and "compensation earnable" as used in section 8.549.

The term "firemen" as used in this section shall mean the persons employed, in the fire departments of said cities of 100,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by drivers, stokers, tillermen, truckmen, or hosemen, in the San Francisco Fire Department.

The expression "members of the fire department" does not include members of the fire commission.

The absence of any officer or member of the fire department on military leave of absence, as defined by section 8.361 of this charter, shall be reckoned a part of his service under the city and county, for the purpose of computing years of service in gaining added compensation as provided in this charter.

On the recommendation of the chief of department, the commission may reward any officer or member of the department for heroic or meritorious conduct, the form or amount of said award to be discretionary with the fire commission, but not to exceed one month's salary in any one instance.

The rates of compensation for the ranks of captain, bureau of fire prevention and public safety, and lieutenant, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation, shall be thirteen per cent (13%) above the compensation established for the ranks of captain and lieutenant as provided for in this section. The rates of compensation for the ranks of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation, shall be ten per cent (10%) above the compensation established for the rank of chief's operator as provided for in this section. The rate of compensation shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this subsection, half dollars being taken to the next higher dollar amount.

(d) The rate of compensation fixed pursuant to the provisions of subsection (a) for police officers, police patrol drivers and women protective officers for the fourth year of service and thereafter and the rate of compensation fixed pursuant to the provisions of subsection (c) for firemen for the fourth year of service and thereafter shall be the same. Such rate shall not exceed the highest rate of compensation paid, whether it be paid to police officers, patrolmen or firemen, in the cities included in the certified report of the civil service commission submitted to the board of supervisors pursuant to the provisions of the aforesaid subsections of this section; provided, further, that the minimum rate of compensation attached to the rank of sergeant in the police department shall be equal to the rate of compensation attached to the rank of lieutenant in the fire department.

CHARTER AMENDMENT

PROPOSITION K

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Section 8.400 thereof, relating to the establishment and payment of compensation.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 6, 1972, a proposal to amend the Charter of said city and county by amending Section 8.400 thereof, to read as follows:

8.400 General Rules for Establishing and Paying Compensation

(a) The board of supervisors shall have power and it shall be its duty to fix by ordinance from time to time, as provided in section 8.401, all salaries, wages and compensations of every kind and nature, except pension or retirement allowances, for the positions, or places of employment, of all officers and employees of all departments, offices, boards and commissions of the city and county in all cases where such compensations are paid by the city and county.

(b) The board of supervisors shall have power by ordinance to provide the periods when salaries and wages earned shall be paid provided, that until such ordinance becomes effective, all wages and salaries shall be paid semi-monthly. No salary or wage shall be paid in advance. It shall be official misconduct for any officer or employee to present or approve a claim for full-time or continuous personal service other than in the manner provided by this charter.

(c) All personal services shall be paid by warrants on the basis of a claim, bill, timeroll or payroll approved by the head of the department or office employing such service. The claims, bills or payrolls, hereinafter designated as payrolls, for salaries, wages or compensation for personal services of all officers, assistants and employees of every class or description, without regard to the name or title by which they are known, for each department or office of the city and county shall be transmitted to the civil service commission before presentation to the controller.

(d) The secretary of the civil service commission shall verify that all persons whose names appear on payrolls have been legally appointed to or employed in positions legally established under this charter. In performing such verification said secretary may rely upon the results of electronic data processing. Said secretary shall direct his attention to exception reports produced by such processing; he shall approve or disapprove each item thereon and transmit said exception reports to the controller. The controller shall not draw his warrant for any claim for personal services, salary, wages or compensation which has been disapproved by the said secretary.

(e) For the purpose of the verification of claims, bills, timerolls, or payrolls, contractual services represented by teams or trucks hired by any principal executive or other officer of the city and county shall be considered in the same manner as personal service items and shall be included on payrolls as approved by said principal executive or other officers, and shall be subject to examination and approval by the secretary of the civil service commission and the controller in the same manner as payments for personal services.

(f) The salary, wage or other compensation fixed for each officer and employee in, or as provided by this charter, shall be in full compensation for all services rendered, and every officer and employee shall pay all fees and other moneys received by him, in the course of his office or employment, into the city and county treasury.

(g) No officer or employee shall be paid for a greater time than that covered by his actual service; provided, however, that the basic amount of salary, wage or other compensation, excluding premium pay differentials of any type whatsoever of any officer or employee who may be called upon for jury service in any municipal, state or federal court, shall not be diminished during the term of such jury service. There shall, however, be deducted from the amount of basic salary, wage or other compensation, excluding any pay premium differentials of any type whatsoever payable by the city and county to the officer or employee for such period as such officer or employee may be absent on account of jury service, any amounts which the officer or employee may receive on account of such jury service. Any absence from regular duty or employment while on jury duty shall be indicated on timerolls by an appropriate symbol to be designated by the controller.

(h) All increases in salaries or wages of officers and employees shall be determined at the time of the preparation of the annual budget estimates and the adoption of the annual budget and appropriation ordinances, and no such increases shall be effective prior to the fiscal year for which the budget is adopted. Salary and wage rates for classes of employments subject to salary standardization, as in this charter provided, shall be fixed in the manner provided in this charter. Salary and wage rates for classes of employment not subject to salary standardization, exclusive of compensations fixed by this charter, shall be recommended by the officer, board or commission having appointive power for such employments, and fixed by the budget and the annual salary ordinance. Pending the adoption of salary standards as in this charter provided, the salary and wage rates for positions subject to such standardization shall be as recommended by the officer, board or commission having appointing power for such positions and fixed by the budget and annual salary ordinance; provided that the minimum compensation for employees subject to the civil service provisions of this charter shall be not less than fifty cents (50¢) per hour nor less than one hundred six dollars ($106) per month; and provided further that any compensation paid as of January 1, 1931, to an incumbent

who legally held a position in the city and county service at that time, shall not be reduced so long as such incumbent legally holds such position. No compensation other than the minimum as in this section provided shall be increased so as to exceed the salary or wage paid for similar services of like character and for like service and working conditions in other city departments or in private employments, nor so as to exceed the rate fixed for such service or position in the proposed schedule of compensations issued by the civil service commission under date of April 9, 1930, except as such proposed schedule or compensation is amended as provided in this charter, or extended by the civil service commission to include classification not included therein.

CHARTER AMENDMENT

PROPOSITION M

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by adding Section 8.506-1 thereto to empower the Board of Supervisors to perform any and all acts necessary or appropriate to implement provisions of the Education Code of the State of California with respect to membership of teachers in the San Francisco Unified School District and San Francisco Community College District in the State Teachers' Retirement System.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 6, 1972, a proposal to amend the Charter of said city and county by adding Section 8.506-1 thereto, to read as follows:

8.506-1 Teachers in the San Francisco Unified School District and San Francisco Community College District

Notwithstanding any other provisions of this charter, the board of supervisors shall have the power to perform any and all acts necessary or appropriate to implement any provisions of the Education Code of the State of California which contemplate that teachers in the San Francisco Unified School District and the San Francisco Community College District shall not be members of the San Francisco City and County Employees' Retirement System but shall be members only of the State Teachers' Retirement System or which contemplate that such teachers may elect to be members of the State Teachers' Retirement System and not to be members of the San Francisco City and County Employees' Retirement System.

State of California
City and County of San Francisco } ss

This is to certify that we, John J. Barbagelata, Acting 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 the Direct Primary Election held on Tuesday, the sixth day of June, One Thousand Nine Hundred and Seventy-Two; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this twenty-sixth day of June, One Thousand Nine Hundred and Seventy-Two.

(SEAL)

JOHN J. BARBAGELATA
Acting 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 part of, the Charter of the City and County of San Francisco.

RESOLUTION CHAPTER 51

Assembly Joint Resolution No. 4—Relative to requiring North Vietnam to account for each American missing in action or listed as a prisoner of war as a result of the conflict in Vietnam.

[Filed with Secretary of State June 30, 1972.]

WHEREAS, Countless American servicemen are listed as prisoners of war or missing in action, a nebulous status which has been a continuous source of uncertainty, grief, and despair for the friends, relatives, and loved ones they have left behind in the United States; and

WHEREAS, To this date, over 18 years after the conclusion of the Korean conflict, our government has been unable to secure any information as to the well-being or existence of over 389 men who were similarly listed as prisoners or missing in action in that conflict; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the members respectfully memorialize the President, the Vice President and Congress of the United States to demand a full accounting from the government of North Vietnam for every American prisoner of war taken in the Vietnam conflict before the completion of American troop withdrawals from the war; 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 52

Assembly Concurrent Resolution No. 17—Relative to study of the foster care program.

[Filed with Secretary of State June 30, 1972.]

WHEREAS, It has come to the attention of the Legislature that the number of children requiring placement in foster care under the aid to families with dependent children program continues to rise at an increasing rate; and

WHEREAS, There is a lack of an adequate number of qualified licensed foster homes and public interest in participating in foster home placement programs and the problem is particularly acute with teenager placement, where often no home at all may be available; and

WHEREAS, A major detriment is the grossly inadequate amounts

under state laws and regulations that are paid for the foster care of needy children and that are unrelated to realistic costs of successful, sustained foster placement for the basic age groups of foster children; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests the Department of Social Welfare to study the aid to families with dependent children foster care program, including but not limited to a study of the cost of successful, sustained foster home placement for the basic age groups of foster children, evaluation of rate structure, compensation to foster parents for participation in training, and the feasibility of the elimination of special rates and fees in favor of an adequate flat statewide rate; and be it further

Resolved, That the Department of Social Welfare report its findings and recommendations to the Legislature by the fifth calendar day of the 1973 Legislative Session; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Department of Social Welfare.

RESOLUTION CHAPTER 53

Assembly Concurrent Resolution No. 42—Relative to ski lift safety standards.

[Filed with Secretary of State July 3, 1972.]

WHEREAS, The Legislature recognizes that the number of skiing enthusiasts is increasing dramatically with each passing year; and

WHEREAS, This dramatic increase in the number of persons using ski slopes in California has presented a need for more adequate safety standards for the regulation of ski slopes and resorts; and

WHEREAS, Accidents involving ski lift mechanisms represent a significant number of the totality of skiing mishaps each year; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California respectfully requests the Division of Industrial Safety to incorporate into the Aerial Passenger Tramway Safety Orders the construction standards promulgated by the American National Standards Institute as of January 31, 1972, and to require each ski lift, construction of which is commenced on or after passage of this measure, to conform with such standards; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Division of Industrial Safety.

RESOLUTION CHAPTER 54

Assembly Concurrent Resolution No. 96—Approving amendments to the Charter of the City of Placentia, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 11th day of April, 1972.

[Filed with Secretary of State July 3, 1972.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Placentia, 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 PLACENTIA OF CERTAIN CHARTER AMENDMENTS

State of California
County of Orange } ss.
City of Placentia

We, the undersigned, Richard A. Demmer, Mayor of the City of Placentia, and Edmund M. Ponce, City Clerk of the City of Placentia, do hereby certify and declare as follows:

That the City of Placentia, County of Orange, 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 1965 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 8th day of June, 1965, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 29th day of June, 1965.

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 Placentia, being the legislative body of said city, on its own motion, by its Resolution No. 72-R-118, adopted February 15, 1972, and Resolution No. 72-R-122, adopted February 22, 1972, 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 General Municipal election held in said City on April 11, 1972.

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 1st day of March, 1972, in the Placentia Courier,

a newspaper of general circulation printed and published in said City of Placentia, 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 11th day of April, 1972, 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 Placentia Courier.

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 Placentia on April 18, 1972, 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 the following sections of the Charter of the City of Placentia in the words and figures following, to wit:

1. By amending Section 601 of Article V thereof, to read as follows:

"Section 601. Eligibility. No person shall be eligible to hold office as a member of the City Council unless he shall be a qualified elector at the time of his nomination, and shall have been a resident of the City for at least one year next preceding the date of his election or appointment."

2. By amending Section 608 of Article V thereof, to read as follows:

"Section 608. Contracts on public works. Every contract involving an expenditure of more than Five Thousand ($5,000.00) Dollars for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials or supplies for the same, where the expenditure required for such purchase shall exceed the sum of Five Thousand ($5,000.00) Dollars 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 of opening bids.

The City Council may reject any and all bids presented and may re-advertise in its discretion. After rejecting bids, or if no bids are received, 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 a majority vote of the entire membership of the City Council, it may proceed to have said work done or such material or supplies purchased in the manner stated, without further observance of the provisions of this section.

When the City Council deems, by four affirmative votes, there is urgent necessity for the preservation of life, health or property, purchase of such materials or supplies and contracts may be let without advertising for bids."

3. By amending Section 701 of Article VII thereof, to read as follows:

"Section 701. Eligibility. No person shall be eligible to hold the offices of City Clerk or City Treasurer unless he shall be a qualified elector at the time of his nomination, and shall have been a resident of the City for at least one year next preceding the date of his election or appointment."

4. By amending Section 902 of Article IX thereof, to read as follows:

"Section 902. Appointment. Term. The members of each such Boards or Commissions shall be appointed by the City Council. They 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, unless a lesser term is provided by a resolution adopted by the City Council, and until their respective successors are appointed and qualified. The members first appointed to such Boards and Commissions shall so classify themselves by lot that the term of one of each of their number shall expire each succeeding July 1st. Where the total number of the members of a Board or Commission to be appointed exceeds four, the classification by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year. Thereafter, any appointment to fill an unexpired term shall be for such unexpired period."

5. By amending Section 1002 of Article X thereof, to read as follows:

"Section 1002. Illegal Contract, Financial Interest. No member of the City Council shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and neither shall any Board or Commission Member or City official or employee be interested in any contract, sale or transaction to which the City is a party and which comes before said Board or Commission or official or employee, or department of the City with which he is connected, for official action. Any such contract or transaction in which there shall be such an interest shall become void at the election of the City, when so declared by resolution of the City Council. No member of the City Council or of a Board or Commission, and no City official or employee shall be deemed to be financially interested, within the meaning of the foregoing

provisions, in any contract made with a corporation by reason of being an employee of such corporation or by reason of the ownership of stock in such corporation unless said stock owned by him shall amount to at least three (3%) percent of all the stock of such corporation issued and outstanding. No city councilman or member of any Board or Commission shall vote or participate in any contract or transaction in which he is directly or indirectly financially interested whether as an employee or a stockholder of the corporation or otherwise. If any officer of the City, during the term for which he was elected or appointed shall so vote or participate, or shall be financially interested as aforesaid, upon conviction thereof, he shall forfeit his office."

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 Placentia 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 Placentia to be affixed hereto this 24th day of April, 1972.

(SEAL)

RICHARD A. DEMMER
Richard A. Demmer
Mayor of the City of Placentia

EDMUND M. PONCE
Edmund M. Ponce
City Clerk of the City of Placentia

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 Placentia, 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 Placentia.

RESOLUTION CHAPTER 55

Senate Concurrent Resolution No. 62—Approving amendments to the Charter of the County of Santa Clara, State of California, ratified by the qualified electors of the county at a primary election held therein on the sixth day of June 1972.

[Filed with Secretary of State July 3, 1972.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the County of Santa Clara, 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:

CERTIFICATION OF A CHARTER AMENDMENT AS RATIFIED BY THE QUALIFIED ELECTORS OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, TO THE LEGISLATURE OF THE STATE OF CALIFORNIA

Whereas, the County of Santa Clara has been at all times herein mentioned, and now is, a body corporate politic, and a political subdivision of the State of California, and is now and has been since September 4, 1951, organized and acting under and by virtue of a freeholders' charter adopted under and pursuant to the provisions of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of such county at a general election held for that purpose on November 7, 1950, and approved by the Legislature of the State of California on June 5, 1951, and filed with the Office of the Secretary of State on June 5, 1951; and

Whereas, the Board of Supervisors of such county, pursuant to the provisions of Section 3 of Article XI of such Constitution and sections 23720 and following of the California Government Code, did, by resolution and order duly passed and adopted on February 9, 1972, propose to the qualified electors of the County of Santa Clara an amendment to the charter of the county, designated on the ballot as Measure C, and ordered that such amendment be submitted to the qualified electors of the county at the direct primary election to be held in the county on Tuesday, June 6, 1972, which date was fixed in the resolution as the day for holding such election; and

Whereas, such proposed amendment to the Charter of the County of Santa Clara was published for ten times in the San Jose Post Record, a daily newspaper of general circulation, printed, published and circulated in said county, on March 30, April 10, 11, 12, 13, 14 and 17, 18, 19, 20 and 21, 1972; and

Whereas, such election was held in the County of Santa Clara on Tuesday, June 6, 1972, which day was not less than 30 days, no more than 60 days, after publication of such proposed amendment for at

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least 10 times in the San Jose Post Record; and

Whereas, thereafter the returns of such election held on Tuesday, June 6, 1972, at which election such proposal was duly submitted to the vote of the qualified electors of such county, were duly canvassed and certified by the Registrar of Voters of the County of Santa Clara to the clerk of the Board of Supervisors of such county, and such clerk of the Board of Supervisors did on June 20, 1972 duly enter on the records of such Board of Supervisors a statement of the result of such canvass and such election in the form and manner prescribed by law; and

Whereas, at such election held on Tuesday, June 6, 1972 the proposed amendment to the Charter of the County of Santa Clara was ratified by a majority of the electors of the county voting thereat; and

Whereas, such charter amendment so ratified by the electors of the County of Santa Clara 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 Section 3 of Article XI of the Constitution, of the State of California and sections 23720 and following of the California Government Code, and is in words and figures as follows:

Section 304 is added to the Charter of the County of Santa Clara to read:

Section 304—County Park Program

(a) The Board of Supervisors shall establish a county park acquisition and development fund in the county treasury. Each fiscal year the Board of Supervisors shall transfer from the general fund to the county park acquisition and development fund an amount of money which shall not be less than an amount estimated by the Director of Finance to equal the amount that would be raised for that year by a tax of 10¢ per $100 of assessed valuation of the County of Santa Clara. In addition, the Board of Supervisors shall transfer into such fund all other monies received from the United States Government, State of California, any other public agency or any person for county park acquisition or development purposes. Any interest earned on the investment of monies in the county park acquisition and development fund shall be credited to the fund.

(b) The Board of Supervisors shall appropriate the money in the county park acquisition and development fund for the acquisition, development, or acquisition and development of real property for county park purposes. At least fifty percent of the funds transferred from the general fund during the operative period of this section shall be used for the acquisition of real property for county park purposes.

(c) The county shall not acquire real property for any park purpose until the Board of Supervisors has determined that the acquisition is in conformity with the adopted county parks and

recreation element of the general plan.

(d) This section shall be operative commencing with the 1972–73 fiscal year and shall be repealed at the end of the 1981–82 fiscal year; provided, however, any unobligated monies remaining in the fund on June 30, 1982 shall be used only for the purposes set forth in subparagraph (b) of this section.

Passed and adopted by the Board of Supervisors of the County of Santa Clara, State of California, on June 20, 1972 by the following vote:

Ayes: Supervisors, Sanchez, Quinn, Calvo, Cortese
Noes: Supervisors, none
Absent: Supervisors, Mehrkens

CHARLES A. QUINN
(SEAL) Chairman, Board of Supervisors

Attest: Donald M. Rains
Clerk, Board of Supervisors
DONALD M. RAINS

State of California }
County of Santa Clara } ss.

We, the undersigned, Charles A. Quinn, Chairman of the Board of Supervisors of the County of Santa Clara, State of California, and George E. Fowles, County Clerk of the County of Santa Clara, do hereby certify:

That the foregoing proposed and ratified amendment to the Charter of the County of Santa Clara, submitted to the electors of such county at the direct primary election held in such county on Tuesday, June 6, 1972 was compared by us, and each of us, with the proposed charter amendment set forth in the resolution adopted by the Board of Supervisors as hereinabove set forth, and that the foregoing is a full, true and exact copy thereof, and we further certify that the facts set forth in the preamble preceding such amendment to such 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 Board of Supervisors of the County of Santa Clara this 20th day of June, 1972.

CHARLES A. QUINN
Charles A. Quinn, Chairman of the Board of Supervisors of the County of Santa Clara, State of California
GEORGE E. FOWLES
George E. Fowles, County Clerk of the County of Santa Clara, State of California

Attest: Donald M. Rains, Clerk
of the Board of Supervisors
DONALD M. RAINS

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 Santa Clara, 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 Santa Clara.

RESOLUTION CHAPTER 56

Assembly Constitutional Amendment No. 51—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 1 of Article I thereof, relating to state government.

[Filed with Secretary of State July 5, 1972.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1972 Regular Session commencing on the third day of January, 1972, 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 1 of Article I thereof to read:

SECTION 1. All people are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety, happiness, and privacy.

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RESOLUTION CHAPTER 57

Senate Concurrent Resolution No. 49—Relative to the creation of the Joint Committee on Legislative Building Space Needs.

[Filed with Secretary of State July 5, 1972.]

WHEREAS, The Legislature, and the agencies assisting it, are in critical need of additional building space in Sacramento for offices, committee rooms, storage, parking and related functions; and

WHEREAS, The need for such legislative building space becomes more critical each year; and

WHEREAS, Unless additional building space is provided for the Legislature and the agencies assisting it, the legislative process will be seriously curtailed; and

WHEREAS, It is essential that an immediate study be made of the critical needs for such additional legislative building space; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Committee on Legislative Building Space Needs is hereby continued and authorized and directed to ascertain, study and analyze all facts relating to the needs of the Legislature and of the agencies assisting the Legislature for building space in Sacramento for offices, committee rooms, storage, parking and related functions, including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate, appointed by the Committee on Rules thereof, and five Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until June 30, 1973, with authority to file its final report not later than June 30, 1973.

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, 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 contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to

carry out the purposes for which it is created.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The committee and each subcommittee thereof are authorized to leave the State of California in the performance of their duties.

7. The Members of the Senate appointed to the committee shall constitute a subcommittee of the committee on the subject of this resolution as it affects the needs of the Senate. The Members of the Assembly appointed to the committee shall constitute a subcommittee of the committee on the subject of this resolution as it affects the needs of the Assembly. Each such subcommittee and its chairman shall have all of the powers of the committee and its chairman.

8. In addition to any funds heretofore or hereafter made available to the committee, 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 58

Senate Concurrent Resolution No. 68—Approving amendments to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a special election held therein on the sixth day of June, 1972.

[Filed with Secretary of State July 7, 1972.]

WHEREAS, Proceedings have been taken and had for the adoption and ratification of four amendments, hereinafter set forth, to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the President of the Council of the City of Los Angeles and the City Clerk of said city, as follows:

CERTIFICATE OF 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 eight 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 four 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 6th day of June, 1972, all as required by law, which said proposals were designated as proposed charter amendments J, K, L and M.

That on the 18th day of April, 1972, 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 18, 1972, 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 18, 1972, to and including June 6, 1972; and a notice was advertised and published on and from April 18, 1972, to and including June 6, 1972, 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 June 6, 1972, 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 Registrar-Recorder of the County of Los Angeles dated July 5, 1972, and by the declaration of the Council of said City of Los Angeles, which pursuant to law met on July 6, 1972, 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 Registrar-Recorder.

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 J

Section 354.1 of the Charter of the City of Los Angeles is hereby amended to read as follows:

Sec. 354.1. Transfers of Appropriated Funds.

Transfers of funds appropriated in the general city budget, or thereafter, by the Council for expenditure by any officer, board or department may be made to the reserve fund or to the unappropriated balance or their expenditure for the same or other purposes by other officers, boards, or departments authorized and the budget or other spending authority amended accordingly:

(a) Upon recommendation of the City Administrative Officer, approved by the Mayor and a majority vote of the Council; or

(b) Upon a majority vote of the Council, subject to the approval of the Mayor, or passage by the Council over the Mayor's veto by a two-thirds vote.

If any order making such transfer shall not be returned to the City Clerk by the Mayor, for presentation to the Council, with his objections in writing, within ten (10) days after it shall have been presented to him, it shall become effective and be as valid as if the Mayor had approved and signed it.

Notwithstanding the provisions of Sections 84, 158 and 173, funds appropriated from the general fund for the support of the Department of Library and the Department of Recreation and Parks may be transferred as provided in this section.

Additional Time for Consideration of Budget Charter Amendment Summary

This Charter amendment would amend or delete Sections 343–351 and Section 353 of the City Charter relating to the dates and procedures for formulation and adoption of the annual budget for the City of Los Angeles.

This amendment would change the date that the various departments, offices, or other governmental activities of the City must present their annual budget request to the Mayor, from the first day of May to not later than the first day of January.

It would change the date that the Controller must submit his annual estimates of revenue from sources other than property taxes, and of the amount of funds required for bond redemption and interest or other lawful obligations of the City, from the first day of April to not later than the first day of March.

The date that the Mayor must submit his proposed budget to the Council would be changed from not later than the first day of June to not later than the twentieth day of April.

The last day for the Council to either approve or modify the budget as submitted by the Mayor would be changed from the twentieth day of June to the first day of June.

The measure provides the Mayor five working days to consider Council action on the budget by excluding Saturdays, Sundays, and legal holidays from the five-day period within which the Mayor may act upon the budget as adopted by the Council. It would also provide a similar five-day period for the Council to consider and vote on the Mayor's budget veto message. The Council would be permitted by majority vote to transmit the budget to the City Clerk in less than five days.

Reference to the printing, distribution, and format of the budget would be deleted, as would the section that directs the Mayor to call upon heads of departments and upon the Bureau of Budget and Efficiency for assistance in his preparation of the budget. Provision for distribution of the budget by the Controller to City officers and citizens would also be deleted.

The amendment would delete the current authority for boards, officers, or employees to expend no more than one-twelfth of any appropriated item each month unless otherwise specified or authorized, or unless unexpended funds remain from previous months. Instead it would add authority for each officer and department to expend funds in accordance with a program of planned expenditures which must be prepared, filed, and modified from time to time as provided by ordinance. It would specify that appropriations from the general fund to the Department of Library and the Department of Recreation and Parks are also subject to such a program of planned expenditures, which may be modified by ordinance.

The measure would also eliminate obsolete references to the

Bureau of Budget and Efficiency by substituting references to the City Administrative Officer. The City Administrative Officer has the powers and duties formerly assigned to the Bureau of Budget and Efficiency, which was abolished by Charter amendment in 1951. It also seeks to clarify the language of the Charter in referring to departments and heads of departments regarding budget formulation, to make these references applicable to other governmental activities and other officers.

Proposed Charter Amendment K

The Charter of the City of Los Angeles is hereby amended by repealing existing Sections 345, 346, 347, 348 and 351 thereof; adding new Sections 347 and 351 thereto; and amending Sections 343, 344, 349, 350 and 353 thereof, to read as follows:

Sec. 343. Budget Estimates to Mayor.

At such time as the Mayor may prescribe, but not later than the first day of January of each year, each board or officer at the head of any department, office, or other city governmental activity, other than those departments given control of their own funds, shall submit to the Mayor, with duplicates to the City Council and the City Administrative Officer, on forms and in the manner prescribed by the Mayor, or by ordinance, if forms are prescribed by ordinance, a detailed estimate of the money required for the next ensuing fiscal year for the proper conduct of the departments and offices under their respective control. The classification of these estimates shall be as nearly uniform as possible and shall exhibit clearly the functions performed by each department, office, or other city governmental activity, and the objects and services which it is estimated will be required to carry on the several functions. With the estimates shall be submitted such summaries, schedules and supporting data as may be prescribed by the Mayor or by ordinance, if forms are prescribed by ordinance. Any department head or officer whose estimate provides for increases over the appropriation of the previous year for his office, department, or activity shall indicate, under appropriate classifications, the relative order of the immediate importance of such increases. After consultation with an officer or head of a department, the Mayor may refer his estimate back with instructions to prepare a revised estimate on the basis of a maximum sum for the department, office or activity, such maximum sum to be fixed by the Mayor, or with such further qualification as the Mayor shall determine. The officer or head of department shall present such revised estimate to the Mayor, with a duplicate to the Council and to the City Administrative Officer, at a date fixed by the Mayor.

On or before the first day of March of each year the Controller shall submit to the Mayor, with a duplicate to the City Council and to the City Administrative Officer, a detailed statement of the money which he estimates will be required for the interest and sinking funds and for all outstanding bonded indebtedness and other lawful

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obligations of the city or of special districts therein; also an estimate of the revenue to be derived from fines, licenses and other sources, exclusive of taxes upon property.

Sec. 344. Mayor Shall Submit Budget.

On or before the twentieth day of April of each year, the Mayor shall submit to the Council a budget for the next ensuing fiscal year setting forth in summary and in detail:

(a) Estimates of the expenditures and appropriations necessary in his judgment for the support of the required work programs of the city government for the ensuing fiscal year, including interest and sinking funds or payments of principal on the bonded indebtedness of the city and of special districts therein;

(b) His detailed estimates of the receipts of the city government during the ensuing fiscal year, under (1) laws existing at the time the budget is transmitted, and also (2) under the revenue proposals, if any, contained in the budget.

(c) The expenditures and receipts of the city government during the last completed fiscal year;

(d) Estimates of the expenditures and receipts of the city government during the fiscal year in progress;

(e) The amount of annual, permanent, or other appropriations, including balances of appropriations for prior fiscal years, available for expenditure during the fiscal year in progress, as of June 30th, of such year;

(f) Balanced statements of (1) the condition of the treasury at the end of the last completed fiscal year; (2) the estimated condition of the treasury at the end of the fiscal year in progress; and (3) the estimated condition of the treasury at the end of ensuing fiscal year in case the financial proposals contained in the budget are adopted;

(g) All essential facts regarding the bonded and other indebtedness of the city government;

(h) Such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practical detail the financial condition of the city government; and

(i) Said budget shall contain an item to be known as the "unappropriated balance" which sum shall be available for appropriations later in the ensuing fiscal year to meet contingencies as they arise.

Said budget shall also be supported by a statement of resources of the reserve fund which shall be carried over to the next ensuing fiscal year to meet the cash requirements of the city for the portion of said next ensuing fiscal year prior to the receipt of taxes thereon, or for appropriations to the unappropriated balance as hereinafter provided.

Sec. 347. Council Shall Consider Budget.

Upon receiving the budget submitted by the Mayor, the Council shall fix a time and place for holding a public hearing upon it, and give public notice of such hearing. On or before the first day of June, the Council shall:

(a) Approve the budget as submitted by the Mayor, or

(b) Modify the budget by disapproving in whole or in part any items contained therein or by increasing any item or by adding new items thereto, and return the budget as modified by the Council to the Mayor on or before said date. Any action taken by the Council under this section shall be taken by a majority vote of its members.

Upon failure of the Council to return the budget to the Mayor as provided in this section, the budget as submitted by the Mayor to the Council shall be signed by the City Clerk and thereupon become the general city budget for the ensuing fiscal year.

Sec. 349. Mayor's Veto.

The budget as adopted by the Council shall forthwith be transmitted by the City Clerk to the Mayor upon whose approval and signature it shall become effective. If the Mayor shall fail to act upon the budget within five (5) days, excluding Saturdays, Sundays and legal holidays, after its adoption by the Council, it shall be signed by the City Clerk and shall thereupon become effective. If the Mayor shall disapprove of any increase, decrease, omission or insertion of any item or items of the budget by the Council, he may veto, restore or otherwise change any such item or items to the amount originally proposed by him or to any amount between that originally proposed by him and that adopted by the Council. The Mayor, however, shall have no power to change any description or limitation made applicable to an item by the Council except to veto such change or to restore the description or limitation to the condition originally proposed by him. Upon completion of such changes as he determines proper, the Mayor shall within the five (5) day period return the budget to the Council with a statement of his action.

Sec. 350. Council Consideration of Mayor's Veto Message.

Upon receipt by the Council of the budget veto message from the Mayor, the Council shall have five (5) days, excluding Saturdays, Sundays and legal holidays within which to overcome such action of the Mayor relative to any item or items of the budget. Any item or items which shall have been vetoed or otherwise changed by the Mayor, and which shall not be, by a two-thirds vote of all of the members of the Council, either readopted notwithstanding the objections of the Mayor or changed to an amount between that as originally adopted by the Council and that as changed by the Mayor, shall remain as modified by the Mayor.

Where the Mayor has changed any description or limitation applicable to an item, the Council, in its action pursuant to this section, shall have no power to alter such description or limitation other than to restore it to the condition in which it was originally adopted by the Council.

Upon the expiration of the Council's five (5) day period, or sooner if the Council by majority vote so directs, the budget as returned by the Mayor and to the extent as modified thereafter by the Council, shall become the general city budget for the ensuing fiscal year and be forthwith transmitted to the City Clerk and thereupon signed by

him and filed in the office of the Controller.

Sec. 351. Expenditure Programs.

Each office and department provided for in the general city budget, and the Departments of Library and Recreation and Parks to the extent that they are assisted by appropriations from the general fund, shall have authority to expend, in the manner provided by law, the funds appropriated for its support during the ensuing fiscal year, but only in accordance with a program of planned expenditures which shall be prepared, filed, and modified from time to time, as provided by law.

Sec. 353. Tax Levy — Alternate Method.

In case the Council shall fail to levy a rate of taxation at the time and in the manner provided by this charter, the Controller shall add to the budget the amount required to meet maturing portions of principal and the interest on the bonded indebtedness of the city, of special districts therein and any special taxes required by this charter, and shall calculate a rate of taxation, but not exceeding the limit elsewhere in this charter provided, upon each one hundred dollars ($100) of valuation which, with the amounts, if any, theretofore transferred from the "reserve fund" in or for the current fiscal year subsequent to the adoption of the annual budget to provide in whole or in part the funds for items appropriated in the annual budget, or so transferred to the "general fund" or transferred from the "reserve fund" to meet in whole or in part the amount budgeted for the "unappropriated balance" together with the total amount estimated by the Controller to be received from fines, licenses, and other sources of revenue, will be sufficient to raise the necessary revenues for the current fiscal year. The Controller shall thereupon give public notice of said action and rate of taxation by publication at least three times in a newspaper of general circulation in the city; and the tax rate calculated by said Controller, as hereinabove provided for, shall be the rate of taxation of the city and the budget, and said tax rate shall thereupon have full force and effect as if said appropriations had been made and said rate of taxation fixed by action of the Council and approved by the Mayor, as hereinbefore provided. The Controller is hereby vested with all necessary legislative power to carry out the provisions of this section.

Internal Borrowing From City Funds to Finance City Operations Prior to Receipt of Property Taxes Charter Amendments Summary

This Charter amendment would amend Section 381 of the City Charter regarding the temporary transfer or borrowing between certain City funds.

At present these transfers are made pursuant to authority granted in the State Constitution. Inclusion of this authority in the City Charter would allow such transfers to continue in the event the Constitution were to be changed to delete this authority. The

purpose of the authority in either case is to permit the City to continue the practice of making temporary transfers of certain City funds in anticipation of the receipt of property taxes during the so-called "dry period" as far as receipt of City revenues are concerned.

This amendment would specifically give the power to and place the duty upon the City Treasurer and the City Controller to make temporary transfers of funds in the custody of the Treasurer as may be necessary to meet legal financial obligations of the City. Such transfers would have to be directed by the Council by the adoption of a resolution. The amount of such temporary transfers at any one time would not be permitted to exceed 85 percent of the ad valorem property taxes accruing to the City, and could not be made after the last Monday in April of the current fiscal year. Since the City's fiscal year runs from July 1 to June 30, these transfers could only take place during the period of July 1 of a calendar year to whatever date the last Monday in April falls on in the next calendar year. To assure that such transfers are temporary in nature, the proposal provides that they would have to be replaced from any tax revenues accruing to the City before any other obligation of the City is met from such taxes.

Proposed Charter Amendment L

Section 381 of the Charter of the City of Los Angeles is hereby amended to read as follows:

Sec. 381. Transfers Between Funds.

(a) It shall not be lawful to transfer money from one fund to another, or to use the same in payment of demands upon another fund, except in the case of the unappropriated balance and the reserve fund, or except as in this charter specifically provided.

(b) The Treasurer and the Controller, however, when authorized and directed by the City Council by resolution, shall have power, and it shall be their duty to make such temporary transfers, in accordance with procedures established by applicable law, from the funds of the city in the Treasurer's custody as may be necessary to provide funds for meeting obligations of the city. The amount of any such temporary transfers shall not at any one time exceed 85 percent of the ad valorem property taxes accruing to the city, and shall not be made after the last Monday in April of the current fiscal year, and shall be replaced from the taxes accruing to the city before any other obligation of the city is met from such taxes.

Authority for Transfer and Consolidation of Powers, Duties, and Functions of Certain City Departments Charter Amendment Summary

This Charter amendment would revise Section 32.1 of the City Charter relating to transfer or consolidation of the powers, duties,

and functions of various City departments with specified exceptions and limitations.

This amendment would permit the mayor to recommend the transfer or consolidation of the powers, duties, and functions of departments, boards, or bureaus, except in the case of certain specified functions and departments. Actual transfer or consolidation would be accomplished by an ordinance subject to a two-thirds vote of approval by the Council. The Council would be permitted to make such transfers or consolidations by its own initiative upon passage of an ordinance by a two-thirds vote of the whole Council. Such an ordinance would be subject to veto by the Mayor with the Council having right to override the Mayor's veto by a three-fourths vote of the whole Council.

Under the present Charter, the Council may, by ordinance adopted by a two-thirds vote, transfer or consolidate only subordinate or auxiliary powers, functions, or duties, and may not alter the primary purpose or character of departments or boards. The current Charter exempts the Departments of Airports, Harbor, Library, Recreation and Parks, and Water and Power from such transfers or consolidations.

This amendment would remove the Departments of Library and Recreation and Parks from this exempt status, and exempt the Departments of Airports, Harbor, Water and Power, Pensions, and the City Employees' Retirement System. This would permit the Mayor and the Council to transfer or consolidate the powers, duties, and functions of the Library and Recreation and Parks Departments in a like manner as other City departments, while the City Employees' Retirement System and the Pensions Department would become immune from such transfers or consolidations.

The Mayor and Council would be prohibited from transferring the disciplinary, suspension, review, and reinstatement functions of the Police and Fire Departments. They could make transfer or consolidation only of subordinate or auxiliary powers, duties, or functions of the Police and Fire Departments as long as the primary purpose or character of these Departments are not significantly altered or affected.

The proposal provides that if all of the powers, duties, and functions of a department are transferred or consolidated, the existence of such department shall be suspended.

Proposed Charter Amendment M

Section 32.1 of the Charter of the City of Los Angeles is hereby repealed, and a new Section 32.1 is added thereto to read as follows:

Sec. 32.1. Transfer of Powers.

(a) Notwithstanding the powers, duties and functions of the several departments, boards or bureaus of the city government as set forth in this charter, the Mayor, subject to the approval of the Council by ordinance, adopted by a two-thirds vote of the whole of

the Council, may transfer any such powers, duties or functions from one department, board or bureau to another, or consolidate the same in one or more of the departments, boards or bureaus created by this charter or in a new department, board or bureau created by ordinance. The Council on its own initiative may, by ordinance, adopted by a two-thirds vote of the whole of the Council, subject to the veto of the Mayor as provided in Section 29 of this charter or by a three-fourths vote over the veto of the Mayor as provided in said section, make any such transfer or consolidation. The power of the Mayor and Council so to act as provided in this section shall not extend to the Harbor Department, Department of Airports, the Department of Water and Power, the City Employees' Retirement System or the Department of Pensions. The power of the Mayor and the Council to make transfers as contained within this section shall not extend to the disciplinary and other functions of the Fire Department and the Police Department as contained in Sections 135 and 202, respectively; and the powers, duties and functions of the Police Department and the Fire Department may be transferred or consolidated as provided in this section to the extent that only subordinate or auxiliary powers, duties or functions are involved and the primary purpose or character of the Police Department and the Fire Department are not significantly altered or affected.

(b) If all the powers, duties and functions of a department named in the charter are transferred or consolidated in the manner provided in subsection (a), the existence of such department shall be suspended and all offices and positions created for it in the charter shall cease to exist.

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 6th day of July, 1972.

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 said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval

or rejection as a whole without the power of 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 concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the Charter of the said City of Los Angeles.

RESOLUTION CHAPTER 59

Assembly Concurrent Resolution No. 21—Relative to excess highway property in the City of West Covina.

[Filed with Secretary of State July 7, 1972]

WHEREAS, On July 1, 1968, the Department of Public Works entered into an agreement with the City of West Covina for the widening of that portion of the San Bernardino Freeway which bisects the city in an east-west direction between the west city limits near Merced Avenue and the east city limits near Holt Avenue; and

WHEREAS, Since that date, the department has acquired the land necessary for such widening, including that necessary for the relocation of city streets and the construction of frontage roads; and

WHEREAS, The department has advertised for bids for the widening of the freeway within the city and actual construction work should commence in April of 1972; and

WHEREAS, There are a substantial number of parcels of property which were acquired by the department which are not necessary for freeway construction purposes; and

WHEREAS, The Huntington Beach Freeway is planned to come through the city in a north-south direction, but the exact location of that freeway and its intersection with the San Bernardino Freeway has not been established; and

WHEREAS, It is possible that substantial portions of the excess right-of-way acquired for widening the San Bernardino Freeway can be used in connection with the construction of the Huntington Beach Freeway; 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 postpone the sale of any parcel of excess property acquired for the widening of the San Bernardino Freeway within the City of West Covina, between the east side of Lark Ellen Avenue and the west side of Hollenbeck Street, for a period of two years after the contract is awarded for the widening of that freeway or until the

location of the Huntington Beach Freeway and its intersection with the San Bernardino Freeway is officially established, whichever is earlier, in order to avoid the necessity of having to repurchase those properties for the construction of the Huntington Beach Freeway; 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 City Council of West Covina.

RESOLUTION CHAPTER 60

Assembly Concurrent Resolution No. 114—Relative to a recess of the Assembly.

[Filed with Secretary of State July 7, 1972.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Assembly shall be in recess from adjournment on Friday, July 7, 1972, until 9:30 o'clock a.m., Monday, July 17, 1972.

RESOLUTION CHAPTER 61

Assembly Concurrent Resolution No. 12—Relating to the Advisory Committee on Salmon and Steelhead Trout.

[Filed with Secretary of State July 7, 1972.]

WHEREAS, The salmon and steelhead trout resources are a priceless and irreplaceable resource of this state; and

WHEREAS, The survival of these resources is continuously being threatened; and

WHEREAS, It is necessary that the report prepared by the Advisory Committee on Salmon and Steelhead Trout pursuant to Resolution Chapter 124 of the Statutes of 1970 be updated, since the salmon and steelhead trout resources need further protection; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Director of Fish and Game is requested to continue the Advisory Committee on Salmon and Steelhead Trout created pursuant to Resolution Chapter 124 of the Statutes of 1970 to ascertain, study, and analyze all facts relating to the preservation, protection, restoration, and enhancement of salmon and steelhead trout resources of this state, and the advisory committee shall update its report and submit it to the director, who shall submit such updated report to the Legislature not later than the fifth calendar

day of the 1973 Regular Session of the Legislature.

RESOLUTION CHAPTER 62

Senate Constitutional Amendment No. 72—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 40 of Article XIII thereof, relating to indebtedness of public entities.

[Filed with Secretary of State July 7, 1972.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1972 Regular Session commencing on the third day of January, 1972, 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 40 of Article XIII, as follows:

SEC. 40. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, except that with respect to any such public entity which is authorized to incur indebtedness for public school purposes, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the purpose of repairing, reconstructing or replacing public school buildings determined, in the manner prescribed by law, to be structurally unsafe for school use, shall be adopted upon the approval of a majority of the qualified electors of the public entity voting on the proposition at such election; nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds or a majority of the qualified electors, as the case may be, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted.

RESOLUTION CHAPTER 63

Senate Concurrent Resolution No. 19—Relative to the interchange between State Highway Routes 5 and 7.

[Filed with Secretary of State July 7, 1972]

WHEREAS, The interchange between State Highway Routes 5 (the Santa Ana Freeway) and 7 (the Long Beach Freeway), located in the City of Commerce, does not have all the necessary freeway ramps to provide direct traffic movements between the two freeways; and

WHEREAS, The condition resulting from the failure to construct all the necessary ramps at the interchange is causing considerable circuitous travel to the unfamiliar motorist and should, therefore, be corrected so that the motoring public will not be inconvenienced in using the interchange; 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 study the feasibility of adding the four missing ramp connections at the interchange between State Highway Routes 5 and 7, and to submit its recommendations to the Legislature by the fifth calendar day of the 1973 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 64

Senate Concurrent Resolution No. 58—Relative to the Report of the Committee on Conference on the Budget Bill.

[Filed with Secretary of State July 11, 1972]

WHEREAS, There was submitted to the Senate and Assembly at the time that it acted to approve the Budget Act of 1972 a Supplemental Report of the Committee on Conference Relating to the Budget Bill reflecting agreed language on statements of intent, limitations, or requested studies; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the above report reflects the intent of both houses of the Legislature in adopting the Budget Act of 1972 and should be interpreted as such by the various agencies of state government affected by the statements contained in such report; and be it further

Resolved, That the Legislative Analyst shall transmit copies to all agencies to which instructions, limitations, or statements of intent are directed in such supplementary report in order that they may be fully informed of the action of the Legislature.

RESOLUTION CHAPTER 65

Assembly Concurrent Resolution No. 27—Relative to State Highway Route 101.

[Filed with Secretary of State July 17, 1972.]

WHEREAS, It has come to the attention of the Legislature that already during 1972 three fatal cross-median accidents have occurred on the State Route 101 freeway in Ventura County between Moorpark Road and the westerly foot of Conejo Grade; and

WHEREAS, The Department of Public Works is undertaking work to correct this problem, with project plans to be completed by this fall and construction work to be completed within one year; 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 expedite the preparation of the design plans for the construction of a median barrier on that portion of State Route 101 freeway in Ventura County between Moorpark and the westerly foot of Conejo Grade so that construction of the median barrier may commence and be completed at the earliest possible time to prevent any further cross-median accidents on that portion of the freeway; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 66

Assembly Concurrent Resolution No. 31—Relative to State Highway Route 101 in Camarillo.

[Filed with Secretary of State July 17, 1972]

WHEREAS, State Highway Route 101 is a four-lane freeway in the City of Camarillo, and it has been proposed that the freeway be widened in order to meet future traffic demands; and

WHEREAS, Such an expansion will cause considerable disruption, which could displace as many as 93 homes in the city; and

WHEREAS, The general plan of the city is to be revised to reflect a decrease in the growth rate of the area's population; and

WHEREAS, The impact of the widening of Route 101 on the community may be significant; and

WHEREAS, There is a possibility that the traffic problems can be solved by other alternate plans, rather than by widening the existing freeway; and

WHEREAS, The city has requested that a feasibility study be made of a southern bypass alignment for Route 101; and

WHEREAS, The Department of Public Works has indicated that such a study would not result in delay of scheduled interchange improvements at Somis and Lewis Roads; 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 make a feasibility study for the relocation of State Highway Route 101 to the south of the City of Camarillo and to report its findings and recommendations to the Legislature by March 1, 1973; 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 67

Assembly Concurrent Resolution No. 39—Relative to State Highway Route 101.

[Filed with Secretary of State July 17, 1972.]

WHEREAS, State Highway Route 101 is a four-lane freeway in Ventura County in the vicinity of the City of Camarillo and has been proposed for expansion to an ultimate 10-lane freeway to meet the future traffic demands; and

WHEREAS, This portion of Route 101 is lined with palm trees of historical significance, giving unusual and scenic values to the countryside; and

WHEREAS, The removal of these trees would destroy the historic and scenic beauty that these trees give to this area; and

WHEREAS, There may be other alternatives to the removal of these historic palm trees; 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 investigate the feasibility of relocating one roadway of the existing Route 101 freeway in connection with the expansion of such freeway, or replant the palm trees in the existing right-of-way of Route 101 in Camarillo, so that the palm trees along Route 101 in the vicinity of Camarillo can be saved for future generations, and to report thereon to the Legislature not later than March 1, 1973; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

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RESOLUTION CHAPTER 68

Assembly Concurrent Resolution No. 71—Relative to the Feather River.

[Filed with Secretary of State July 17, 1972.]

WHEREAS, The Davis-Dolwig Act (Water Code Sections 11900 to 11925) requires the consideration of recreation and fish and wildlife enhancement as a purpose of the State Water Resources Development System; and

WHEREAS, The recreation plans for the Oroville complex of the State Water Resources Development System did not include the scenic and recreational potential of the Feather River below the fish barrier dam in the vicinity of the City of Oroville; and

WHEREAS, The Western Canal Dam is no longer in existence; and

WHEREAS, The County of Butte and the City of Oroville have expressed an intent to cooperate with the State of California in potential recreational development along the Feather River in the vicinity of Oroville; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Water Resources, in cooperation with the Department of Fish and Game and the Department of Parks and Recreation, and any other appropriate state agencies, is requested to develop a recreation plan that will enhance the recreation and scenic values along the Feather River between the City of Oroville and the site of the former Western Canal Dam, including the possible sources of financing, and to report thereon to the Legislature by the fifth calendar day of the 1973 Regular Session; and be it further

Resolved, That, in the conduct of such study, the views of local interests, including those of the Oroville City Council and the Butte County Board of Supervisors, be given consideration in the report; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Director of Water Resources, the Director of Fish and Game, and the Director of Parks and Recreation.

RESOLUTION CHAPTER 69

Assembly Concurrent Resolution No. 112—Relative to approving amendments to the Charter of the County of San Mateo, State of California, ratified by the qualified electors at an election held therein on the sixth day of June 1972.

[Filed with Secretary of State July 17, 1972]

WHEREAS, Proceedings have been taken and had for the proposal,

adoption, and ratification of an amendment to the Charter of the County of San Mateo, State of California, as hereinafter set forth in the certificate of the chairman and clerk of the board of supervisors of the county, as follows:

State of California }
County of San Mateo } ss.

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENT TO THE CHARTER OF SAID COUNTY OF SAN MATEO, SUBMITTED TO THE QUALIFIED ELECTORS OF SAID COUNTY OF SAN MATEO ON TUESDAY, THE 6TH DAY OF JUNE, 1972

Be it known that:

Whereas, the County of San Mateo, State of California, has been at all times herein mentioned, and now is, a body politic, a corporate, and a political subdivision of the State of California, and is now and has been, since the 28th day of January, 1933, organized and acting under and by virtue of a freeholder's charter, adopted under and by virtue of §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 8th day of November, 1932, and approved by the Legislature of the State of California in the Fiftieth Session thereof, and filed in the office of the Secretary of State on the 28th day of January, 1933; and

Whereas, the Board of Supervisors of said county pursuant to the provisions of said §7½ of Article XI of said Constitution did by Resolution No. 30120 adopted March 23, 1972, duly propose a charter amendment to the qualified electors of said county, designated in said resolution and order as proposed County Charter Amendment lettered A and ordered that said amendment be submitted to the qualified electors of said county at the June primary election to be held in said county on Tuesday, the 6th day of June, 1972, which date was fixed in said resolution as the day for holding said primary election; and

Whereas, said proposed charter amendment lettered A was published for ten times in the San Mateo Times, a daily newspaper of general circulation, printed, published, and circulated in said county, to wit: On April 10, 11, 12, 13, 14, 15, 17, 18, 19, and 20, 1972; and

Whereas, said June primary election, at which said proposed amendment was submitted to the qualified electors of said county, was not less than 30 nor more than 60 days after publication of said proposed amendment, as aforesaid; and

Whereas, a copy of the proposed charter amendment proposition and a sample ballot containing said proposition were mailed to every

qualified elector in said County of San Mateo; and

Whereas, thereafter the County Clerk and ex-officio Clerk of the Board of Supervisors of said County of San Mateo did, in the manner provided by law, duly and regularly canvass the returns of said election, and the said Board of Supervisors of said county, on the 13th day of June, 1972, did duly declare the results of said June primary election as determined from the canvass of the returns thereof; and

Whereas, at said June primary election held on the said Tuesday, the 6th day of June, 1972, 81,962 votes were cast in favor of said proposed charter amendment lettered A and 75,909 votes were cast against said proposed charter amendment lettered A; and

Whereas, said proposed charter amendment lettered A was ratified by a majority of the electors of said county voting thereon; and

Whereas, said proposition A appeared on the official ballot and on the voting machine as follows:

Proposition A

San Mateo County Charter Amendment

Provides that the sole responsibility for determination of salaries and fringe benefits of county employees shall be in the Board of Supervisors, provides that members of the Civil Service Commission of the county may receive such compensation as may be established by the Board of Supervisors, provides that salary schedules for all employees reflect as nearly as possible the salaries paid for comparable services in the municipalities of the county, public jurisdictions and private employment in and around the San Francisco Bay Area, and provides that the Civil Service Commission shall have the sole responsibility for adopting and administering rules as may be necessary to insure the selection and retention of employees in the classified service on the basis of merit and fitness.

; and

Whereas, said charter amendment lettered A so ratified by the electors of said County of San Mateo is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said §7½ of Article XI of the Constitution of the State of California, and is in words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to wit:

PROPOSITION A

That Section 3 of Article XI, Section 3 of Article XIV, and Section 9 of Article XIV of the San Mateo County Charter be amended, and that Section 2 of Article X, Section 4 of Article XI, and Section 12 of

Article XIV of the San Mateo County Charter be repealed to provide for responsibilities and duties of the Board of Supervisors and Civil Service Commission concerning establishment of compensation and other benefits for all County employees, in the following manner:

Section 3 of Article XI shall be amended to read as follows:

Compensation and Other Benefits for Employees. The Board of Supervisors shall establish by ordinance or resolution schedules of compensation and other benefits for employees of the County. Such compensation and other benefits shall reflect as nearly as possible the compensation and other benefits provided for, or agreed upon, for employees for comparable services under comparable conditions of employment in the municipalities of the County and in public jurisdictions in and around the San Francisco Bay Area and in private employment in and around the San Francisco Bay Area. The compensation established by the Board for laborers, workmen, and mechanics employed on an hourly or per diem basis shall be the general prevailing wages in San Mateo County.

Section 3 of Article XIV shall be amended to read as follows:

Compensation and Expenses of the Commission. The members of the Commission shall receive such compensation and such reimbursement for actual and necessary expenses as are authorized by the Board of Supervisors.

Section 9 of Article XIV shall be amended to read as follows:

Powers and Duties of the Commission. The Commission shall prescribe and amend, subject to the provisions of this article, such rules as may be necessary to insure the selection and retention of employees in the classified service upon a basis of merit and fitness. Such rules shall be binding upon the Board of Supervisors, elective officials, boards and commissions, and all employees in the service of the County.

The said rules shall provide for the administration, by or under the direction of the commission, of all matters pertaining to the classified service regarding applications, examinations, eligibility, promotions, applicants, classifications, and job analysis and specifications. In addition, the said rules shall provide for the procedures to be followed by the Board of Supervisors, the County Manager, or department heads as they pertain to the classified service regarding appointments, demotions, transfers, dismissals, resignations, lay-offs and reemployments.

Section 2 of Article X, Section 4 of Article XI, and Section 12 of Article XIV shall be repealed.

State of California }
County of San Mateo } ss.

We, the undersigned, Gerald F. Day, Chairman of the Board of Supervisors of the County of San Mateo, State of California, and Marvin Church, County Clerk and ex-officio Clerk of said Board of Supervisors of the said County of San Mateo, do hereby certify:

That the foregoing proposed and ratified amendment to the charter of said County of San Mateo, submitted to the electors of said county at a primary election held in said county on Tuesday, the 6th day of June, 1972, has been compared by us, and each of us, with the proposed amendment lettered A set forth in the resolution adopted by said Board of Supervisors, as hereinabove set forth, and that the foregoing is a full, true, and correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of San Mateo this 22nd day of June, 1972.

(SEAL)

GERALD F. DAY
Chairman
Board of Supervisors of the County of San Mateo, State of California
MARVIN CHURCH
County Clerk and ex-officio Clerk of the Board of Supervisors of the County of San Mateo, 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 County of San Mateo, 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 Mateo.

RESOLUTION CHAPTER 70

Assembly Concurrent Resolution No. 115—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 sixth day of June 1972.

[Filed with Secretary of State July 17, 1972]

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 Thomas W. Oldham, City Clerk of said City, do hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been, ever since the year 1921, organized, existing, and acting under a freeholder's Charter, adopted under and by virtue of Section 3 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the majority of qualified electors of said City at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on January 24, 1921. (Statutes of 1921, page 1919).

That in accordance with the provisions of Government Code Section 34450 et seq. enacted pursuant to 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 three proposals for the amendment of the Charter of the City of Sacramento at the Special Municipal Election held within the City on June 6, 1972. That said proposals were designated as Proposal A, relating to City purchases and contracts; Proposal B, relating to the consolidation of City and County Departments; and Proposal C, relating to retirement benefits for transferred employees.

In accordance with the provisions of the Government Code heretofore referred to, and the Charter of the City of Sacramento, the said proposed amendments were published and advertised in full, on April 11, 1972, 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 marked Exhibit A and attached hereto and by this reference made a part hereof, and on file in the office of the City Clerk.

The copies of said proposed amendment were printed in

convenient pamphlet form and in type not less than 10-point required by law, and copies thereof mailed to each of the qualified electors of said City of Sacramento within the time and manner required by law.

Until the date of the Special Municipal Election, June 6, 1972, as hereinafter set forth, there was published in said Sacramento Union an advertisement stating that copies of said proposed charter amendment could be had, upon application therefor, at the office of the City Clerk of said City of Sacramento, as required by law. The foregoing is shown by the Affidavit of Publication marked Exhibit B and attached hereto and by a reference made a part hereof, and on file in the office of the City Clerk.

That in accordance with the provisions of the Charter of the City of Sacramento, and in the manner provided by law, the said Special Municipal Election was duly and regularly held in said City on June 6, 1972, after due notice was given and published on April 11, 1972, which said last aforementioned day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendments in the Sacramento Union, the official newspaper of said City of Sacramento. That at said election, a majority of the qualified electors voting upon the proposed charter amendment voted in favor of Proposals A, B, and C as heretofore referred to 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 amendments designated as Proposals A, B and C as heretofore referred to 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 fully and completely set forth in that Exhibit C, which is attached hereto and by this reference made a part hereof.

We further certify that we have compared the attached Exhibit C, heretofore referred to, which contains the ratified amendments to the Charter of the City of Sacramento with the original proposal submitted to the electors of said City, and find that the foregoing is a full, true, and correct and exact copy of 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 Jun 29 1972

(SEAL)

RICHARD H. MARRIOTT
Richard H. Marriott Mayor
City of Sacramento
THOMAS W. OLDHAM
Thomas W. Oldham City Clerk

PROPOSAL A

To repeal Article XXIV, Sections 251 to 263 and to reenact Sections 251 to 255 of said article; to amend Article VI, Section 34 (G); and to amend Article XXVI, Section 284 of the Charter of the City of Sacramento, relating to purchasing and contracting procedures.

Sections 251 to 263 of Article XXIV of the Charter of the City of Sacramento are repealed and reenacted to read as follows:

Section 251. Ordinance Governing Purchasing and Contracts

The city manager, or his designated representative, shall purchase, or contract for the purchase of, goods, equipment, materials, supplies, services, or for the undertaking of any public project in the manner prescribed by ordinance enacted by the city council, except as otherwise provided herein.

Section 252. Same. Requirement of Competitive Bidding in Certain Cases

Any ordinance adopted to implement Section 251 of this Article shall provide, in the case of any purchase or contract for goods, equipment, materials, supplies, or for the undertaking of any public project, where the amount therefore equals or exceeds five thousand dollars ($5,000.00) that said purchase or contract will be open to competitive bidding, and that the procedures for such bidding shall include the public advertisement thereof and an award to the lowest responsible bidder.

Section 253. Same. Rights of City Council

Notwithstanding any provision of this Article to the contrary, the council may do any of the following: reject any and all bids received for any purchase or contract; readvertise for new bids after such rejection; provide for the suspension of competitive bidding for any contract or purchase upon a finding by a two-thirds (⅔) vote that such action is in the best interest of the city; provide that any work required by the city may be performed by city employees.

Section 254. Same. Public Project Defined

As used in this Article, public project means:

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

(b) Work in or about streams, bays, water fronts, embankments, or other work for protection against overflow.

(c) Street, sewer or water work except maintenance or repair.

(d) Furnishing supplies or materials for any such project.

Section 255. Same. Competitive Bidding under State Law

The provisions of this Article shall not apply to any contract

entered into pursuant to or under any special assessment proceeding wherein competitive bidding proceedings are specified by laws of the State of California.

Article VI, Section 34 (g) amended to read as follows:

Section 34(g). To make and execute, on behalf of the city, purchases and contracts, as hereinafter provided.

Article XXVI, Section 284 amend to read as follows:

Section 284. Purchases or Contracts.

The general manager or his designated representative, shall make purchases or enter into contracts required by the Authority when authorized to do so by ordinance adopted by the city council. The conditions and procedures set forth under Article XXIV for purchases and contracts of the city shall be applicable to purchases and contracts of the Authority, unless the city council, by two-thirds (⅔) vote, shall enact an ordinance or ordinances specifically applicable to the Authority.

PROPOSAL B

To amend Article II, Section 5 of the Charter of the City of Sacramento, relating to consolidating of city and county departments.

Section 5 of Article II of the Charter of the City of Sacramento is amended to read as follows:

Section 5. Offices

The City Council shall have the power to create new departments, offices and employments not specifically mentioned in this Charter or created thereunder and shall have the power to abolish same.

The City Council may also provide for the performance by the County of Sacramento of all or any municipal functions which may now or hereafter be performed by said County, including municipal functions specifically provided for in this Charter. The City Council may abolish the appropriate City departments, offices and employments when such municipal functions are to be provided by the County of Sacramento.

PROPOSAL C

To add Sections 359–366 of Article XXVIII of the Charter of the City of Sacramento relating to retirement benefits.

Section 359. Members Transferred to Sacramento County Prior To July 1, 1970.

This section and sections 360, 361, 362, 363, 364, 365 and 366 of this Article shall be applicable only to those members of the retirement system who:

(a) were transferred to and became employees of Sacramento County and members of the Sacramento County Employees'

Retirement System, as part of a consolidation of functions with, or transfer of city functions to, Sacramento County, on or before July 1, 1970; and

(b) had not retired from the Sacramento County Employees' Retirement System and the Sacramento City Employees' Retirement System prior to July 1, 1970; and

(c) whose rights in the City System are governed by sections 352 and 353 of this Article.

Section 360. Same. Option to Elect Other Service Retirement Benefits.

Any member described in section 359, hereinafter referred to as a "transferred member", may elect, on the terms and conditions hereinafter set forth in sections 361, 362, 363, 364 and 365 to receive, upon retirement for service from the County of Sacramento under the provisions of the Sacramento County Employees' Retirement System, the benefits provided by sections 308, 309, 330, 331, 338, 339 and 344 of this Article.

Section 361. Same. Time and Effect of Election of Option.

(a) Any transferred member may, within thirty (30) days from the effective date hereof, irrevocably elect to receive those benefits provided in section 360, and such election shall terminate the right to receive any and all benefits provided to such transferred member upon retirement for service, upon taking a deferred retirement, or upon death either before or after qualification for service retirement or after such retirement, pursuant to sections 352 and 353 of this Article, but shall not in any manner effect the rights of such transferred member to the benefits provided by said sections 352 and 353 if such transferred member should retire for disability or cease to be employed by Sacramento County through any cause other than death or retirement.

(b) In the event a transferred member shall die or have died after July 1, 1970 and prior to the expiration of that period of time in which such member may elect to receive those benefits provided in section 360 as set forth in part (a) of this section, then the surviving spouse of such transferred member may make the election as provided herein in the same manner and upon the same terms as the transferred member could have done had he lived. The benefits to which the surviving spouse shall then be entitled shall be determined on the same terms and conditions as are applicable to the surviving spouse of any transferred member as provided in this Article.

(c) The City of Sacramento shall contribute to the Sacramento City Employees' Retirement System such amounts as may be necessary, when added to all the accumulated contributions of the transferred members to said System (exclusive of any excess contributions credited to the account of such members pursuant to sections 352 and 353 of this Article) to provide the benefits payable to or on account of such transferred members as provided by this section. The provisions of section 345 of this Article shall not be applicable to the funding of said benefits.

Section 362. Same. Computation of Service Retirement Benefits.

Upon retirement for service from the Sacramento County Employees' Retirement System, a transferred member who had made the election of option as provided in sections 360 and 361 shall, within ten (10) days of the approval by the Retirement Board of the Sacramento County Employees' Retirement System of such retirement for service, make application for retirement for service to the Retirement Board of the Sacramento City Employees' Retirement System, and said Board shall thereafter retire such transferred member for service and determine the allowance to which he is entitled in the following manner:

(a) the period of service of the transferred member rendered to the City of Sacramento shall be added to the period of service rendered to Sacramento County and the total period of service shall be considered as if it were rendered only to said City; provided, however, that any period of service rendered to Sacramento County which would not, under this Article, be credited as service to the City of Sacramento if said service had instead been rendered to said City, shall be excluded.

(b) the final compensation of the transferred member shall be computed as set forth in section 304 of this Article on the assumption that compensation paid to the transferred member by Sacramento County (as defined by section 304) was instead paid to such transferred member by the City of Sacramento.

(c) an amount, hereinafter referred to as the "unmodified amount," shall then be computed based on the period of service of the transferred member as determined in part (a) hereof and the final compensation of such member as determined by part (b) hereof in accordance with the provisions of sections 308 and 309 of this Article.

(d) a sum shall then be deducted from the unmodified amount which is equal to the amount of any allowance to which the transferred member is entitled from the Sacramento County Employees' Retirement System.

(e) in addition to those sums deducted from the unmodified amount under part (d) hereof, the unmodified amount shall be further modified according to the wishes of the transferred member pursuant to section 344 of this Article.

Section 363. Reduction of Unmodified Amount Upon Receipt of Primary Social Security Benefits.

An allowance computed in accordance with section 362 shall be modified upon receipt by the transferred member of old-age primary insurance under the Federal Social Security Act, in accordance with the ordinance enacted pursuant to section 350 of the Article. The amount of said reduction shall be computed upon the assumption that compensation paid to said member by Sacramento County which entered into the computation of the old-age primary insurance amount payable to said member under said Act was instead paid to said member by the City of Sacramento and all

provisions of the ordinance enacted pursuant to said section 350 shall be applicable to said member to the same extent as if he had remained in the employment of said City until date of retirement and had elected to obtain coverage under said Act as an employee of said City.

Section 364. Same. Computation of Benefits After Death of Transferred Member.

(a) Upon the death of a transferred member after qualification for service retirement, or after such retirement, the surviving spouse of the transferred member shall receive, subject to the provisions of sections 333, 334, 335 and 336 of this Article, an allowance from the Sacramento City Employees' Retirement System in an amount which, when added to any continuation allowance provided to such spouse by the Sacramento County Employees' Retirement System, will be equal to one-half (½) the combined amount which the transferred member would have received from the Sacramento City Employees' Retirement System and the Sacramento County Employees' Retirement System had he lived.

(b) In the event the transferred member dies before qualification for service retirement, the benefits provided in section 331 of this Article shall be payable on account of such member, on the assumption that compensation paid to the transferred member by Sacramento County was instead paid to such member by the City of Sacramento; provided, however, that any amount payable under this part shall be reduced by the amount of any benefit paid or payable to such member by the Sacramento County Employees' Retirement System on account of death prior to qualification for service retirement.

Section 365. Same. Rates of Contribution.

Any transferred member who shall elect, pursuant to section 361, to take the optional benefits provided by section 360, shall pay to the Sacramento City Employees' Retirement System certain contributions as follows:

(a) If the transferred member has retired for service since July 1, 1970, and prior to the effective date of this section, his contributions shall be a sum equal to the total of the difference between the amount of contributions paid to the Sacramento County Employees' Retirement System between July 1, 1970, and the effective date of retirement for service under said County System, and the amount which he would have paid to the Sacramento City Employees' Retirement System had the transferred member been making contributions during that time to said City System as if he were a member of the Equal Shares Plan, based on the rate of compensation which he received by virtue of his employment with Sacramento County during said period.

(b) If the transferred member has not retired for service upon the effective date hereof, upon making the election of option as hereinbefore provided, his contribution shall be a sum equal to the difference between the amount of contributions paid to the

Sacramento County Employees' Retirement System between July 1, 1970 and the date on which the election of option is made and the amount which he would have paid to the Sacramento City Employees' Retirement System during said period if he had been employed by the City of Sacramento and had been a member of the Equal Share Plan, based on the rate of compensation which he received by virtue of his employment with Sacramento County, and shall therafter, each month until such time as he retires for service, continue to make contributions to said City System on the same basis provided herein.

(c) In the case of any transferred member to whose account any excess contributions have been credited under the provisions of sections 352 and 353 of this Article, the transferred member may, at his election, have such amounts credited against the contributions required of him pursuant to this section; provided, however, in the case of any person to whom part (a) of this section is applicable who is receiving an annuity based on the excess contributions credited to his account, the Sacramento City Employees' Retirement System shall be entitled to a credit against said excess contributions in an amount equal to the sum total of the amount per month payable to the transferred member as an annuity times the number of months in which such amount has been paid.

(d) Any contributions which the transferred member is required to make under this section, except monthly contributions required under part (b) hereof, shall be payable upon the date of election as set forth in sections 360 and 361, in a lump sum amount, except that the Retirement Board of the Sacramento City Employees' Retirement System may, by appropriate action, provide that said contributions be paid in installments, with interest.

Section 366. Same. Ordinances to be Adopted—Intent.

The City Council may adopt ordinances necessary to implement sections 359 through 365 hereof, and may provide for the clarification of any inconsistency or ambiguity which may arise from said sections, it being the intent of the electorate in adopting said sections to insure that the transferred member shall be treated, for purposes of retirement for service, upon his death before or after qualification for retirement for service or after such retirement for service, or if such member shall take a deferred retirement, as if he had remained in the employ of the City of Sacramento and had not been transferred to Sacramento County.

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 71

Assembly Concurrent Resolution No. 117—Approving amendments to the Charter of the City of Palo Alto, County of Santa Clara, State of California, ratified by the electors of said city at an election consolidated with the 1972 Direct Primary Election held in said city on the sixth day of June, 1972.

[Filed with Secretary of State July 17, 1972]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of seven amendments to the Charter of the City of Palo Alto, a municipal corporation, in the County of Santa Clara, State of California, as set forth in the certificate of the mayor and city clerk of said city as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PALO ALTO OF CHARTER AMENDMENTS

State of California
County of Santa Clara } ss:
City of Palo Alto

We the undersigned, Kirke Comstock, Mayor of the City of Palo Alto and presiding officer of the Council of the City of Palo Alto, and Ann J. Tanner, City Clerk and clerk of the Council of said city, do hereby certify and declare as follows:

That the City of Palo Alto, a municipal corporation, in the County of Santa Clara, State of California, contains a population of over 50,000 inhabitants and ever since the year 1909 has been and is now organized, existing and acting under a Freeholders' Charter adopted under and by virtue of former Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 21st day of January, 1909, and approved by the Legislature of the State of California by a concurrent resolution thereof filed with the Secretary of State on the 20th day of February, 1909 (Stats. 1909, page 1175); and

That the Council of the City of Palo Alto as the legislative body of said city, did by Resolution No. 4561, duly adopted pursuant to the

provisions of the Constitution of the State of California, submit on its own motion to the qualified electors of said City of Palo Alto at a special municipal election consolidated with the 1972 direct primary election held in said city on the 6th day of June, 1972, seven proposed amendments to the Charter of the City of Palo Alto; and

That said proposed charter amendments were on April 11, 1972, being not less than forty days nor more than sixty days before said election, published in the Palo Alto Times, the official newspaper of said city and a newspaper of general circulation therein, and in each edition thereof during said day of publication, and said proposed amendments were printed in convenient pamphlet form and in type of not less than ten-point and copies thereof were mailed to each of the qualified electors of said city, and until the day fixed for the election upon said amendments it was advertised in said newspaper that the copies thereof could be had upon application therefor at the office of the City Clerk of said city; and

That said proposed amendments were duly and regularly submitted to the qualified electors of the City of Palo Alto in the manner provided in the Constitution of the State of California and that said special municipal election, after due notice given and published, was duly and regularly held in the City of Palo Alto on June 6, 1972, and consolidated with the direct primary election of that day; and

That the returns of said election were canvassed and it was duly found, determined and declared that six of the proposed amendments to the Charter of the City of Palo Alto, as hereinafter set forth, were ratified by a majority of the electors of said city voting thereon; and

That the Council of said city did by its Resolution No. 4618 adopted June 26, 1972, duly declare the results of said election as determined by the canvass of the returns thereof; and

That as to said charter amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith; and

That said amendments to the Charter of the City of Palo Alto are as follows:

1. Section 17 of Article III, Section 10 of Article IV, and Section 1 of Article VI are amended to provide nomenclature which designates council members as "council member," "councilman," or "councilwoman" and to delete outdated provisions, so that said sections shall read as follows:

Article III. Council

"Sec. 17. Salary of council members; council members barred from other city office. No member of the council shall hold any other office or employment the compensation for which is paid out of the moneys of this City. No member of the council shall be elected

or appointed to any city office for which compensation is paid until one year after the termination of membership in the council, either by resignation or expiration of such council member's term. Compensation may be paid council members in amounts not to exceed those provided by general law.

Article IV. Duties of Officers

"Section 10. Coercion by council members; campaign funds. No member of the council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the city manager in the making of any appointment or removal, or in 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 employment. Any violation of the foregoing provisions of this section shall constitute a misdemeanor and shall work a forfeiture of the office of the offending member of the council, who may be removed therefrom by the council or by any court of competent jurisdiction. Neither the city manager nor any person in the employ of the City shall take part in securing or shall contribute any money toward the nomination or election of any candidate for a municipal office.

Article VI. The Recall, Initiative and Referendum

"Sec. 1. Recall. Proceedings may be commenced for recall of any council member by the service, filing and publication of a notice of intention to circulate a recall petition. Proceedings may not be commenced unless, at the time of commencement, such council member has held office for at least six months and no recall petition has been filed against such council member within the preceding six months.

"The petition demanding the recall of the council member sought to be recalled, signed by registered voters equal in number to at least twelve percentum of the number of registered voters at the last general municipal election, shall be filed with the clerk. One election is sufficient for the recall of one or more council members, but a separate petition is necessary to propose the recall of each council member.

"No signature may be affixed to the petition until the proponents have served, filed and published a notice of intention to circulate a recall petition, containing the name of the council member sought to be recalled, a statement in not more than five hundred words of the grounds on which the recall is sought, and the name and address of at least one proponent. The notice of intention shall be served, personally or by certified mail, on the council member sought to be recalled, and a copy thereof with a certificate of the time and manner of service shall be filed with the clerk.

"Within seven days after the filing of the notice of intention, the council member sought to be recalled may file with the clerk an answer in not more than five hundred words to the statement of the proponents and, if an answer is filed, shall serve a copy thereof, personally or by certified mail, on one of the proponents named in the notice of intention. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect the validity of the election or proceedings. The notice, statement and answer, if any, shall be published in a newspaper of general circulation.

"Seven days after the publication of the notice, statement and answer, if any, the recall petition may be circulated and signed. The petition shall bear a copy of the notice of intention, statement and answer, if any. If the council member has not answered, the petition shall so state. Signatures shall be secured and the petition filed within ninety days from the filing of the notice of intention. If such petition is not filed within the time permitted by this section, the same shall be void for all purposes.

"The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter of the municipality shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters. Each signer of said petition shall add to his signature the date of signing and his place of residence, giving the street and number. When filed with the clerk, the petition shall have designated thereon the name or number of the respective precinct in which each of the signers resides.

"Within ten days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient, it may be amended by additional signatures within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if

his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect.

"If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election, not less than forty days nor more than fifty days from the date of the clerk's certificate to the council that a sufficient petition is filed. Candidates for this election shall file with the city clerk not less than thirty-five days before the election.

"The clerk shall mail to each voter a sample ballot and a separate printed copy of the statement of the proponents and of the answer, if any, of the council member sought to be recalled. If the recall of more than one council member is sought, the statement and answer for each shall be printed together and shall be clearly distinguished from those of any other council member.

"There shall be printed on the recall ballot, as to each council member whose recall is to be voted on, the question: "Shall (name of person) be recalled from the office of council member?" followed by the words "yes" and "no". If a majority of those voting on any question voted in favor of the removal of an incumbent, such incumbent shall be deemed removed from office upon the qualification of the successor.

"On the recall ballot, under each question, there shall be printed the names of those persons who have been nominated in the manner provided herein as candidates to succeed the incumbent if such incumbent is recalled. No vote cast shall be counted for any candidate for the office unless the voter also voted on the question of the recall of the person sought to be recalled from that office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If the vote recalls the council member, the candidate who has received the highest number of votes for the office shall be declared elected for the unexpired term of the former incumbent. If the person who received the highest number of votes fails to qualify within ten days after receiving the certificate of election, the office shall become vacant. Said election shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections; provided, that if there be any conflict of provisions this charter shall control.

2. Section 2 of Article III is amended (a) to reduce the residency requirement for City Council candidates to require that the same shall at the time of assuming such office be an elector and shall have been a resident of the City of Palo Alto for one year preceding assumption of office, and (b) to provide nomenclature which designates council members as "Council member," "councilman," or "councilwoman," so that said section shall read as follows:

"Sec. 2. Number; term. Commencing July 1, 1971, said council shall be composed of nine members, each of whom shall at the time of assuming such office be an elector and shall have been a resident of the City of Palo Alto for one year preceding assumption of office. The members of said council shall be known as councilmen, councilwomen, or council members and their terms of office shall be four years, commencing on the first day of July next succeeding their election.

3. Sections 8 and 9 of Article III are amended (a) to remove inconsistencies in the manner of creation of boards, commissions and committees and provide for the making of appointments thereto by Council appointment, and (b) to provide nomenclature which designates council members as "council member," "councilman," or "councilwoman," so that said sections shall read as follows:

"Sec. 8. Mayor; election; duties. The council shall, at its first meeting in July, elect one of its number as its presiding officer, who shall have the title of mayor, and one of its number to be vice mayor, and who shall serve for one year after their election, and until their successors are elected and qualified. The mayor shall preside at all meetings of the council, shall sign all official documents when the signature of the council or mayor is required by law, and shall act as official head of the City on public or ceremonial occasions. The Mayor shall not have any regular administrative duties but may act as ex officio member of all boards, commissions, and committees. The mayor shall vote as other members of the council, but shall have no power of veto. The mayor shall have the power to administer oaths and affirmations. The mayor shall perform such other duties as from time to time are assigned by the council. When the mayor is absent from any meeting of the council or incapable of performing his or her duties, the vice mayor shall, during such time, have the full powers of the mayor. A vacancy in the positions of mayor or vice mayor shall be filled by the council for the unexpired term.

"Sec. 9. Officers appointed by council; boards, committees, and commissions. The council shall appoint a city manager, clerk, attorney, and controller, and, except as otherwise provided, may by ordinance or otherwise create or abolish offices, boards, committees, or commissions, and provide for their manner of appointment, their tenure, and the duties which they shall perform."

4. Section 10 of Article III is amended (a) to allow a vacancy on the City Council of an unfilled term to be filled by appointment and, should the Council fail to fill such vacancy within 60 days of the effective date of the vacancy, require an election, and (b) to provide nomenclature which designates council members as "council member," "councilman," or "councilwoman." Said Section 10, as amended, shall read as follows:

"Sec. 10. Vacancy on council. A vacancy on the council may be filled by a majority of the remaining members of the council, and the appointee shall hold office until the first day of July succeeding the next election at which council members are to be elected. At the next election succeeding any vacancy a council member shall be elected to serve for the unexpired term. If the council fails to fill such vacancy within 60 days of such vacancy or the council chooses to fill such vacancy by election, it shall forthwith call a special election, at which a council member shall be elected to serve for the unexpired term."

5. Section 3 of Article VII is amended to delete the designation of "incumbent" following the name of any candidate on the ballot for office of council member, so that said section shall read as follows:

"Sec. 3. Candidates' designation. No ballot used at any municipal election shall contain any reference to a political party, and no designation or symbol shall be placed in connection with the name of any candidate. The order of listing of candidates' names on the ballot shall be determined by lot."

6. Sections 2 and 3 of Article VI are amended to clarify the initiative and referendum provisions and to eliminate references to resolutions and to eliminate cross-referencing between such provisions and the recall provisions of the charter. Said sections, as amended, shall read as follows:

"Sec. 2. Initiative. Any proposed ordinance may be submitted to the council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The petition shall set forth a copy of the proposed ordinance.

"An initiative petition, in order to be valid, must meet the following requirements:

(a) A notice of intention to circulate an initiative petition must be published in a newspaper of general circulation in the city once prior to the affixing of any signature to any petition.

(b) The notice of intention shall be filed with the clerk prior to the affixing of any signature to any petition.

(c) Immediately after the publication and filing of the notice of intention to circulate, the initiative petition may be circulated and filed. The petition shall bear a copy of the notice of intention to circulate.

"The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. Each section shall contain a copy of the proposed ordinance. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter of the municipality shall be competent to solicit said signatures. Each

section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters. Each signer of said petition shall add to his signature the date of signing and his place of residence, giving the street and number. When filed with the clerk, the petition shall have designated therein the name or number of the respective precinct in which each of the signers resides.

"Within ten (10) days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination.

"If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number to six percentum of the number of registered voters at the last general municipal election the council must either pass such ordinance without alteration or submit the same to the electorate at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to twelve percentum of said number of registered voters at the last general municipal election and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within sixty days from the filing of such petition.

"If the clerk's certification shows that the petition is insufficient by reason of the failure to obtain sufficient valid signatures thereon, a supplemental petition, in form a duplicate of the original petition, bearing new additional signatures may be filed within ten (10) days of the mailing of the certificate of insufficiency to the proponents of the initiative. Supplemental petitions shall be processed by the clerk in the same manner as set forth herein with respect to original petitions.

"The ballots used when voting upon such proposed ordinance shall contain the words "For the Ordinance," and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become

a valid and binding ordinance of the City. The council may at such election submit any amendment thereto that it may deem proper, and the ballots used at such election shall contain the words "For the Amendment," or "Against the Amendment," or ordinance (naming the ordinance), and also stating the nature of the proposed amendment. If a majority of the qualified electors voting on said proposed amendment shall vote in favor thereof, such ordinance shall thereupon be deemed amended in accordance therewith. The council may also propose and submit any ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors voting thereon, shall be deemed to have been adopted and shall be a valid and binding ordinance of the City. Any ordinance adopted by the electors under the provisions of this section cannot be repealed or amended, except by a vote of the people obtained in the manner hereinbefore stated, unless such ordinance shall otherwise provide.

"Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; provided, that there shall not be held under this section of the charter more than one special election in any period of twelve months."

"Sec. 3. Referendum. Any ordinance, other than such as may be required to be passed at a particular time or for the purpose of complying with a charter or general law, and excepting such ordinances or measures for the immediate preservation of the public peace, health, or safety, shall be subject to a referendum as herein provided; provided further that the petition for such referendum be filed within thirty (30) days from the final passage of such ordinance, and the same shall not be effective during said period during which the same is subject to referendum.

"The council may, of its own motion, submit any ordinance or question of policy to a referendum.

"A referendum petition asking that a particular ordinance named therein be submitted to a vote of the electorate, in order to be valid, must meet the following requirements:

(a) A notice of intention to circulate a referendum petition must be published in a newspaper of general circulation in the City once prior to the affixing of any signature to any petition.

(b) The notice of intention shall be filed with the clerk prior to the affixing of any signature to any petition.

(c) Immediately after the publication and filing of the notice of intention to circulate the referendum petition may be circulated and filed. The petition shall bear a copy of the notice of intention to circulate. Signatures shall be secured and the petition filed within thirty (30) days of the date of the adoption or passage of the ordinance filed with the clerk. If such petition is not filed within the time required by this section, the same shall be void for all purposes.

"The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. Each section

shall contain the number and title of the ordinance proposed to be referended and a statement that the purpose of the petition is to referend such ordinance. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter of the municipality shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters. Each signer of said petition shall add to his signature the date of signing and his place of residence, giving the street and number. When filed with the clerk, the petition shall have designated therein the name or number of the respective precinct in which each of the signers resides.

"Within ten (10) days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If the clerk's certification shows that the petition is insufficient by reason of the failure to obtain sufficient valid signatures thereon, a supplemental petition, in form a duplicate of the original petition, bearing new additional signatures may be filed within ten (10) days of the mailing of the certificate of insufficiency to the proponents of the referendum. Supplemental petitions shall be processed by the clerk in the same manner as set forth herein with respect to original petitions. If the petition be signed by qualified and registered electors equal in number to six (6) percentum of the number of registered voters at the last general municipal election and the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and it shall be the duty of the council to reconsider such ordinance. If the council fail to entirely repeal such ordinance, it shall be the duty of the council to submit the question of the approval or rejection of such ordinance to the electors at a regular or special election and, until such election is held and the ordinance approved by the electors, such ordinance shall be suspended and inoperative. No ordinance subject to a referendum shall go into effect before thirty (30) days after its final passage by the council.

"The ballots used when voting upon such ordinance shall contain the words "for the ordinance" and "against the ordinance" (stating

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the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the City.

"If the ordinance voted upon is approved, it shall have the same force and effect of any other ordinance adopted by council and may be amended at any time as though no election were held. If the ordinance voted upon is disapproved, the council may not adopt a substantially similar ordinance for a period of at least one (1) year from the date of the election."

In witness whereof, we have hereunto set our hands and caused the seal of the City of Palo Alto to be affixed hereto this 28th day of June 1972.

KIRKE COMSTOCK
Kirke Comstock
(SEAL) Mayor of the City of Palo Alto
ANN J. TANNER
Ann J. Tanner
City Clerk of the City of Palo Alto

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Palo Alto as proposed to, adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the Charter of the City of Palo Alto.

RESOLUTION CHAPTER 72

Assembly Joint Resolution No. 22—Relative to noise pollution.

[Filed with Secretary of State July 20, 1972]

WHEREAS, The California Legislature has long recognized the problems of noise pollution; and

WHEREAS, The California Legislature has actively sought to control noise pollution for over 20 years; and

WHEREAS, California has pioneered as a laboratory for the

development of pollution control technology; and

WHEREAS, The California Legislature fought successfully, with the support of California's congressional delegation, to retain the right to set air pollution control standards more stringent than those adopted by the federal government; and

WHEREAS, The magnitude of California's population, size, resources, industrialization and urbanization intensify the problems of noise suppression; and

WHEREAS, The people of this nation already have serious reservations about the ability of government to deal effectively with environmental problems; and

WHEREAS, Federal preemption of noise standards would destroy California's innovative efforts to control vehicle and aircraft noise long before the effects of such controls can be evaluated; 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 people of the United States, and the President and the Congress of the United States, to reaffirm the fundamental right and obligation of the states to defend the health, welfare, and safety of their citizens; and be it further

Resolved, That this Legislature respectfully memorializes the Congress of the United States to reject any plan for noise regulation which would prohibit the states from adopting standards more stringent than those adopted by the federal government; and be it further

Resolved, That this Legislature respectfully memorializes the Congress of the United States to support California's efforts to adopt more stringent noise standards, in order that the technology of noise suppression may be advanced as rapidly as economically feasible; 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, and to each Senator, and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 73

Assembly Concurrent Resolution No. 41—Relative to the Artesia Freeway.

[Filed with Secretary of State July 20, 1972]

WHEREAS, The Artesia Freeway (Route 91) runs in an east-west direction through the City of Bellflower and was constructed pursuant to a route adoption by the California Highway Commission in 1959 and a freeway agreement entered into with the city in 1964;

and

WHEREAS, The initial freeway construction was completed in 1970; and

WHEREAS, The initial construction did not include all ramps for complete interchanges at Downey Avenue and Clark Avenue; and

WHEREAS, The freeway agreement shows that the additional ramps should ultimately be constructed, since they would be of assistance to traffic wishing to enter or leave the City of Bellflower; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Highway Commission is hereby requested to make every possible effort to make funds available to construct such ramps at the earliest possible date, consistent with other needs in the area; 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 74

Assembly Concurrent Resolution No. 119—Approving amendments to the Charter of the City of Pasadena, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the sixth day of June 1972.

[Filed with Secretary of State July 21, 1972]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the chairman of the board of directors and city clerk of the city, as follows:

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 twentieth day of November, 1900, and approved by the Legislature of the State of California, on the twenty-ninth day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by resolutions of said Legislature as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, hereinafter set forth; and

Whereas, proceedings have been had for the proposal, adoption and ratification of three amendments to the Charter of said City of Pasadena, as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PASADENA OF THREE CHARTER AMENDMENTS

State of California
County of Los Angeles } ss.
City of Pasadena

We, the undersigned, Donald F. Yokaitis, 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. 5065 adopted by said board on the 4th day of April, 1972, duly and regularly proposed that there be submitted to the qualified electors of the City of Pasadena three proposals for the amendment of the Charter of said city, designated as Propositions "N", "P", and "Q", to be voted upon by said qualified electors at a special election called and held for that purpose in said city on the 6th day of June, 1972. That said election was duly and regularly called, authorized and provided for by said Board of Directors by Ordinance No. 5066, adopted on the 11th day of April, 1972, which said ordinance called said special election, for the submission of said amendments, to be held in said city on the 6th day of June, 1972, and that by said ordinance the said special election was by said Board of Directors duly and regularly consolidated with the direct primary election to be held on said date. That said election was duly and regularly called and held on said 6th day of June, 1972, which day was not less than forty, and not more than sixty days after the completion of the publication and advertising of the proposed

amendments aforesaid in the official newspaper.

That said proposed amendments were 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 Pasadena 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 amendments 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 Pasadena 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 6th day of June, 1972, 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 amendments were 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 each of said proposed amendments 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 5th day of July, 1972, did certify to the Board of Directors of the City of Pasadena the result of such canvass; that said Board of Directors on the 5th day of July, 1972, 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 amendments had voted for, ratified and adopted said amendments.

That the said amendments to the Charter so ratified by the electors of the City of Pasadena are in words and figures as follows:

PROPOSITION "N"

That the Charter of the City of Pasadena be amended by amending Sections 1407 and 1408 thereof to read:

"Section 1407. Annual Contribution for Municipal

Improvements and Bond Redemption.

Each fiscal year the Board shall transfer from the Light and Power Fund an amount equal to eight per cent (8%) of the gross income of the electric works received during the immediately preceding fiscal year from the sale of electric energy at rates and charges fixed by ordinance. The sum so determined shall not exceed one-half of the net income of the electric works as shown by the books of account of the power utility, after payment of the maintenance and operating expenses of such works, the expenses of conducting the power utility, depreciation, and the principal, interest and premiums, if any, upon the redemption thereof, of electric works revenue bonds. Said sum shall be transferred to the General Fund of the City by resolution not earlier than the receipt of the report by an independent certified public accountant on the examination of such books of account nor later than the first day of June next succeeding the date of determination of the amount to be transferred. Nothing herein contained shall prohibit an advance of not to exceed 75 per cent of the estimated amount prior to the receipt of the said report.

Notwithstanding anything herein contained, if the Board at the time of or before the adoption of the budget shall determine that the transfer of such amount from the Light and Power Fund would be detrimental to the proper functioning and administration of the utility during the budget year under consideration, the Board may so declare by resolution. In this event no transfer of such amount shall be made thereafter within that fiscal year. If, however, it shall determine that the transfer of an amount less than the eight per cent (8%) would not be detrimental to the proper functioning and administration of said utility during the budget year under consideration, the Board may so declare by ordinance, and shall transfer the smaller amount.

The sum thus transferred in any fiscal year shall be expended only for the following purposes and shall be applied first to the payment of interest and principal on any bonds of the City which are or shall become wholly payable that fiscal year out of moneys received from general taxes of the City; and second to Municipal improvements included in the budget of City for that fiscal year. For the purposes of this section "municipal improvements" are those items included in Section 43601 of the Government Code as of July 1, 1971.

"Section 1408. Annual Contribution for any Municipal Purpose.

Each fiscal year the Board shall transfer from the Light and Power Fund an amount equal to eight per cent (8%) of the gross income of the electric works received during the immediately preceding fiscal year from the sale of electric energy at rates and charges fixed by ordinance, and from the Water Fund an amount equal to six per cent (6%) of the gross income of the water works received during said preceding fiscal year from the sale of water at rates and charges fixed by ordinance. Said amounts shall be in addition to the amount authorized to be transferred by Section 1407, and shall be transferred at the same time and in the same manner as the amount provided

in Section 1407. The amounts thus transferred may be expended for any municipal purpose.

The amount to be so transferred from the Light and Power Fund shall not exceed one-half of the net income of the electric works as said net income is defined in the first paragraph of Section 1407. The amount to be so transferred from the Water Fund shall not exceed the net income of said Fund as shown on the books of account of the water utility after payment of the maintenance and operating expenses of the water works, the expenses of conducting the water utility, depreciation, and the principal, interest and premiums, if any, upon the redemption thereof, of water works revenue bonds.

But if the Board at the time of or before the adoption of the budget shall determine that the transfer of such amount from the Light and Power Fund or from the Water Fund would be detrimental to the proper functioning and administration of the two utilities during the budget year under consideration, the board may so find by resolution; and, in such event, no transfer of such amount shall be made within that fiscal year. If the Board shall determine that the transfer of an amount less than eight per cent (8%) from the Light and Power Fund or of an amount less than six per cent (6%) from the Water Fund would not be detrimental to the proper functioning and administration of these utilities during the budget year under consideration, the Board may so declare by resolution, and shall transfer a smaller amount."

PROPOSITION "P"

That the Charter of the City of Pasadena be amended by amending Section 1010 thereof to read:

"Section 1004. Small Purchase and Utility Services. The audit requirement as such term is used in Section 1010 shall not apply to demands arising out of purchases under $200.00 or to any of the following services: telephone, gas, water, electric light and power. Such demands may be paid without prior audit, under procedures prescribed by ordinance."

PROPOSITION "Q"

That the Charter of the City of Pasadena be amended by amending Section 1204 thereof to read:

"Section 1204. Candidates. The two persons receiving the highest number of votes at the primary election for the candidates for office of Board member from that district shall be the candidates for that district, and only their names shall be printed upon the ballots to be used at the general municipal election. Any person who, at the District Primary Election, shall receive a majority of the total vote cast for candidates for said office in his district shall be the only candidate whose name shall appear on the ballot to be used at the general municipal election for that office."

1119 56400 166

That we have compared the foregoing amendments with the original proposals proposed by said Ordinance No. 5065 to be submitted to the electors of said city, and find that the foregoing is a full, true, correct and exact copy thereof.

That as to said amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Pasadena to be affixed hereto this 5th day of July, 1972.

DONALD F. YOKAITIS
(SEAL) Chairman of the Board of Directors of the City of Pasadena
HARRIETT C. JENKINS
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 Pasadena, 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 Pasadena.

RESOLUTION CHAPTER 75

Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 1¼b of Article XIII thereof, relating to taxation.

[Filed with Secretary of State July 25, 1972]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1972 Regular Session commencing on the third day of January, 1972, 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 as follows:

That Section 1¼b of Article XIII be amended to read:

SEC. 1¼b. The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of every resident of this state who, by reason of his military or naval service, is qualified for the exemption provided in subdivision (a) of Section 1¼ of this article, without regard to any limitation contained therein on the value of property owned by such person or his spouse, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service is blind in both eyes with visual acuity of 5/200 or less; except that such exemption shall not extend to more than one home nor exceed ten thousand dollars ($10,000) for any person or for any person and his spouse. This exemption shall be in lieu of the exemption provided in subdivision (a) of Section 1¼ of this article.

Where such blind person sells or otherwise disposes of such property and thereafter acquires, with or without the assistance of the government of the United States, any other property which such totally disabled person occupies habitually as a home, the exemption allowed pursuant to the first paragraph of this section shall be allowed to such other property.

The exemption provided by this section shall apply to the home of such a person which is owned by a corporation of which he is a shareholder, the rights of shareholding in which entitle him to possession of a home owned by the corporation.

RESOLUTION CHAPTER 76

Senate Concurrent Resolution No. 30—Relative to mentally retarded persons.

[Filed with Secretary of State July 26, 1972.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby declares that the mentally retarded person has a right to as normal a life as possible despite the severity of his handicap and should be afforded the same basic rights as other citizens of California of the same age; and be it further

Resolved, That "normalization" is defined to mean that despite any limitation, each retarded individual shall be provided the maximum opportunity to participate in usual living experiences including education, work, and social activities that permit development to his highest potential; and be it further

Resolved, That such opportunity for normalization is the birthright of every citizen and a proper investment for the good of society.

RESOLUTION CHAPTER 77

Senate Concurrent Resolution No. 72—Approving amendments to the Charter of the City of San Jose, State of California, ratified by the qualified electors of the city at a special municipal election held therein of the sixth day of June 1972.

[Filed with Secretary of State July 26, 1972.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of San Jose, a municipal corporation in the County of Santa Clara, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF SAN JOSE, CALIFORNIA

State of California
County of Santa Clara } ss.
City of San Jose

We, the undersigned, Norman Y. Mineta, Mayor of the City of San Jose, State of California, and Francis L. Greiner, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than four hundred and forty-five thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and (b) a city organized, existing and acting under a charter, adopted under and by virtue of former Section 8 (now Section 3) of Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the qualified electors of said City at a municipal election held for that purpose on the 13th day of April, 1965, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 4th day of May, 1965 (Assembly Concurrent Resolution No. 104, Chapter 76, Statutes of 1965).

That in accordance with the provisions of Section 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 Council of the City of San Jose, being the legislative body of said City, on its own motion, duly and regularly proposed and submitted to the qualified electors of said City of San Jose a certain proposal for the amendment of Sections 410, 503 and 1600 of the Charter of said City to be voted upon by the said qualified electors at the special municipal election held in said City on the sixth day of June, 1972, all as required by law.

That said proposed amendments were published and advertised in accordance with 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, on the tenth day of April, 1972, in the "San Jose News", a daily newspaper of general circulation published, printed and circulated in said City, and being the official newspaper of said City for said purpose, and in each edition thereof during the day of publication.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of not less than ten-point, and were mailed to each of the qualified electors of 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 San Jose was published, printed and circulated in said City, on the tenth day of April, 1972, and each day thereafter to and including the sixth day of June, 1972, all as required by law; and that copies of said pamphlet containing said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City on and after the tenth day of April, 1972, to and including the sixth day of June, 1972, the date fixed for said election.

That said proposed charter amendments were submitted to the electors of said City for adoption and ratification at the special municipal election duly and regularly held in said City of San Jose on the sixth day of June, 1972, 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 at said special municipal election a majority of the qualified electors voting upon said proposed charter amendments voted in favor of said proposed charter amendments.

That said amendments to the Charter of the City of San Jose, so adopted and ratified by the qualified electors of said City amend Sections 410, 503 and 1600 of said Charter to read as follows:

"Section 410. Filling of Vacancies. A vacancy in any elective office, from whatever cause arising, shall be filled by the Council, by majority vote of its remaining members, until the end of the last day of June immediately following the next general municipal election if such next general municipal election occurs in the year 1973, or until the end of the last day of December immediately following the next general municipal election if such next general municipal election occurs in 1974 or any even-numbered year thereafter, and at such next general municipal election a successor shall be elected for the remainder, if any, of the unexpired term; provided, however, that if such vacancy occurs in 1973 at a time before July 1, 1973 and on or after the ninetieth (90th) day next preceding the date of the municipal election which is to be held on the second Tuesday of April 1973, or if such vacancy occurs in an even-numbered year subsequent to 1973 at a time before the end of such even-numbered year but on or after the ninetieth (90th) day next preceding the date of the

municipal election which is required by the provisions of Section 1600 to be held at the same time that the State-wide Direct Primary Election is held, then in either of such events the vacancy shall be filled by the Council, by majority vote of its remaining members, for the entire unexpired term.

"If the Council should fail to fill a vacancy by appointment within sixty (60) days after occurrence of such vacancy, it shall forthwith cause an election to be held to fill such vacancy for the unexpired term.

"If all the offices of members of the Council and of the Mayor should become vacant and no member of the Council remains to fill any of said vacancies, successors may be appointed pursuant to the general laws of the State of California to fill such vacancies until qualified persons are elected to fill such offices. In such cases the City Clerk, as soon as reasonably possible, shall call and conduct a special municipal election to fill such offices for the remainder, if any, of the unexpired terms.

"No person shall be deemed or declared elected to the office of Mayor or to any seat on the Council at any hereinabove or hereinafter mentioned municipal election unless he receives a majority of the votes cast for such office. Ties at any election shall be decided by lot during open meeting of the Council, under the direction of the Council.

"Section 503. Vice-Mayor. At the second meeting of the Council following July 1, 1973, and at the second meeting of the Council following the end of each even-numbered year within which a general municipal election is required to be held, and also at the second meeting of the Council following the appointment of a person to the Council to fill a vacancy, the Council shall elect one of its members as Vice-Mayor who, until a person is appointed to succeed him, or until his office otherwise becomes vacant, shall serve as Vice-Mayor during the temporary absence or inability of the Mayor to discharge the duties of his office. In case of the temporary absence or disability of both the Mayor and Vice-Mayor, the Council shall elect one of its members to act as Mayor Pro Tempore.

"Section 1600. General Municipal Elections. A general municipal election shall be held, for the election of officers and for such other purposes as the Council may prescribe, on the second Tuesday of April in the years 1971 and 1973. Thereafter, a general municipal election shall be held, for said purposes, in each even-numbered year, commencing with the year 1974, on the same date that the State of California holds its Direct Primary Election.

"If any office required to be filled at any such election remains unfilled after the election because of the failure of any person to receive a majority of all votes cast for such office at such election, then as to such office such election shall be considered to have been a primary municipal election, and a general municipal election shall be held, for the purpose of filling such office, on the first Tuesday after the first Monday of June immediately following such primary

election if the primary election was held in 1971 or 1973, or, if the primary election was held in 1974 or any even-numbered year thereafter, then in such even-numbered year on the same date that the State of California holds its State-wide General Election. The two persons who polled the greatest number of votes for such office in the primary municipal election shall be the only persons whose names shall appear on the ballot as candidates for such office at the following general municipal election. Anything elsewhere to the contrary notwithstanding, all ties in either election shall be decided by lot during open meeting of the Council, under the direction of the Council."

We further certify that we have compared the text of the foregoing amendments with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct, complete and exact copy thereof. That as to said amendments, this certificate shall be taken as a full certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of San Jose to be affixed hereto this 16th day of July, 1970.

NORMAN Y. MINETA
Norman Y. Mineta
(SEAL) Mayor of the City of San Jose

FRANCIS L. GREINER
Francis L. Greiner
City Clerk of the City of
San Jose

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 San Jose, 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 Jose.

RESOLUTION CHAPTER 78

Senate Concurrent Resolution No. 74—Approving an amendment to the Charter of the City of Stockton, State of California, ratified by the qualified electors of the city at a special municipal charter amendment election consolidated with the direct primary election held therein on the 6th day of June 1972.

[Filed with Secretary of State July 26, 1972]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Stockton, a municipal corporation in the County of San Joaquin, 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 Joaquin, } ss.
City of Stockton,

We, Charles E. Bott, mayor of the city of Stockton, and John M. Jarrett, city clerk of the city of Stockton, do hereby certify as follows:

That the said city of Stockton in the county of San Joaquin, state of California, is now and at all of the times mentioned herein was a city containing a population of more than one hundred sixteen 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 Stockton is now and at all of the times herein mentioned was organized and existing under a freeholders charter adopted pursuant to the provisions of former section 8, article 11 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 twenty-eighth day of November, 1922, and approved by the Legislature of the state of California on the twenty-fourth day of January, 1923 (Stat. 1923, page 1321), and filed with the secretary of state of the state of California on January twenty-nine, 1923; and

That pursuant to section 3 of article 11 of the constitution of the state of California, the legislative body of said city, i.e., the city council of said city, did on its own motion and pursuant to the provisions of said article and section of the constitution of the state of California duly propose to the electors of the city of Stockton certain proposals for the amendment of the charter of said city to be voted upon by said qualified electors at a certain Special Municipal Charter Amendment Election consolidated with the State of California Direct Primary Election held on June 6, 1972, which said proposals were designated as City of Stockton Charter Amendment Measures A, B and C; and

That said proposed City of Stockton Charter Amendment

Measures were, on the 21st day of April, 1972, duly published in each issue of The Stockton Record, a daily newspaper published and circulated in the city of Stockton and the official newspaper of said city, said paper having been designated for said purpose by the said city council; and

That said city council did, by Resolution No. 29,701, adopted on April 17, 1972, fix June 6, 1972, the date of the Special Municipal Charter Amendment Election to be consolidated with the State of California Direct Primary Election in Stockton, as the date of the election on said proposed charter amendments.

That said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten-point, and that the clerk of the city of Stockton caused copies of said proposed charter amendments to be mailed, postage prepaid, to each of the qualified electors of the city of Stockton, as required by law.

That the city clerk of the city of Stockton, did, commencing April 21, 1972, and continuing through June 5, 1972, advertise in The Stockton Record, a newspaper of general circulation in said city, and the official newspaper for said city, a notice that copies of said proposed charter amendments might be had upon application at the office of the said city clerk.

That said Special Municipal Charter Amendment Election consolidated with the State of California Direct Primary Election was held in the said city of Stockton on the 6th day of June, 1972, 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 Stockton Record, the official newspaper of the city of Stockton, as hereinabove stated;

That at such Special Municipal Charter Amendment Election consolidated with the State of California Direct Primary Election held as aforesaid on said 6th day of June, 1972, a majority of the qualified voters of said city of Stockton voting thereon voted in favor of one of the proposed amendments to the charter of the city of Stockton and duly ratified the same;

That said proposed amendment to the charter of the city of Stockton as aforesaid was and is amendment numbered Measure C.

That the city council of said city of Stockton after duly and regularly canvassing the returns of said municipal election at the time and in the manner and form prescribed by law duly found, determined and declared that a majority of the qualified voters of the city of Stockton voting thereon had voted for and ratified the proposed amendment to the charter of the city of Stockton numbered Measure C.

That said proposed amendment to the charter of the city of Stockton ratified by the electors of said city, as aforesaid, is in the words and figures as follows, to-wit:

Charter Amendment Measure C

That the Charter of the City of Stockton be amended by amending Section 2 of Article VI, to read as follows:

Article VI

Elective Officers

Section 2. The Council shall consist of nine members who shall be elected as provided herein, one from each of the nine districts of the City of Stockton, as fixed and established pursuant to Article II of this Charter.

Commencing with the general municipal election of 1971, each member of the City Council shall be elected by the electors of his district and shall hold office for a term of four years beginning November 1 next after his election and until his successor is elected and qualified. On the second Tuesday in October, 1971, five councilmen shall be elected to replace those councilmen whose terms shall expire on October 31, 1971, and shall take office on November 1, 1971; on the second Tuesday in October, 1973, four councilmen shall be elected to replace those councilmen whose terms shall expire on October 31, 1973, and shall take office on November 1, 1973.

At each subsequent general election the number of councilmen to be elected shall be equal to the number of terms to expire under the aforesaid provisions on the ensuing 31st day of October, to-wit: alternately five or four.

Each member of the City Council must have been a resident and qualified elector of the City of Stockton, or territory legally annexed thereto, for a period of not less than two (2) years, and a resident and qualified elector in the district from which he is nominated and elected or appointed for a period of not less than one (1) year, next preceding the day of his election or the date of his appointment.

Any member of the Council moving from his district during his terms shall automatically forfeit his office, the same to be refilled by the Council from the electors of that district. Absence from five consecutive regular meetings, unless excused by resolution of the Council, shall operate to vacate the seat of any member so absent.

If a vacancy shall occur in the office of any councilman, the Council shall appoint a person to fill such vacancy. Such vacancy in the Council shall be filled by the Council from the electors of the district in which the vacancy occurs. If at any municipal election held under the provisions of this charter, a councilman be not elected from each district by reason of a tie vote among any of the candidates therefor, then the Council, after the qualification of the persons elected to the office of councilman at such election, shall select by lot one of the persons receiving such tie vote to fill such office. In each case, the person so appointed shall hold office until the 31st day of October

next following the next general election, and at such election a person shall be elected to hold office for the remainder of any unexpired term.

We further certify that we have compared the text of the foregoing amendment with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct, complete and exact copy thereof.

That as to said amendment this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, Charles E. Bott, mayor of the city of Stockton, and John M. Jarrett, city clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the city of Stockton to be thereunto affixed on this 10 day of July, 1972.

CHARLES E. BOTT
(SEAL) Mayor of the City of Stockton

JOHN M. JARRETT
City Clerk of the City of Stockton

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 members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Stockton, 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 Stockton.

RESOLUTION CHAPTER 79

Senate Concurrent Resolution No. 76—Approving an amendment to the Charter of the City of San Luis Obispo, County of San Luis Obispo, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the 20th day of June 1972.

[Filed with Secretary of State July 26, 1972]

WHEREAS, Proceedings have been taken and had for the proposal,

adoption, and ratification of an amendment to the Charter of the City of San Luis Obispo, a municipal corporation in the County of San Luis Obispo, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SAN LUIS OBISPO OF A CERTAIN CHARTER AMENDMENT

State of California
County of San Luis Obispo
City of San Luis Obispo

We, the undersigned, Kenneth E. Schwartz, Mayor of the City of San Luis Obispo, County of San Luis Obispo, State of California, and J. H. Fitzpatrick, City Clerk of the City of San Luis Obispo, do hereby certify and declare as follows:

That the City of San Luis Obispo, a Municipal Corporation of the County of San Luis Obispo, State of California, now is and at all times herein mentioned was, a City having a population of more than thirty-five hundred (3,500) inhabitants and less than fifty thousand (50,000) inhabitants, and has been since May 18, 1955, and is now organized and acting under a Charter adopted under and by virtue of Section 3, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of such City at a special election held for that purpose on the 4th day of April, 1955, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 18th day of May, 1955 (Vol. 2, Statutes 1955, Page 4110).

That in accordance with the provisions of Section 3, Article XI of the Constitution of the State of California, on its own motion the Council of the City of San Luis Obispo, being the legislative body thereof, duly and regularly submitted to the qualified electors of the said City of San Luis Obispo a certain proposal for the amendment of the Charter of said City, to be voted upon by said qualified electors at a Special Municipal Election held as provided for by law, in said City on the 20th day of June, 1972, which said proposal was designated as Proposed Amendment by adding Section 1106.5 to the City Charter.

That said proposed amendment was published and advertised in accordance with Section 3 of Article XI of the Constitution of the State of California, in the "Telegram-Tribune," a daily newspaper of general circulation published, printed and circulated in said City, and being the official newspaper of said City for said purpose, and in each edition thereof during the day of publication.

That said proposed charter amendment was submitted to the electors of said City for adoption and ratification at the special municipal election duly and regularly held in said City of San Luis Obispo on the 20th day of June, 1972, which said date was not less than forty, nor more than sixty, days after the completion of the

advertising in the above mentioned official paper of the proposed charter amendment aforesaid.

That at said special election a majority of the qualified electors voting upon said proposed charter amendment voted in favor of the amendment and adopted and ratified the same.

That said Amendment to the Charter so ratified by the electors of the City of San Luis Obispo is in words and figures as follows:

"Consolidation of Library Services. Shall the City Charter be amended by adding Section 1106.5 which would authorize the Council to consolidate City library operation and financing with that of other governmental agencies?

Section 1106.5 Consolidation of Library Services. Notwithstanding the provisions of Sections 1105, 1106 and 1205(c)2 of this charter, the Council may by ordinance transfer or consolidate City library operation and financing with appropriate functions of the State, the County, or any other governmental body offering to provide library service to an area or region of which the City is a part, if such transfer or consolidation is authorized by State law or other municipal corporations of comparable size. The provisions of the aforementioned charter sections shall be deemed suspended during the continuance of such transfer or consolidation to the extent such suspension is set forth in said ordinance. Any such transfer or consolidation may be repealed in like manner."

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendment to the said Charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of San Luis Obispo to be affixed hereto this 17th day of July, 1972.

KENNETH E. SCHWARTZ
Kenneth E. Schwartz
Mayor of the City of
San Luis Obispo, California

(SEAL)

Attest:

J. H. FITZPATRICK
J. H. Fitzpatrick
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 Senate of the State of California, the Assembly 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 San Luis Obispo, County of San Luis Obispo, 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 Luis Obispo, County of San Luis Obispo.

RESOLUTION CHAPTER 80

Senate Joint Resolution No. 16—Relative to television blackouts of sports events.

[Filed with Secretary of State July 26, 1972]

WHEREAS, Millions of sports fans who are unable to attend sports events in their locality due to health, advanced age, lack of adequate transportation, or inability to purchase tickets, either because of a sellout, or the cost, should be able to watch these events on television; and

WHEREAS, Sports events are, however, not shown on television while they are occurring in the locality in which they take place, thus depriving these millions of sports fans of the opportunity to watch these sports events on T.V.; and

WHEREAS, Many sports fans have installed fringe area T.V. antennas to receive sports events from stations located outside the blackout area, thus contravening the effects of the blackout; and

WHEREAS, The rationale for the blackout, which is to secure the largest possible attendance at the sports events, is no longer valid after all the tickets have been sold and attendance at the game is no longer possible; and

WHEREAS, The rationale has never been, and should not be, to prevent the poor, sick, aged, and disadvantaged from watching the game, yet this is the effect; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States, and the Federal Communications Commission, to take such action as may be necessary to prevent blackouts of nationally televised sports events whenever the event is sold out at least two weeks in advance ; 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, to each Senator and Representative from California in the Congress of the United States, and to the Federal Communications Commission.

RESOLUTION CHAPTER 81

Assembly Constitutional Amendment No. 95—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending subdivision (a) of Section 2, Section 3, Section 4, subdivision (d) of Section 7, subdivision (c) of Section 8, Section 10, Section 11, subdivisions (a) and (c) of Section 12, and subdivision (b) of Section 23 of Article IV, amending Sections 3 and 8 of Article V, amending Section 20 of Article XX, and adding Section 25 to Article XX thereof, relating to the Legislature.

[Filed with Secretary of State July 27, 1972]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1972 Regular Session commencing on the third day of January, 1972, 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 as follows:

First—That subdivision (a) of Section 2 of Article IV be amended to read:

(a) The Senate has a membership of 40 Senators elected for 4-year terms, 20 to begin every 2 years. The Assembly has a membership of 80 Assemblymen elected for 2-year terms. Their terms shall commence on the first Monday in December next following their election.

Second—That Section 3 of Article IV be amended to read:

SEC. 3. (a) Except as provided in subdivision (c), the Legislature shall convene in regular session at noon on the first Monday in December of each even-numbered year and each house shall immediately organize. Each session of the Legislature shall adjourn sine die by operation of the Constitution at midnight on November 30 of the following even-numbered year.

(b) On extraordinary occasions the Governor by proclamation may cause the Legislature to assemble in special session. When so assembled it has power to legislate only on subjects specified in the proclamation but may provide for expenses and other matters incidental to the session.

(c) The Legislature shall convene the regular session following the addition of this subdivision at noon on January 8, 1973. The term of office of the legislators elected at the general election in 1972 shall commence at noon on January 8, 1973.

Third—That Section 4 of Article IV be amended to read:

SEC. 4. Compensation of members of the Legislature, and reimbursement for travel and living expenses in connection with their official duties, shall be prescribed by statute passed by rollcall vote entered in the journal, two-thirds of the membership of each house concurring. Commencing with 1967, in any statute enacted

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making an adjustment of the annual compensation of a member of the Legislature the adjustment may not exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment, of the salary in effect when the statute is enacted. Any adjustment in the compensation may not apply until the commencement of the regular session commencing after the next general election following enactment of the statute.

The Legislature may not provide retirement benefits based on any portion of a monthly salary in excess of 500 dollars paid to any member of the Legislature unless the member receives the greater amount while serving as a member in the Legislature. The Legislature may, prior to their retirement, limit the retirement benefits payable to members of the Legislature who serve during or after the term commencing in 1967.

When computing the retirement allowance of a member who serves in the Legislature during the term commencing in 1967 or later, allowance may be made for increases in cost of living if so provided by statute, but only with respect to increases in the cost of living occurring after retirement of the member, except that the Legislature may provide that no member shall be deprived of a cost of living adjustment based on a monthly salary of 500 dollars which has accrued prior to the commencement of the 1967 Regular Session of the Legislature.

Fourth—That subdivision (d) of Section 7 of Article IV be amended to read:

(d) Neither house without the consent of the other may recess for more than 10 days or to any other place.

Fifth—That subdivision (c) of Section 8 of Article IV be amended to read:

(c) (1) Except as provided in paragraph (2) of this subdivision, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

(2) Statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes shall go into effect immediately upon their enactment.

Sixth—That Section 10 of Article IV be amended to read:

SEC. 10. (a) Each bill passed by the Legislature shall be presented to the Governor. It becomes a statute if he signs it. He may veto it by returning it with his objections to the house of origin, which shall enter the objections in the journal and proceed to reconsider it. If each house then passes the bill by rollcall vote entered in the journal, two thirds of the membership concurring, it becomes a

statute. A bill presented to the Governor that is not returned within 12 days becomes a statute; provided, that any bill passed by the Legislature before September 1 of the second calendar year of the biennium of the legislative session and in the possession of the Governor on or after September 1 that is not returned by the Governor on or before September 30 of that year becomes a statute. The Legislature may not present to the Governor any bill after November 15 of the second calendar year of the biennium of the legislative session. If the Legislature by adjournment of a special session prevents the return of a bill with the veto message, the bill becomes a statute unless the Governor vetoes the bill within 12 days by depositing it and the veto message in the office of the Secretary of State.

Any bill introduced during the first year of the biennium of the legislative session that has not been passed by the house of origin by the thirtieth day of January of the second calendar year of the biennium may no longer be acted on by the house. No bill may be passed by either house on or after September 1 of an even-numbered year except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes, and bills passed after being vetoed by the Governor.

(b) The Governor may reduce or eliminate one or more items of appropriation while approving other portions of a bill. He shall append to the bill a statement of the items reduced or eliminated with the reasons for his action. The Governor shall transmit to the house originating the bill a copy of his statement and reasons. Items reduced or eliminated shall be separately reconsidered and may be passed over the Governor's veto in the same manner as bills.

Seventh—That Section 11 of Article IV be amended to read:

SEC. 11. The Legislature or either house may by resolution provide for the selection of committees necessary for the conduct of its business, including committees to ascertain facts and make recommendations to the Legislature on a subject within the scope of legislative control.

Eighth—That subdivision (a) of Section 12 of Article IV be amended to read:

(a) Within the first 10 days of each calendar year, the Governor shall submit to the Legislature, with an explanatory message, a budget for the ensuing fiscal year containing itemized statements for recommended state expenditures and estimated state revenues. If recommended expenditures exceed estimated revenues, he shall recommend the sources from which the additional revenues should be provided.

Ninth—That subdivision (c) of Section 12 of Article IV be amended to read:

(c) The budget shall be accompanied by a budget bill itemizing recommended expenditures. The bill shall be introduced immediately in each house by the chairmen of the committees that consider appropriations. The Legislature shall pass the budget bill by midnight on June 15 of each year. Until the budget bill has been enacted, the Legislature shall not send to the Governor for consideration any bill appropriating funds for expenditure during the fiscal year for which the budget bill is to be enacted, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.

Tenth—That subdivision (b) of Section 23 of Article IV be amended to read:

(b) A referendum measure may be proposed by presenting to the Secretary of State, within 90 days after the enactment date of the statute, a petition certified to have been signed by electors equal in number to 5 percent of the votes for all candidates for Governor at the last gubernatorial election, asking that the statute or part of it be submitted to the electors.

Eleventh—That Section 3 of Article V be amended to read:

SEC. 3. The Governor shall report to the Legislature each calendar year on the condition of the State and may make recommendations.

Twelfth—That Section 8 of Article V be amended to read:

SEC. 8. Subject to application procedures provided by statute, the Governor, on conditions he deems proper, may grant a reprieve, pardon, and commutation, after sentence, except in case of impeachment. He shall report to the Legislature each reprieve, pardon, and commutation granted, stating the pertinent facts and his reasons for granting it. He may not grant a pardon or commutation to a person twice convicted of a felony except on recommendation of the Supreme Court, 4 judges concurring.

Thirteenth—That Section 20 of Article XX be amended to read:

SEC. 20. Terms of elective offices provided for by this Constitution, other than Members of the Legislature, commence on the Monday after January 1 following election. The election shall be held in the last even-numbered year before the term expires.

Fourteenth—That Section 25 is added to Article XX, to read:

SEC. 25. Any legislator whose term of office is reduced by operation of the amendment to subdivision (a) of Section 2 of Article IV adopted by the people in 1972 shall, notwithstanding any other provision of this Constitution, be entitled to retirement benefits and compensation as if his term had not been so reduced.

RESOLUTION CHAPTER 82

Senate Concurrent Resolution No. 20—Relative to resource recovery.

[Filed with Secretary of State July 27, 1972.]

WHEREAS, It is in the public interest that greater resource recovery be obtained through the recycling of solid waste materials into new raw material and products; and

WHEREAS, Greater recycling of resources will conserve our natural resources and provide a better environment for the people of the State of California; and

WHEREAS, Congress, through the enactment of the Resource Recovery Act of 1970, established national policy to stimulate the development of resource recovery methods which will provide for more economic use of waste; and

WHEREAS, Recycling is the most constructive response that has been developed to answer the challenge of environmental management; and

WHEREAS, Transportation is a significant economic cost in the collection, recovery, processing, refining, converting, and manufacturing of new raw materials and products from solid waste matter; and

WHEREAS, The transportation rate structure affects the utilization of recycled materials; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Public Utilities Commission is requested to review rates for the transportation of materials for the purpose of the collection, recovery, processing, refining, converting, and manufacturing of solid waste for the purpose of resource recovery to ensure that such rates for these materials are reasonable and that the rates for the transportation of virgin materials used for the same ultimate purposes are not unreasonable in relation thereto; and be it further

Resolved, that the Secretary of the Senate transmit a copy of this resolution to the Public Utilities Commission.

RESOLUTION CHAPTER 83

Senate Concurrent Resolution No. 24—Relative to the preservation and protection of an archaeological site.

[Filed with Secretary of State July 27, 1972.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Lands Commission is requested to conduct a study, in cooperation with the Bureau of Land

Management or other appropriate federal agency, of the feasibility of acquisition by the state of Section 22 of Township 10 North, Range 2 East, San Bernardino Meridian, upon the United States having clear fee title to such lands, either by purchase or by the exchange of state lands for such federal lands, in order to insure the preservation and protection of an archaeological site located on such lands, and to report its findings and recommendations thereon to the Legislature 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 Chairman of the State Lands Commission.

RESOLUTION CHAPTER 84

Senate Concurrent Resolution No. 31—Relative to the Samoa Bridge.

[Filed with Secretary of State July 27, 1972]

WHEREAS, The opening of the Samoa Bridge has resulted in restricting access to the Samoa Peninsula for those without motor vehicular transportation; and

WHEREAS, On the opening day of the bridge, thousands enjoyed walking and bicycling across the bridge; and

WHEREAS, There is a substantial amount of interest to continue such activity on special occasions; 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 close or restrict the use of the Samoa Bridge by motor vehicles so as to permit its use by pedestrians and bicyclists on special occasions, such as Memorial Day, Fourth of July, or Labor Day, when such action has been requested by resolution of the City Council of the City of Eureka and by resolution of the Board of Supervisors of Humboldt County; 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 85

Senate Concurrent Resolution No. 34—Relative to the improvement of a portion of State Highway Route 12.

[Filed with Secretary of State July 27, 1972]

WHEREAS, That portion of State Highway Route 12 from Melita Road to State Highway Route 121 in Sonoma County passes through

the world-famous Valley of the Moon; and

WHEREAS, The beautiful scenic qualities of this valley make it desirable that this highway be reconstructed not only for safety reasons but as a scenic highway; and

WHEREAS, While the highway is not and should not be a part of the California freeway and expressway system, the acquisition of access rights where appropriate will enhance its scenic qualities; 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 be requested to undertake the improvement of State Highway Route 12 from Melita Road to State Highway Route 121 as a scenic highway, and not as a freeway, at the earliest time commensurate with other highway needs; and be it further

Resolved, That the commission and the department be requested to acquire access rights along the highway where they deem it appropriate and leave all intersections along the highway at grade, except as recommended and approved by the appropriate local governing bodies; and be it further

Resolved, That copies of this resolution be transmitted to the California Highway Commission and the Director of Public Works

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RESOLUTION CHAPTER 86

Senate Joint Resolution No. 12—Relative to the preservation and protection of an archaeological site.

[Filed with Secretary of State July 27, 1972]

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the Department of the Interior, through the Bureau of Land Mangement, to enter into negotiations with the State Lands Commission for an exchange of the north one-half, or all, of Section 22 of Township 10 North, Range 2 East, San Bernardino Meridian, upon the United States having clear fee title to such lands, for state lands in the vicinity, or for the purchase of such federal lands by the state, or for such other alternative as the Bureau of Land Management may find is suitable, in order to insure the preservation and protection of an archaeological site located on the lands, and to permit the state to take the necessary steps to construct buildings and other facilities essential to such preservation and protection; and be it further

Resolved, That the Legislature respectfully requests the Bureau of Land Management to take whatever steps are necessary to preserve and protect such archaeological site pending the outcome of negotiations; 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 Director of the Bureau of Land Management, 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 87

Assembly Joint Resolution No. 23—Relative to the San Felipe Water Project.

[Filed with Secretary of State July 28, 1972]

WHEREAS, Preconstruction studies of the San Felipe Division of the Central Valley Project, California, are under consideration for continued annual funding by the Congress; and

WHEREAS, Basic questions (a) of the ecological effect of the San Felipe Division, (b) of the availability of alternative water sources, including the possible effect of S. 2770 thereon, (c) of cost, and (d) of the effect of water quality standards recently imposed by Decision 1379 of the California State Water Resources Control Board remain unanswered; and

WHEREAS, A decision upon construction of the San Felipe Division should properly await investigation of each and all of such questions; and

WHEREAS, It appears that the cognizant Appropriations Subcommittees of the Congress have been advised by the Bureau of Reclamation of the United States Department of Interior that its capability for fiscal 1972–73 is the sum of three hundred thousand dollars ($300,000), and it further appears that no part of such sum is proposed for construction of the San Felipe Division, but is instead proposed for preconstruction studies which could materially assist in providing the data above specified; 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 of the United States to direct the expenditure of sums which may be appropriated for fiscal 1972–73 for the San Felipe Division of the Central Valley Project in such manner as to provide data assisting determination of the following:

(1) The total construction cost and the total cost to the ultimate consumer of water proposed to be supplied by the San Felipe Division;

(2) The effect upon delivery schedules and consequent feasibility of the San Felipe Division of Decision 1379 of the California State Water Resources Control Board; and

(3) The full environmental effect of construction, as well as

nonconstruction of the San Felipe Division as proposed; and to insure that all of such data shall have public review and comment by the affected public entities of the service area; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of the Interior of the United States.

RESOLUTION CHAPTER 88

Assembly Concurrent Resolution No. 111—Approving certain amendments to the Charter of the City of Chula Vista, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the general municipal election.

[Filed with Secretary of State July 28, 1972.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth, to the Charter of the City of Chula Vista, a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

State of California,
County of San Diego } ss.
City of Chula Vista

We, the undersigned, 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 3, Article XI of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Section 3, 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 "A", "B", "C", "D", "E", "F", "G", "H", and "J", and submitted said propositions to the qualified electors of the City of Chula Vista at the general election.

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 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 general municipal election held in said City.

That 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 "C", "D", "E", "F", "G", and "H", and said proposed amendments were ratified by a majority of the qualified electors of said City voting thereon, as set forth in the Certificate of the Registrar of Voters of the County of San Diego, State of California on the 17th day of April, 1972, certifying the results of said election.

That all of said proceedings were duly and regularly had and taken in accordance with Section 3 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 City 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 C

Amend Article III, Section 303, Article V, Section 500, subsection (b), and Article VI, Section 605 of the Charter of the City of Chula Vista to be, and to read as follows:

Sec. 303. Vacancies.

A vacancy in the office of any member of the City Council from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municiapl election following any vacancy, a Councilman or Mayor shall be elected to serve for the remainder of any unexpired term of said office.

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 felony or crime involving moral turpitude, his office shall become vacant.

The City Council shall declare the evidence of any vacancy. In the event it shall fail to fill a vacancy by appointment within thirty days after such office shall have been so declared vacant, it shall forthwith cause an election to be held to fill such vacancy.

Sec. 500. Appointment and Removal of Officers and Department Heads.

(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

In witness whereof, we have hereunto set our hands and caused the seal of the City of Chula Vista to be affixed hereto this _____ day of _____, 1972.

(SEAL)

WILL T. HYDE
Will T. Hyde, Vice-Mayor
of the City of
Chula Vista, California
JENNIE M. FULASZ
Jennie M. Fulasz, City Clerk
of the City of
Chula Vista, California

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 3, Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Chula Vista, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of said City of Chula Vista, California.

RESOLUTION CHAPTER 89

Assembly Concurrent Resolution No. 97—Relative to the Joint Committee on Aging.

[Filed with Secretary of State July 31, 1972]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Committee on Aging is continued

in existence until July 31, 1973, notwithstanding the provisions of any prior concurrent resolution affecting such committee. The committee shall continue to have the powers and duties granted and imposed by the resolution creating or continuing it. The committee may expend any funds heretofore or hereafter 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.

RESOLUTION CHAPTER 90

Assembly Joint Resolution No. 15—Relative to immigrant children.

[Filed with Secretary of State July 31, 1972]

WHEREAS, The Immigration Act of 1965 drastically altered the flow of new immigrants to the United States of America; and

WHEREAS, The United States of America has always attempted to provide the same opportunity to immigrants as we have to our native-born citizens; and

WHEREAS, Large numbers of the children of new immigrants need special educational services to allow them to participate in regular school programs; and

WHEREAS, The majority of such students need special training in the English language in order to receive the full benefits of public education; and

WHEREAS, Local school districts in California and throughout the nation wish to provide such children with such necessary services; and

WHEREAS, Current financial constraints make it impossible for districts always to provide such services; and

WHEREAS, The federal government of the United States has a special responsibility to ensure that such children receive equal educational opportunities; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide local school districts in California and throughout the nation with the financial resources necessary to meet the special educational needs of children of immigrants; 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 91

Assembly Constitutional Amendment No. 81—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 14 to Article XVI thereof, relating to pollution control facilities.

[Filed with Secretary of State August 1, 1972]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1972 Regular Session commencing on the third day of January, 1972, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 14 to Article XVI thereof, to read:

SEC. 14. The Legislature may provide for the issuance of revenue bonds to finance the acquisition, construction, and installation of environmental pollution control facilities, including the acquisition of all technological facilities necessary or convenient for pollution control, and for the lease or sale of such facilities to persons, associations, or corporations, other than municipal corporations; provided, that such revenue bonds shall not be secured by the taxing power of the state; and provided, further, that the Legislature may, by resolution adopted by either house, prohibit or limit any proposed issuance of such revenue bonds. No provision of this Constitution, including, but not limited to, Section 25 of Article XIII and Sections 1 and 2 of Article XVI, shall be construed as a limitation upon the authority granted to the Legislature pursuant to this section. Nothing herein contained shall authorize any public agency to operate any industrial or commercial enterprise.

RESOLUTION CHAPTER 92

Assembly Concurrent Resolution No. 98—Relative to program planning and budgeting system for the California schools.

[Filed with Secretary of State August 1, 1972.]

WHEREAS, A program planning and budgeting system has not been mandated by the California State Legislature or by the California State Board of Education; and

WHEREAS, The California State Assembly Committee on Education has initiated hearings to study the program planning and budgeting system and its implications for the schools of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California

respectfully calls upon the State Board of Education to withhold adoption of the proposed accounting manual under consideration until after March 1, 1973 for implementation not before the fiscal year beginning July 1, 1974, during which time said proposed accounting manual may undergo further legislative investigation, and be it further

Resolved, That the Legislature calls upon the State Board of Education to take no action which would encourage or establish the statewide implementation of an educational planning and evaluation guide for California school districts or any other form of a program planning and budgeting system whatsoever until such time as the Legislature has concluded hearings on the matter and taken any legislative action it deems appropriate, provided however that nothing in this resolution shall restrain local governing boards from their efforts to refine methods of accounting and budget reporting, and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to each member of the State Board of Education and to the president of each school district governing board in the State of California.

RESOLUTION CHAPTER 93

Assembly Concurrent Resolution No. 124—Approving amendments to the Charter of the City of Glendale, County of Los Angeles, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the sixth day of June, 1972.

[Filed with Secretary of State August 1, 1972]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION
OF CHARTER AMENDMENTS
BY ELECTORS OF THE CITY OF GLENDALE

State of California,
County of Los Angeles } ss.
City of Glendale

We, Wm. Howard Peters, Mayor Pro Tem of the City of Glendale, and Frank M. Usher, City Clerk and ex-officio Clerk of The Council

of the City of Glendale, do hereby certify and declare as follows:

That the City of Glendale, in the County of Los Angeles, State of California, is now, and was at all of the times mentioned herein, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That the City of Glendale is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter, adopted under the provisions of Section 3, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of the City at a special municipal election held for that purpose on the 29th day of March, 1921, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 11th day of May, 1921 (Assembly Concurrent Resolution No. 30, Chapter 71, Statutes 1921, p. 2205).

That in accordance with the provisions of Section 3, Article XI of the Constitution of the State of California, The Council of the City of Glendale, being the legislative body of the City, on its own motion by Resolution No. 17,045 adopted on the 22nd day of February, 1972, and Resolution No. 17,054 adopted on the 29th day of February, 1972, duly and regularly submitted to the qualified electors of the City two proposals for the amendment of The Charter of the City of Glendale, which were designated Charter Amendment No. 1 and Charter Amendment No. 3, respectively; and The Council ordered that the said proposed Charter amendments be submitted to the qualified electors of the City at a special municipal election to be held in the City on the 6th day of June, 1972, which date was fixed in the said resolutions as the date for holding the special municipal election.

That on April 24, 1972, the proposed Charter amendments were published and advertised in accordance with Section 3, Article XI of the Constitution, in the Glendale News-Press, the official newspaper of the City and a newspaper of general circulation therein, and in each edition thereof during the day of publication.

That copies of the proposed Charter amendments were printed in convenient pamphlet form in type of not less than tenpoint, and were mailed to each of the qualified electors of the City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from April 24, 1972, to and including June 6, 1972; and a notice was advertised and published on and from April 24, 1972, until June 5, 1972, in the Glendale News-Press, a newspaper of general circulation in the City, that copies thereof might be had at the office of the City Clerk upon application therefor.

That The Council of the City did, by ordinance designated as Ordinance No. 4020, which was duly passed on the 11th day of April, 1972, order the holding of a special municipal election in the City of Glendale on the 6th day of June, 1972, which date was not less than forty days, and not more than sixty days after the completion of the publication of the proposed Charter amendments as aforesaid, which

said ordinance was published once a week for two weeks prior to the time for the holding of said election; to wit, on May 24, 1972, and May 31, 1972, pursuant to the provisions of The Charter of the City of Glendale, in the Glendale News-Press.

That the Special Municipal Election consolidated with the Consolidated Primary Election was held in the City of Glendale on the 6th day of June, 1972, which day was not less than forty days, and not more than sixty days after the proposed amendments to said Charter had been published in the Glendale News-Press.

That thereafter the Board of Supervisors of the County of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of the Special Municipal Election and did duly declare the results of the Special Municipal Election as determined from the canvass of the returns thereof. A certified copy of the election certificate by the Registrar-Recorder of the County of Los Angeles is attached hereto, made a part hereof and marked Exhibit "A".

That Charter Amendments No. 1 and No. 3 were duly designated in the ballot of the City of Glendale Special Municipal Election consolidated with the Consolidated Primary Election as Glendale City Charter Amendment Propositions "C" and "E", respectively.

That at the Special Municipal Election, Charter Amendment No. 1 was ratified by a majority of the electors of the City voting thereon as evidenced by said attached Exhibit "A".

That Charter Amendment No. 1 so ratified by the electors of the City of Glendale is in words and figures as follows:

Charter Amendment No. 1

Section 1 of Article XXV of The Charter of the City of Glendale is amended to read:

"(Article XXV) Section 1. City to Participate in State System; Contract With Retirement System; Tax. The participation of the City in the Public Employees' Retirement System shall continue and shall include all specific benefits and provisions heretofore approved by the council or the by the voters. All other existing or future amendments to the public employees' retirement law which by their terms require amendment of the contract between the city and the system, may also apply if the council in its discretion elects by the adoption of an ordinance or resolution to amend the contract with said system to include such benefits or any of them. A tax sufficient for the city's participation shall be levied, in addition to taxes authorized elsewhere in this Charter."

That at the Special Municipal Election Charter Amendment No. 3 was ratified by a majority of the electors of the City voting thereon.

That Charter Amendment No. 3 so ratified by the electors of the City of Glendale is in words and figures as follows:

Charter Amendment No. 3: Repeal of Obsolete Sections

Ballot Proposition "E" read as follows:

"Shall Charter Amendment No. 3 be adopted, thereby repealing Sections 22.1 and 22.2 of Article XI, eliminating from The Charter two obsolete sections?"

Pursuant thereto, Section 22.1 of Article XI and Section 22.2 of Article XI were repealed.

We further certify that we have compared the text of each of the foregoing Charter Amendments with the original proposals submitting the same to the electors of the City and find that the foregoing is a full, true, correct and exact copy of each of said original proposals. 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 have caused the corporate seal of the City of Glendale to be affixed hereto, this 18th day of July, 1972.

WM. HOWARD PETERS
(SEAL) Mayor of the City of Glendale
Pro Tem
FRANK M. USHER
City Clerk of the City of Glendale

I hereby certify that the foregoing is a true and correct copy of Certificate of Ratification on file in the office of the City Clerk of the City of Glendale.

Dated July 24, 1972

City Clerk
F. M. USHER

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 Glendale, County 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 Glendale, County of Los Angeles.

RESOLUTION CHAPTER 94

Assembly Concurrent Resolution No. 88—Relative to joint committees.

[Filed with Secretary of State August 1, 1972.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

(A) The joint committees named below are continued in existence through the date specified after each, 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:

(1) The Joint Committee on Atomic Development and Space. Termination: December 31, 1972.

(2) The Joint Committee on Educational Goals and Evaluation. Termination: January 31, 1973.

(3) The Joint Committee on the Master Plan for Higher Education. Termination: January 31, 1973.

(4) The Joint Committee on the Organization and Financing of Local Government. Termination: December 31, 1972.

(5) The Joint Committee on Textbooks and Curriculum. Termination: December 31, 1972.

(6) The Joint Committee on Open Space Lands. Termination: September 15, 1972.

(B) The Joint Committee on the State's Economy is hereby continued in existence until January 31, 1973, unless otherwise extended.

The committee shall consist of four Members of the Senate, appointed by the Committee on Rules thereof, and four Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

It shall be the function of the Joint Committee on the State's Economy to:

(1) With respect to the Governor's annual economic report and any supplement thereto, make a continuing study of the matters contained therein.

(2) With respect to legislative initiative, achieve the policy for promoting employment growth and make a continuing study of:

(a) The rates and levels of employment, production, income, and purchasing power in the state and those needed to carry out the policy declared in the policy for promoting employment growth;

(b) Current and foreseeable trends in the levels of employment, production, income, and purchasing power;

(c) 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;

(d) 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: (i) the level of and trends in state and local governmental taxation, (ii) the level of and trends in wages, salaries, and prices in California, and (iii) 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;

(e) The competitive economic effect of the marketing in the state of goods and merchandise produced or manufactured in other states or in foreign nations;

(f) The general economic effect of the level of and trends in state and local government of: (i) taxation, including consideration of present, and possible future modification of, subjects of taxation, (ii) borrowing, including consideration of various types of borrowing, the cost of borrowing, and economics limit on borrowing capacity, and (iii) spending, including outlays for capital improvements; and

(g) 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.

(3) 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.

(C) The committees continued in existence by this resolution shall have the following additional powers and duties:

(1) 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.

(2) 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.

(3) To report findings and recommendations to the Legislature

and to the people from time to time and at any time.

(4) 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.

(5) 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.

RESOLUTION CHAPTER 95

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 14 of Article IX thereof, relating to the power of school district boards in regard to educational programs.

[Filed with Secretary of State August 2, 1972]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1972 Regular Session commencing on the third day of January, 1972, 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 14 of Article IX thereof, to read:

SEC. 14. The Legislature shall have power, by general law, to provide for the incorporation and organization of school districts, high school districts, and community college districts, of every kind and class, and may classify such districts.

The Legislature may authorize the governing boards of all school districts to initiate and carry on any programs, activities, or to otherwise act in any manner which is not in conflict with the laws and purposes for which school districts are established.

And be it further resolved, That the amendments to Section 14 of Article IX of the State Constitution proposed by this resolution shall become operative on July 1, 1973.

RESOLUTION CHAPTER 96

Assembly Concurrent Resolution No. 125—Approving amendments 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 a special municipal election consolidated with the State of California direct primary election held therein on the sixth day of June, 1972.

[Filed with Secretary of State August 2, 1972.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments 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, Warren Widener, 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 fully 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 "City of Berkeley Charter Amendment No. 1" to amend the Charter of said City and to be voted upon by said qualified electors at a special municipal election consolidated with the State of California Direct Primary Election held in said City on the 6th day of June, 1972.

That in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California, an amendment to the Charter of said City was duly proposed by initiative of the electors of said City and the Council of said City duly and regularly submitted said proposed charter amendment designated as "City of Berkeley

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Charter Amendment No. 2" to amend the Charter of said City and to be voted upon by said qualified electors at said special municipal election consolidated with the State of California Direct Primary Election held in said City on the 6th day of June, 1972.

That said proposed amendments were published and advertised in accordance with the provisions of Sections 34455 and 34458 of the Government Code of the State of California on the 25th day of April, 1972, 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 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 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 26th day of April, 1972, and on each day thereafter to and including the 6th day of June, 1972, all as required by Section 34456 of the Government Code of the State of California.

That copies of said pamphlet containing said proposed Charter Amendments could be had upon application therefor at the office of the City Clerk of said City to and including the 6th day of June, 1972, the date fixed for said election.

That said special municipal election consolidated with the State of California Direct Primary Election was duly and regularly held in said City of Berkeley, after due notice given and published, on the 6th day of June, 1972, 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 Amendments 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 all of the amendments to the Charter of the City of Berkeley, hereinafter set forth, were ratified by a majority of the electors of said City voting thereon.

That as to said Charter Amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Amendments to the Charter of the City of Berkeley as ratified by the electors of said City are in the words and figures as follows, to wit:

City of Berkeley Charter Amendment No. 1

That Section 4 of Article III of the Charter of the City of Berkeley be amended to read as follows:

Article III

Section 4. General and Special Municipal Elections.

A municipal election shall be held on the third Tuesday of April, 1973, and biennially thereafter. All such elections shall be known as general municipal elections. All other municipal elections that may be held shall be known as special municipal elections.

City of Berkeley Charter Amendment No. 2

That the first sentence of Section 8 of Article V of the Charter of the City of Berkeley be amended and a new Article XVII, consisting of twelve (12) sections, be added to the Charter of the City of Berkeley to read as follows:

Section A. Add the following new Article XVII:

1. Statement of Purpose. A growing shortage of housing units resulting in a critically low vacancy rate, rapidly rising and exhorbitant rents exploiting this shortage, and the continuing deterioration of the existing housing stock constitute a serious public emergency affecting the lives of a substantial proportion of those Berkeley residents who reside in rental housing. These emergency conditions endanger the public health and welfare of the City of Berkeley and especially the health and welfare of the poor, minorities, students and the aged. The purpose of this Article, therefore, is to alleviate the hardship caused by this emergency by establishing a Rent Control Board empowered to regulate residential housing and rentals in the City of Berkeley.

2. Definitions: The following words or phrases as used in this Charter Amendment shall have the following meanings:

a) Board: The Rent Control Board established by Section 3 of this amendment.

b) Commissioners: Commissioners of the Rent Control Board established by Section 3 of this amendment.

c) Controlled rental units: All rental units in the City of Berkeley except:

(1) rental units in hotels, motels, inns, tourist homes and rooming and boarding houses which are rented primarily to transient guests for a period of less than fourteen (14) days;

(2) rental units in non-profit cooperatives;

(3) rental units in any hospital, convent, monastery, extended medical care facility, asylum, non-profit home for the aged, or dormitory owned and operated by an institution of higher education;

(4) rental units which a governmental unit, agency or authority either owns, operates, manages, or subsidizes.

d) Housing services: Housing services include but are not limited to repairs, replacement, maintenance, painting, providing light, heat, hot and cold water, elevator service, window shades and screens, storage, kitchen, bath and laundry facilities and privileges, janitor services, refuse removal, furnishings, telephone, and any other benefit, privilege or facility connected with the use or occupancy of any rental unit. Services to a rental unit shall include a proportionate part of services provided to common facilities of the building in which the rental unit is contained.

e) Landlord: An owner, lessor, sublessor or any other person entitled to receive rent for the use and occupancy of any rental unit, or an agent or successor of any of the foregoing.

f) Rent: The consideration, including any bonus, benefits or gratuity demanded or received for or in connection with the use or occupancy of rental units or the transfer of a lease for such rental units, including but not limited to monies demanded or paid for parking, pets, furniture, subletting and security deposits for damages and cleaning.

g) Rental housing agreement: An agreement, verbal, written or implied, between a landlord and tenant for use or occupancy of a rental unit and for housing services.

h) Rental units: Any building, structure, or part thereof, or land appurtenant thereto, or any other real property rented or offered for rent for living or dwelling purposes, including houses, apartments, rooming or boarding house units, and other properties used for living or dwelling purposes, together with all housing services connected with the use or occupancy of such property.

i) Tenant: A tenant, subtenant, lessee, sublessee or any other person entitled under the terms of a rental housing agreement to the use or occupancy of any rental unit.

3. Rent Control Board:

a) Composition: There shall be in the City of Berkeley a Rent Control Board. The Board shall consist of five elected Commissioners. The Board shall elect annually as chairwoman or chairman one of its members to serve in that capacity.

b) Eligibility: Residents of the City of Berkeley who are duly qualified electors of the City of Berkeley are eligible to serve as Commissioners of the Rent Control Board.

c) Full disclosure of holdings: Candidates for the position of Rent Control Board Commissioner, in addition to fulfilling the requirements of Article III, Section 6½, when filing nomination papers, shall submit a verified statement listing all of their interests and dealings in real property, including but not limited to its ownership, sale or management, and investment in and association with partnerships, corporations, joint ventures and syndicates engaged in its ownership, sale or management, during the previous three (3) years.

d) Method of election: Commissioners shall be elected at general municipal elections in the same manner as set forth in Article

III, except that the first Commissioners shall be elected within 180 days after approval of this Article by the State Legislature in accordance with the provisions of Article III.

e) Term of office: Commissioners shall be elected to serve terms of four years, except that of the first five Commissioners elected in accordance with Section 3 (d), the two Commissioners receiving the most votes shall serve until the first general municipal election held more than three years after their election and the remaining three Commissioners shall serve until the first general municipal election held more than one year after their election, Commissioners shall serve a maximum of two full terms.

f) Powers and duties: The Rent Control Board is empowered to set maximum rents for all residential rental units in the City of Berkeley with the exception of those classes of units exempted under Section 2 (c). The Board is empowered to roll back rents to a base rent established under Section 4 (a). The Board is empowered to adjust maximum rents either upward or downward after conducting appropriate investigations and hearings as provided under Section 6. The Board may make such studies and investigations, conduct such hearings, and obtain such information as is necessary to carry out its powers and duties. The Board may seek injunctive relief under the provisions of Section 11 in order to carry out its decisions and may settle civil claims in accordance with the provisions of Section 10.

g) Rules and regulations: The Rent Control Board shall issue and follow such rules and regulations, including those which are contained in this Article, as will further the purposes of this Article. The Board shall publish its rules and regulations prior to promulgation in at least one newspaper with general circulation in the City of Berkeley. All rules and regulations, internal staff memoranda, and written correspondence explaining the decisions and policies of the Board shall be kept in the Board's office and shall be available to the public for inspection and copying. The Board shall publicize this Charter Amendment through the media of signs, advertisements, flyers, leaflets, announcements on radio and television, newspaper articles and other appropriate means, so that all residents of Berkeley will have the opportunity to become informed about their legal rights and duties under rent control in Berkeley.

h) Meetings: The Board shall hold two regularly scheduled meetings per month. Special meetings may be called upon the request of at least two Commissioners. All meetings shall be open to the public. Maximum rent adjustment and eviction hearings shall be conducted in accordance with the provisions of Sections 6 and 7.

i) Quorum: Three Commissioners shall constitute a quorum. Three affirmative votes are required for a decision, including all motions, orders, and rulings of the Board.

j) Dockets: The Board shall maintain and keep in its office rent adjustment and eviction certificate hearing dockets. Said dockets shall list the time, date, place of hearing, parties involved, the

addresses of the buildings involved, and the final disposition of the petitions heard by the Board.

k) Compensation: Each Commissioner shall receive for every meeting fifty dollars ($50.00), but in no event shall any Commissioner receive in any twelve month period more than twenty-four (24) hundred dollars for services rendered.

l) Vacancies: If a vacancy shall occur on the Board, the Board shall appoint a qualified person to fill such a vacancy until the following general municipal election when a qualified person shall be elected to serve for the remainder of the term.

m) Recall: Commissioners may be recalled in accordance with the provisions of Article IV of the Charter of the City of Berkeley.

n) Staff: The Board shall employ, subject to the approval of the City Council, such staff as may be necessary to perform its functions. Board staff shall not be subject to the requirements of Article VII, Section 28 (b) and (c) and Article IX, Section 56 of the City Charter.

4. Maximum Rent:

a) Base rent: The base rent shall be the rent in effect on August 15, 1971 or any rent in effect subsequent to this date if it was less. If no rent was in effect on August 15, 1971, as in the case of newly constructed units completed after this date, the base rent shall be established by the Board based on the generally prevailing rents for comparable units in the City of Berkeley. The base rent shall take effect ninety (90) days after the election of the Board and the Board shall administer a rollback of rents in all controlled units to this level and shall determine, where necessary, the actual rent level in effect on August 15, 1971. Upon approval of this Charter Amendment by the California State Legislature and pending the establishment of base rents and the roll back of rents to the base rent level, no landlord shall increase rents in a rent-controlled unit.

b) Registration: The Board shall require registration of all rent-controlled units, their base rents, and the housing services provided on forms authorized and voted by the Board.

5. Maximum Rent Adjustments:

The Board may make individual rent adjustments, either upward or downward, of the maximum rent established as the base rent for rent-controlled units under Section 4 (a). The Board shall receive petitions from landlords and tenants for such adjustments, and shall conduct hearings in accordance with the provisions of Section 6 to rule on said petitions.

In reviewing such petitions for adjustments, the Board shall consider relevant factors including but not limited to the following: a) increases or decreases in property taxes; b) unavoidable increases or decreases in operating and maintenance expenses; c) capital improvement of the rent-controlled unit, as distinguished from ordinary repair, replacement and maintenance; d) increases or decreases in living space, furniture, furnishings or equipment; e) substantial deterioration of the rent-controlled unit other than as a result of ordinary wear and tear; and f) failure on the part of the

landlord to provide adequate housing services.

Any landlord who petitions the Board for an upward rent adjustment shall file with such petition a certification from the City of Berkeley Building Inspection Service which states that the premises in question are in full and complete compliance with the applicable State of California Health and Safety Codes and the City of Berkeley Housing Code based on an inspection made no more than six months prior to the date of the landlord's petition. Such certification shall be prima facie evidence of the non-existence of Code violations, rebuttable by other competent evidence introduced by the tenant, certification notwithstanding. The Board may refuse to grant an upward adjustment if it determines that the rent-controlled unit in question does not comply with the requirements of the aforementioned Codes and if it determines that such lack of compliance is due to the landlord's failure to provide normal and adequate housing services.

6. Maximum Rent Adjustment Hearings:

a) Petitions: The Board shall consider an adjustment of rent for an individual rent-controlled unit upon receipt of a petition for adjustment filed by the landlord or tenant of such a unit on a form provided by the Board. No such adjustment shall be granted until after the Board considers the petition at an adjustment hearing.

b) Notice: The Board shall notify the landlord, if the petition was filed by the tenant, or the tenant, if the petition was filed by the landlord, of the receipt of such a petition. The Board shall schedule a hearing no earlier than the sixteenth (16th) day after the postmark of the notice of the hearing sent to the parties and shall notify both parties as to the time, date and place of the hearing. Hearings shall be scheduled for times most convenient for all parties, including evenings and weekends. Hearings may be postponed or continued for good cause provided that all parties receive timely notice of such action.

c) Records: The Board may require either party to a rent adjustment petition to provide it with all pertinent books, records and papers. Such documents shall be made available to the parties involved at least seven days prior to the hearing at the office of the Rent Control Board.

d) Open hearings: All rent adjustment hearings shall be open to the public.

e) Right to assistance: All parties to a hearing may have assistance in presenting evidence and developing their position from attorneys, legal workers, tenant union representatives or any other persons designated by said parties.

f) Hearing record: The Board shall make available for inspection and copying by any person an official record which shall constitute the exclusive record for decision on the issues at the hearing. The record of the hearing, or any part of one, shall be obtainable for the cost of copying. The record of the hearing shall include: all exhibits, papers and documents required to be filed or accepted into evidence

during the proceeding; a list of all participants present; a summary of all testimony accepted in the proceeding; a statement of all materials officially noticed; all findings of fact; the ruling on each exception or objection, if any are presented; all recommended decisions, orders or rulings; all final decisions and/or orders; and the reasons for each recommended and each final decision, order or ruling.

g) Decisions: The Board shall make a final decision no later than fifteen days after the conclusion of the hearing. No rent adjustment shall be granted unless supported by the preponderance of the evidence submitted at the hearing. All parties to a hearing shall be sent a notice of the Board's decision and a copy of the findings of fact and law upon which said decision is based. At the same time, parties to the proceeding shall also be notified of their right to judicial review of the decision pursuant to Section 9 of this Charter Amendment.

h) Consolidation: The Board may consolidate petitions relating to rent-controlled units in the same building with the written consent of a majority of the tenants and all such petitions may be considered in a single hearing.

i) Repetition: Notwithstanding any other provision of this Section, the Board may, without holding a hearing, refuse to adjust a maximum rent level upward for an individual rental unit if a hearing has been held with regard to the rental level of such unit within the prior twelve months.

j) Inadequate or false information: If information filed in a petition for rent adjustment or in additional submissions filed at the request of the Board is inadequate or false, no action shall be taken on said petition until the deficiency is remedied.

7. Evictions:

a) No landlord shall bring any action to recover possession of a rent-controlled unit unless:

(1) the tenant has failed to pay the rent to which the landlord is entitled under the rental housing agreements; (2) the tenant has violated an obligation or covenant of her or his tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after having received written notice thereof from the landlord; (3) the tenant is committing or permitting to exist a nuisance in, or is causing substantial damage to, the rent-controlled unit, or is creating a substantial interference with the comfort, safety or enjoyment of the landlord or other occupants of the same; (4) the tenant is convicted of using or permitting a rent-controlled unit to be used for any illegal purpose; (5) the tenant, who had a rental housing agreement which has terminated has refused after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration and in such terms as are not consistent with or violative of any provisions of this Charter Amendment and are materially the same as in the previous agreement; (6) the tenant has refused the

landlord reasonable access to the rent-controlled unit for the purpose of making necessary repairs or improvement required by the laws of the United States, the State of California or any subdivision thereof, or for the purpose of inspection as permitted or required by the rental housing agreement or by law or for the purpose of showing the rental housing unit to any prospective purchaser or mortgagee; (7) the tenant holding at the end of the term of the rental housing agreement is a subtenant not approved by the landlord; (8) the landlord seeks to recover possession in good faith for use and occupancy of herself or himself, of her or his children, parents, brother, sister, father-in-law, mother-in-law, son-in-law or daughter-in-law; or (9) the landlord seeks to recover possession to demolish or otherwise remove the rent-controlled unit from housing use.

b) A landlord seeking to recover possession of a rent-controlled unit shall apply to the Board for a certificate of eviction. Such application shall include a copy of the notice to quit served on the tenant(s) and must contain statements made under pains and penalties of perjury that: (1) there are no outstanding Code violations on the premises or, if there are any, they were all substantially caused by the present tenants; (2) the landlord or her or his agent has properly sent to or personally served on the tenant a notice terminating the tenancy and said notice has taken legal effect; and (3) there exist facts which justify issuance of a certificate of eviction under Section 7 (a).

c) The Board shall notify all concerned tenants of the landlord's application for a certificate of eviction and of their right to contest issuance of such a certificate by requesting a hearing within five (5) days after receiving such notification from the Board. Said notification shall include a copy of the landlord's application and statements and attachments.

d) If the tenant requests such a hearing, the Board shall schedule such a hearing within seven (7) days after receipt of the tenant's request and notify all parties as to the time, date and place of the hearing.

e) At said hearing the burden of proof is on the landlord to prove the facts attested to in her or his application. No eviction certificate shall be issued if: (1) the landlord fails to prove that no Code violations exist on the premises or that any violations which do exist were substantially caused by the present tenant(s); or (2) the eviction is in retaliation for reporting Code violations or violations of this Article, or for organizing other tenants, or for enforcing rights under this Charter Amendment. The provisions of Section 6 (d), (e), (f), (g), (h), (i) and (j) apply in a similar manner to eviction hearings.

f) The Board shall grant or deny the certificate of eviction within five (5) days after a hearing is held on the landlord's application.

g) A landlord who seeks to recover possession of a rent-controlled unit without first obtaining a certificate of eviction or who recovers

possession without first obtaining a certificate of eviction shall be in violation of this Article and shall be subject to the civil penalties available to the Board, the City or the tenant under Section 10. This subsection shall not apply if, after the landlord has applied for a certificate of eviction, the tenant voluntarily abandons the rent-controlled unit. The provisions of this Section shall be construed as additional restrictions on the right to recover possession of rent-controlled units. No provision of this Section shall entitle any landlord to recover possession of such a rent-controlled unit. Upon a decision of the Board concerning the granting or withholding of a certificate of eviction, either party may seek judicial review of this decision in accordance with the provisions of Section 9.

8. Non-Waiverability:

Any provision whether oral or written, in or pertaining to a rental housing agreement whereby any provision of this Article for the benefit of a tenant is waived, shall be deemed to be against public policy and shall be void.

9. Judicial Review:

A landlord or tenant aggrieved by any action, regulation, or decision of the Board may seek judicial review by appealing to the appropriate court within the jurisdiction.

10. Civil Remedies:

a) Any landlord who demands, accepts, receives, or retains any payment of rent in excess of the maximum lawful rent, in violation of the provisions of this Article or any rule, regulation or order hereunder promulgated, shall be liable as hereinafter provided to the tenant from whom such payment is demanded, accepted, received or retained, for reasonable attorney's fees and costs as determined by the court, plus damages in the amount of two hundred dollars ($200.00) or not more than three (3) times the amount by which the payment or payments demanded, accepted, received or retained, whichever is the greater.

b) If the tenant from whom such payment is demanded, accepted, received, or retained in violation of the provisions of this Article or any rule, regulation or order hereinunder promulgated fails to bring an action under this Section within thirty days from the date of the occurrence of the violation, the Board may settle the claim arising out of the violation or bring such action. Thereinafter, the tenant on whose behalf the Board acted is barred from also bringing action against the landlord in regard to the same violation for which the Board has made a settlement. In the event the Board settles said claim, it shall be entitled to retain the costs it incurred in the settlement thereof, and the tenant against whom the violation has been committed shall be entitled to the remainder.

c) A judgement for damages or on the merits in any action under this Section shall be a bar to any recovery under this Section against the same landlord on account of any violation with respect to the same tenant prior to the institution of the action in which such judgement was rendered. Action to recover liquidated damages

under the provisions of this Section shall not be brought later than one year after the date of the violation.

d) The Municipal or Superior Court, as the case might be, within which the rent-controlled unit affected is located shall have jurisdiction over all actions and complaints brought under this Section.

e) Any tenants who have paid in excess of the maximum rent set by the Board as determined at a hearing held by the Board or whose rent was suspended due to a violation of this Article shall be entitled to a refund in the amount of the excess payment. Tenants may elect to deduct such amount of the refund due them from their future rent payments, rather than pursuing the remedy provided under Section 10 (a), provided that they inform the landlord in advance in writing as to their intention to do so. Tenants shall not be penalized by landlords for deducting their refund pursuant to this Section.

f) If a landlord evicts a tenant without a certificate of eviction obtained from the Board, the tenants' obligation to pay rent to the landlord during the period beginning with the date of the actual eviction and continuing for the period in which the tenant is dispossessed for a maximum of one year is automatically suspended and the tenant is entitled to a refund of rent in accordance with the provisions of Section 10 (e).

11. Injunctive Relief: The Board and tenants and landlords of rent-controlled units may seek relief from a Municipal or Superior Court to restrain by injunction any violation of this Article and of the rules, regulations and decisions of the Board.

12. Partial Invalidity: If any provision of this Article or application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

Section B. The first sentance of Section 8, Article V of the Charter of the City of Berkeley is amended to read as follows: "The elective officers of the City shall be a Mayor, an Auditor, eight (8) Council Members, five (5) School Directors, and five (5) Rent Control Board Commissioners."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Berkeley 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.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Berkeley to be affixed hereto, this 21st day of June, 1972.

WARREN WIDENER
Mayor of the City of Berkeley
EDYTHE CAMPBELL
City Clerk of the City of Berkeley

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 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 members elected to each house voting therefor and concurring therein, That said amendments 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 are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said City of Berkeley.

RESOLUTION CHAPTER 97

Senate Concurrent Resolution No. 75—Relative to a recess of the Legislature.

[Filed with Secretary of State August 2, 1972.]

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 Friday, August 4, 1972, until the time set by each house for reassembly on Wednesday, November 8, 1972; provided that this recess shall not constitute the constitutional recess specified in Section 3 of Article IV of the Constitution.

RESOLUTION CHAPTER 98

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by repealing Article II thereof, and adding Article II thereto, relating to elections.

[Filed with Secretary of State August 3, 1972]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1972 Regular Session commencing on the third day of January, 1972, 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 as follows:

First—That Article II thereof be repealed.

Second—That Article II be added thereto, to read:

ARTICLE II

SUFFRAGE

SECTION 1. A United States citizen 18 years of age and resident in this state may vote.

SEC. 2. The Legislature shall define residence and provide for registration and free elections.

SEC. 3. The Legislature shall prohibit improper practices that affect elections and shall provide that no severely mentally deficient person, insane person, person convicted of an infamous crime, nor person convicted of embezzlement or misappropriation of public money, shall exercise the privileges of an elector in this state.

SEC. 4. The Legislature shall provide for primary elections for partisan offices, including an open presidential primary whereby the candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit that he is not a candidate.

SEC. 5. Judicial, school, county, and city offices shall be nonpartisan.

SEC. 6. Voting shall be secret.

RESOLUTION CHAPTER 99

Senate Concurrent Resolution No. 29—Relative to the state park system.

[Filed with Secretary of State August 3, 1972.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Parks and Recreation is requested to acquire some 280 acres of Bureau of Land Management lands in the vicinity of the Ten Mile River in Mendocino County located in Section 4, SW ¼, NW ¼, N ½, SW ¼ (120 acres), Section 8, SE ¼, NE ¼, E ½, SE ¼ (120 acres), and Section 17, SE ¼, SW ¼ (40 acres), T 19 N, R 17 W, M.D.B.M., for inclusion in the state park system; 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 100

Senate Concurrent Resolution No. 36—Relative to state parks.

[Filed with Secretary of State August 3, 1972.]

WHEREAS, The Department of Parks and Recreation is completing the acquisition of the Ten Mile River dunes in Mendocino County and will proceed with plans for the public use of the area as a unit of the state park system; and

WHEREAS, Within these dunes there lies the Inglenook Fen, a marshy place which, although small in size, possesses remarkable scientific significance; and

WHEREAS, Protection of the scientific value of this fen in conjunction with the public use of the surrounding lands will require a high degree of specialized understanding and planning on the part of the Department of Parks and Recreation; 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 solicit assistance from appropriate scientific, educational, and conservation agencies for the purpose of undertaking studies directed at an understanding of the scientific significance of the ecological communities existing in the Ten Mile River beach, dunes, and estuary area, and particularly in the Inglenook Fen, sufficient to serve as a basis for those land acquisition, development and protection measures required to maintain in perpetuity the biologic integrity of such sites; and be it further

Resolved, That the Department of Parks and Recreation report its progress on such studies and plans to the Legislature no later than the fifth calendar day of the 1974 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 101

Senate Concurrent Resolution No. 41—Relating to the Frank P. Belotti Bridge and the Jack Schrade Bridge.

[Filed with Secretary of State August 3, 1972.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the bridge numbered 04-212, located on State Highway Route 101 over the South Fork of the Eel River, is hereby officially designated the Frank P. Belotti Bridge; and be it further

Resolved, That the bridge numbered 57-720 R & L, also known as the Mission Valley Viaduct, located on Interstate Route 805 at the Interstate 8/805 Interchange, is hereby officially designated the Jack

Schrade Bridge; 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, or for the National System of Interstate and Defense Highways, as the case may be, showing these official designations; 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 102

Senate Concurrent Resolution No. 78—Approving an amendment to the Charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the special municipal election held on June 6, 1972.

[Filed with Secretary of State August 3, 1972.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment hereinafter set forth to the Charter of The City of San Diego, a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the Deputy Mayor and City Clerk of said City as follows, to wit:

State of California, }
County of San Diego } ss.

We, the undersigned, Floyd L. Morrow, Deputy Mayor of The City of San Diego, and Edward Nielsen, City Clerk of said City, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation, is now and since the year 1931 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the then effective provisions of Section 8, Article XI of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Sections 3 and 5, 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 San Diego certain amendments to the Charter of the said City, which amendments were designated as Propositions A and B, and submitted said propositions to the qualified electors of the City of San Diego at the special municipal election held on June 6, 1972.

That said proposed charter amendments were published and advertised in the San Diego Daily Transcript, a daily newspaper of general circulation published in the City of San Diego, and the

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official newspaper of said City, and in each edition thereof during the day of publication, to wit: April 7, 1972.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said City, and that until the date fixed for the election herein described, a notice was advertised and published in the San Diego Daily Transcript, a daily newspaper of general circulation published in the City of San Diego, 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 the The City of San Diego.

That such copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City until the date fixed for said election. That said proposed amendments were submitted to the qualified electors of said City at said special municipal election held in said City.

That at said election on the said proposed amendments to the Charter of The City of San Diego, a majority of the qualified voters of the City voting on said proposed amendments voted in favor of Proposition A and said proposed amendment was ratified by a majority of the qualified electors of said City voting thereon. That all of said proceedings were duly and regularly had and taken in accordance with the Constitution of the State of California and the Charter of The City of San Diego and the laws of the State of California.

That as to the amendment of the Charter of The City of San Diego 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 amendment to the Charter of The City of San Diego, which was so ratified by a majority of the electors of said City, is in words and figures as follows:

Proposition A

Add Section 103.1a to Article VII of the Charter of The City of San Diego to read as follows:

Section 103.1a Environmental Growth Fund.

There is hereby created a fund in the City Treasury, to be known as the Environmental Growth Fund. Into this fund each year there shall be placed 25 percent of all moneys derived from the revenues accruing to the City from any franchises for the transmission and distribution of gas, electricity and steam within the City of San Diego.

The Environmental Growth Fund shall be used exclusively for the purpose of preserving and enhancing the environment of the City of San Diego in whatever manner is deemed appropriate by the City Council of The City of San Diego; provided, however, that two-thirds of the moneys paid into the Environmental Growth Fund shall be used exclusively as debt service for bonds of any nature issued for the

acquisition, improvement and maintenance of open space to be used for park or recreational purposes. In connection with the issuance of any general obligation bonds for the acquisition, improvement and maintenance of open space to be used for park or recreational purposes, the Council may pledge up to two-thirds of the Environmental Growth Fund to the payment or security of such general obligation bonds and the interest thereon and may so state in any ordinance calling an election authorizing the issuance of said general obligation bonds. If there are no such bonds outstanding or if two-thirds of the moneys paid into the Environmental Growth Fund exceed the amount necessary to service any outstanding bonds issued for the above purposes in any fiscal year, then in those events, and those events only, the moneys set aside for debt service of said bonds or that portion of said moneys which is not needed for debt service of said bonds, shall be used, if at all, exclusively for the purpose of preserving and enhancing the environment of the City of San Diego in whatever manner is deemed appropriate by the City Council of The City of San Diego.

and we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of The City of San Diego with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 20th day of July 1972.

(SEAL)

FLOYD L. MORROW
Floyd L. Morrow
Deputy Mayor of The City
of San Diego, California
EDWARD NIELSEN
Edward Nielsen
City Clerk of The City
of San Diego, California

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 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 San Diego, as proposed to and adopted and ratified by the electors of the City, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration

or amendment, for and as an amendment to and as part of the Charter of The City of San Diego.

RESOLUTION CHAPTER 103

Senate Concurrent Resolution No. 79—Relative to the revision of the Penal Code.

[Filed with Secretary of State August 3, 1972.]

WHEREAS, It is being proposed that the Legislature revise the Penal Code and adopt a new Criminal Code, which has been the subject of extensive study by the Joint Legislative Committee for the Revision of the Penal Code; and

WHEREAS, The ultimate policy recommendations relating to the adoption of the Criminal Code will be made by standing committees of the Senate and the Assembly; and

WHEREAS, It is in the best interests of the people of the State of California that further public hearings be held on the matter of the adoption of the Criminal Code; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the subject of the proposed adoption of the Criminal Code is hereby assigned to both the Senate Judiciary Committee and the Assembly Committee on Criminal Justice for interim study.

RESOLUTION CHAPTER 104

Senate Joint Resolution No. 18—Relative to mine safety.

[Filed with Secretary of State August 3, 1972]

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 support and enact legislation which would provide up to 50 percent funding for mine safety programs in states which have chosen to retain jurisdiction over mine safety; 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.

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RESOLUTION CHAPTER 105

Senate Joint Resolution No. 25—Relative to adequate educational benefits for Vietnam veterans.

[Filed with Secretary of State August 3, 1972.]

WHEREAS, More than two million American veterans of the Vietnam war face adjustment to civilian life; and

WHEREAS, That adjustment has been made more difficult by persistent inflation and chronic unemployment in our economy; and

WHEREAS, Generally, education benefits have declined for veterans, since for military service in World War II, returning servicemen received full tuition fees and the cost of books and were given a minimum of $75 monthly for living expenses, while single servicemen returning from Vietnam receive only $175 a month for all expenses including tuition, or up to $230 if they have two dependents; 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 give full consideration to higher educational benefits for Vietnam veterans; 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 Concurrent Resolution No. 47—Relative to rural railroad crossings.

[Filed with Secretary of State August 3, 1972]

WHEREAS, Considerable effort and funds are being expended to reduce accident hazards at locations where railroad tracks cross heavily traveled public highways; and

WHEREAS, The risk of serious accidents still exists at locations where high speed rail lines cross lightly traveled public rural roads; and

WHEREAS, Every effort should be exerted to assure that persons using all roads in this state are adequately protected; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works, in cooperation with representatives of county government, is hereby

requested to conduct a study of highway markings at railroad grade crossings of lightly traveled rural roads, which study shall include the development of a tentative system of placement of reflectorized raised pavement markings to reinforce existing painted highway markings used at grade railroad crossings and pilot installations of the tentative marking systems at one or more locations in the state; and be it further

Resolved, That the department submit a report of its findings and recommendations to the Legislature on or before April 1, 1973, such report to include an estimate of the cost of statewide implementation of the tentative marking systems; 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 107

Assembly Concurrent Resolution No. 62—Relative to factory-built housing.

[Filed with Secretary of State August 3, 1972]

WHEREAS, California is suffering an acute housing shortage due to the fact that houses cannot economically be provided for lower and moderate income families; and

WHEREAS, Factory-built housing is the construction industry's only reasonable hope for achieving home ownership for lower and moderate income families; and

WHEREAS, A major obstacle in achieving a wide market for factory-built housing is the transportation of such housing to the homesite; and

WHEREAS, Limits on the width and overhang of units being transported create an added cost of $1,400 per unit for transport; and

WHEREAS, The reduced costs achieved thereby would make it possible for families in lower and moderate income brackets to purchase factory-built housing; and

WHEREAS, It is also recognized that factory-built housing units are wider than many highway lanes in the state and should, therefore, be permitted to be hauled on the public highways only under permit conditions that assure adequate safety and convenience to all persons using such highways; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests the Department of Public Works to determine under what circumstances the safe movement of factory-built housing units can be accomplished on the state highway system, and to establish appropriate procedures therefor, with particular emphasis being paid to:

Allowing the transportation of factory-built housing 12 feet 6 inches in width, where feasible, on a permit basis.

Allowing the transportation of housing units with eaves or overhangs extending, on the curb side, to 14 feet, where feasible and by permit only (the size of the housing unit itself would remain at 12 feet 6 inches);

and be it further

Resolved, That the Department of Public Works submit a report to the Legislature by the 30th calendar day of the 1973 Regular Session of the Legislature on what action it has taken pursuant to this resolution, including in the report the basis for its determination of under what circumstances the safe movement of factory-built housing units can be accomplished and any procedures adopted therefor; 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 108

Assembly Concurrent Resolution No. 64—Relative to increased retirement benefits for members of the Public Employees' Retirement System.

[Filed with Secretary of State August 3, 1972]

WHEREAS, Chapter 170, Statutes of 1971, increased retirement benefits for members of the Public Employees' Retirement System, and in so doing expressly acted not to extend these increased benefits to members who had previously retired from the system; and

WHEREAS, A number of state agencies have selectively reemployed other retired members of the system, making it possible for these individuals to gain the increased benefits after serving only one additional year, which benefits are otherwise only accorded to current employees; and

WHEREAS, These reemployed persons include highly placed former officials whose increased retirement benefits will be very substantial; and

WHEREAS, Certain of these reemployed persons have already indicated that it is their intention to retire again as soon as they serve the one year required under the new retirement program; and

WHEREAS, The effect of such reemployment, and resulting increased retirement benefits to these individuals, will impose an additional financial burden on the retirement system which was not contemplated in the Legislature's evaluation of the cost of Chapter 170, and also constitutes a precedent for other retired employees to seek reemployment, thereby subverting the purpose of the earlier retirement features of the act; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is the intent of the Legislature that state agencies may not offer reemployment to retired members of the

Public Employees' Retirement System who retired prior to July 1, 1971, unless the employees have retired for disability and have been rehabilitated, or their services are necessary to the functioning of that agency, in the opinion of an agency administrator, and such services are obtained by means of a contract which does not provide for the increased retirement benefits in Chapter 170, Statutes of 1971; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Secretary for Agriculture and Services, the Secretary for Business and Transportation, the Secretary for Human Relations, the Secretary for Resources, and the State Personnel Board.

RESOLUTION CHAPTER 109

Assembly Joint Resolution No. 35—Relative to the Santa Ynez River Flood Protection Project—San Miguelito Watershed.

[Filed with Secretary of State August 3, 1972]

WHEREAS, In 1951 and 1952 the United States Soil Conservation Service, in cooperation with the Lompoc Soil Conservation District, constructed the Santa Ynez River Flood Protection Project—San Miguelito Watershed, consisting of a debris basin and earthen channel to carry floodwaters directly across a flood plain to the Santa Ynez River; and

WHEREAS, At the time of the original construction the purpose of the project, hereinafter referred to as the Miguelito Project, was to protect 3,000 acres of farmland west of the City of Lompoc, and the project was therefore designed for a capacity of 1,575 c.f.s., which was considered the yield of a 25-year storm for the drainage area; and

WHEREAS, Since the construction of the original project in 1951 and 1952, conditions have substantially changed in that (1) the population of the City of Lompoc has increased from 7,500 to 26,000, due primarily to the expansion of Vandenberg Air Force Base, (2) provisions have now been made for the diversion of surface storm waters from the city into the existing Miguelito Channel Project, (3) further expansion of the city is probable due to expected new programs at Vandenberg Air Force Base, and (4) because of recent developments in the state of the science and art of hydrology it has recently been determined that the original estimate of the watershed runoff was underestimated; and

WHEREAS, Recent studies now indicate a need for expansion of the existing Miguelito Project so that it will have an increased capacity to a total of 7,700 c.f.s. which is the estimated capacity to safely divert the runoff of a 100-year-frequency storm; and

WHEREAS, The presently existing lack of capacity of the Miguelito Project endangers the existing federal and local investment in the

present project which could be destroyed by a storm in excess of its capacity; and

WHEREAS, The Santa Barbara County Board of Supervisors has advanced $30,000 for the preparation of necessary new bridge designs, which are now completed, and the Santa Barbara County Flood Control and Water Conservation District has funds available and will provide safety fencing for the entire project and will accept the responsibility for maintenance of the project upon completion; and

WHEREAS, The City of Lompoc will provide funds for bridge betterments not covered by the Department of Water Resources allocation; and

WHEREAS, Due to the foregoing there is an urgent need to immediately construct the necessary improvements for the expansion of the Miguelito Project; 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 United States Soil Conservation Service to provide funds for the construction of necessary improvements to increase the level of protection of the Santa Ynez River Flood Protection Project—San Miguelito Watershed; 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 Administrator of the United States Soil Conservation 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 110

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 21 of Article XX thereof, relating to workmen's compensation.

[Filed with Secretary of State August 4, 1972]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1972 Regular Session commencing on the third day of January, 1972, 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 21 of Article XX to read:

SEC. 21. The Legislature is hereby expressly vested with plenary power, unlimited by any provision of this Constitution, to create, and enforce a complete system of workmen's compensation, by appropriate legislation, and in that behalf to create and enforce a

liability on the part of any or all persons to compensate any or all of their workmen for injury or disability, and their dependents for death incurred or sustained by the said workmen in the course of their employment, irrespective of the fault of any party. A complete system of workmen's compensation includes adequate provisions for the comfort, health and safety and general welfare of any and all workmen and those dependent upon them for support to the extent of relieving from the consequences of any injury or death incurred or sustained by workmen in the course of their employment, irrespective of the fault of any party; also full provision for securing safety in places of employment; full provision for such medical, surgical, hospital and other remedial treatment as is requisite to cure and relieve from the effects of such injury; full provision for adequate insurance coverage against liability to pay or furnish compensation; full provision for regulating such insurance coverage in all its aspects, including the establishment and management of a State compensation insurance fund; full provision for otherwise securing the payment of compensation; and full provision for vesting power, authority and jurisdiction in an administrative body with all the requisite governmental functions to determine any dispute or matter arising under such legislation, to the end that the administration of such legislation shall accomplish substantial justice in all cases expeditiously, inexpensively, and without incumbrance of any character; all of which matters are expressly declared to be the social public policy of this State, binding upon all departments of the State government.

The Legislature is vested with plenary powers, to provide for the settlement of any disputes arising under such legislation by arbitration, or by an industrial accident commission, by the courts, or by either, any, or all of these agencies, either separately or in combination, and may fix and control the method and manner of trial of any such dispute, the rules of evidence and the manner of review of decisions rendered by the tribunal or tribunals designated by it; provided, that all decisions of any such tribunal shall be subject to review by the appellate courts of this State. The Legislature may combine in one statute all the provisions for a complete system of workmen's compensation, as herein defined.

The Legislature shall have power to provide for the payment of an award to the state in the case of the death, arising out of and in the course of the employment, of an employee without dependents, and such awards may be used for the payment of extra compensation for subsequent injuries beyond the liability of a single employer for awards to his employees.

Nothing contained herein shall be taken or construed to impair or render ineffectual in any measure the creation and existence of the industrial accident commission of this State or the State compensation insurance fund, the creation and existence of which, with all the functions vested in them, are hereby ratified and confirmed.

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RESOLUTION CHAPTER 111

Senate Constitutional Amendment No. 59—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 1¼a of Article XIII thereof, relating to property taxation.

[Filed with Secretary of State August 4, 1972]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1972 Regular Session commencing on the third day of January, 1972, 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 1¼a of Article XIII thereof to read:

SEC. 1¼a. The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of:

(a) every resident of this state who, by reason of his or her military or naval service, is qualified for the exemption provided in Section 1¼ of this article, without regard to any limitation contained therein on the value of property owned by such person or his or her spouse, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service due to the loss, or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, has received assistance from the Government of the United States in the acquisition of such property, or:

(b) every resident of this state who, by reason of his or her military or naval service, is qualified for the exemption provided in Section 1¼ of this article, without regard to any limitation contained therein on the value of property owned by such person or his or her spouse, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service (1) has suffered the loss, or loss of use of both arms, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, or (2) is blind in both eyes with a visual acuity of 5/200 or less and has suffered the loss or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of one lower extremity or one arm or (3) has suffered the loss or loss of use, as a result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both an upper and lower extremity, or:

(c) the surviving spouse of every such person qualifying for an exemption under subdivision (a) or (b), if the home was acquired as described in subdivision (a) or (b); except that such exemption shall not extend to more than one home nor exceed ten thousand dollars ($10,000) for any person, for any person and his or her spouse, or for the surviving spouse of such person. This exemption shall be in lieu

of the exemption provided in Section 1¼ of this article.

Where such totally disabled person, such person and his or her spouse, or the surviving spouse of such person, sells or otherwise disposes of such property and thereafter acquires, with or without the assistance of the Government of the United States, any other property which such totally disabled person, such person and his or her spouse, or the surviving spouse of such person, occupies habitually as a home, the exemption allowed pursuant to the first paragraph of this section shall be allowed to such other property.

This section shall not apply to a surviving spouse upon his or her remarriage.

RESOLUTION CHAPTER 112

Senate Concurrent Resolution No. 9—Relative to the recycling of waste.

[Filed with Secretary of State August 4, 1972.]

WHEREAS, Measures to encourage the recycling of solid waste materials will contribute to the conserving of our natural resources and the providing of a better environment for all the people of California; and

WHEREAS, An active state role in the development of recycling techniques through research, financial assistance, tax incentives, and other measures may encourage the increased recycling of solid waste materials; and

WHEREAS, There exists the possibility of securing federal funds for research and planning from the Environmental Protection Agency, on the condition that there is statutory authority for a department, board, or commission to implement a solid waste program in California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Secretary of the Resources Agency, upon the enactment of legislation establishing a solid waste program in California, is directed to assign to the appropriate department or board in his agency, as specified by such statute, the conduct of a comprehensive study of measures to promote the recycling of solid waste materials and to include in such study an inventory of all waste materials and all material processors within the State of California, and to report thereon, including recommendations for any legislation to promote the recycling of solid waste materials, to the Legislature not later than the fifth calendar day of the 1974 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 113

Assembly Concurrent Resolution No. 32—Relative to motor vehicle registration.

[Filed with Secretary of State August 4, 1972]

WHEREAS, In view of the large number of motor vehicles registered in this state, it may be desirable to register them on a year-around basis; and

WHEREAS, The Department of Motor Vehicles has had a year of experience in year-around registration of motorcycles and this method of registration may be feasible for motor vehicles in general; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests the Department of Motor Vehicles to prepare a report on the feasibility of year-around registration of motor vehicles and submit the report to the Legislature by July 1, 1973; 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 114

Assembly Concurrent Resolution No. 68—Relative to the Benbow Dam.

[Filed with Secretary of State August 4, 1972.]

WHEREAS, The removal of the Benbow Dam on the Eel River may exceed the cost of construction of fish ladders and bypasses to allow fish access to waters above the dam; and

WHEREAS, The 40-acre lake created by the dam, which is intensively used for recreation purposes, provides great stimulus to the local economy which would suffer by the removal of the dam; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby direct the Department of Fish and Game and the Department of Parks and Recreation to submit to the Legislature a plan for removal or modification of the Benbow Dam on the Eel River no later than the fifth calendar day of the 1973 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of the Department of Fish and Game and the Director of Parks and Recreation.

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RESOLUTION CHAPTER 115

Assembly Concurrent Resolution No. 75—Relative to awarding Fred Clawson.

[Filed with Secretary of State August 4, 1972.]

WHEREAS, Section 13926 of the Government Code provides that awards may be made to state employees in excess of $150 when such awards are approved by concurrent resolution of the Legislature; and

WHEREAS, An award of $150 has already been made to Fred Clawson, Department of Water Resources, for a suggestion which results in recurring added annual net income of $868,200 by design changes increasing the dependable capacities of the Oroville-Thermalito powerplants; and

WHEREAS, The State Merit Award Board, after extensive study, has recommended an award of thirty-two thousand five hundred ninety dollars ($32,590) which is 3.75 percent of one year's added net revenue arising from Mr. Clawson's suggestion; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That an additional award of thirty-two thousand four hundred forty dollars ($32,440) is hereby authorized to Fred Clawson, Department of Water Resources; 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 116

Assembly Concurrent Resolution No. 93—Relative to State Highway Route 11.

[Filed with Secretary of State August 4, 1972.]

WHEREAS, Pasadena Freeway, originally known as the Arroyo Seco Parkway, was the first experimental limited access highway in California; and

WHEREAS, Increasing traffic volume has made the freeway substandard in terms of dangerously narrow lane widths, radius of curves, and limited access to off and on ramps; and

WHEREAS, An accurate cost analysis study of urgently needed upgrading of the Pasadena Freeway to more efficiently accommodate current and projected traffic loads has not been undertaken; 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 on the nature and extent of improvements to the Pasadena Freeway (Route 11) between Route

5 and Pasadena to accommodate traffic volumes projected to the year 1990 which study shall include the estimated cost of such improvements necessary to meet present state standards; and be it further

Resolved, That the department report the results of its study to the Legislature on or before April 15, 1973; and be it further

Resolved, That nothing in this resolution shall be directly or indirectly construed to deter the earliest possible completion of that portion of Route 7 within the city limits of Pasadena from Interchange 134, 210 to the most southerly boundary of Pasadena; and be it further

Resolved, That a copy of this resolution be transmitted to the Director of Public Works.

RESOLUTION CHAPTER 117

Assembly Concurrent Resolution No. 110—Relative to alcoholic beverage licenses.

[Filed with Secretary of State August 4, 1972]

WHEREAS, Beer generally is sold in California through wholesale distributors; and

WHEREAS, No quantity discounts are allowed in sales of beer by any supplier to any retailer; and

WHEREAS, Some beer, however, is sold directly from the brewery to the retailer in carload lots, and because of the size of such transactions, only large chain supermarkets have the individual buying power to take advantage of such purchases; for example, a supermarket chain is able to buy such quantities of beer and parcel the beer out among the chain's own retail stores; and

WHEREAS, Certain retail dealers banded together for the purpose of cooperative buying and have been using this vehicle to mutually share in volume purchases; and

WHEREAS, The Department of Alcoholic Beverage Control is presently seeking revocation of wholesale beer and wine licenses, held by some such retailer-owned purchasing organizations, under provisions of the Alcoholic Beverage Control Act prohibiting tied-house arrangements; and

WHEREAS, If such licenses are revoked, it is alleged that supermarket chains may gain competitive advantage for which the Legislature may wish to grant legislative relief; and

WHEREAS, The wholesale beer and wine licenses under review have been held for many years, thus there is no urgency to suspend or revoke such licenses in order to control alcoholic beverage marketing practices; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Alcoholic Beverage

Control be requested to withhold final decision as to license revocation proceedings affecting such retailer-owned purchasing organizations until the Legislature has had an opportunity to fully investigate the issues involved and to determine whether legislative relief should be granted; and be it further

Resolved, That this resolution shall have no force or effect after January 31, 1973.

RESOLUTION CHAPTER 118

Assembly Joint Resolution No. 21—Relative to embargoes on products.

[Filed with Secretary of State August 7, 1972]

WHEREAS, The use of dangerous drugs has increased to an alarming proportion which has a far-reaching and disastrous effect on the physical, mental, and moral fiber of our society; and

WHEREAS, The most dangerous of these drugs are derivatives of agricultural crops grown for profit in many areas of the world; and

WHEREAS, Those countries where such crops are grown as well as those countries known to be places of processing and distribution centers for the usable concentrates have, according to the Federal Bureau of Narcotics, overtly condoned, or at least have been unduly lax in, the control of these products; and

WHEREAS, In the best interests of all the people of the United States, it is imperative that such traffic cease forthwith; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to immediately take such action as is in their power to embargo all importation of all products from any country known to be directly or indirectly involved in dangerous drug production or traffic; and be it further

Resolved, That all direct aid now extended by the United States to any such country be immediately terminated; 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 119

Assembly Joint Resolution No. 34—Relative to strip and open-pit mining in the Los Padres National Forest.

[Filed with Secretary of State August 7, 1972.]

WHEREAS, A proposed phosphate pit mine operation under federal lease in the Los Padres National Forest in Ventura County about 25 miles north of the City of Ventura would cause serious and irreparable harm to the environment; and

WHEREAS, The operation would be located adjacent to State Highway Route 33, a proposed scenic highway, would be expected to last at least 50 years, would use a million gallons of water per day, and would emit more sulfur dioxide into the air than all existing sources in Ventura County combined; and

WHEREAS, To allow such a strip or open-pit mining operation to be conducted on federal lands in this area would be inconsistent with the National Environmental Policy Act of 1969; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take all steps necessary to prevent strip and open-pit mining in the Los Padres National Forest; 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 120

Assembly 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 adding Article III, Section 44 to Article XIII, and Section 5 to Article XX thereof, and by repealing Section 3 of Article I, Articles III, X, and Sections 1, 6, and 16 of Article XX, and Article XXI thereof, relating to constitutional revision.

[Filed with Secretary of State August 8, 1972]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1972 Regular Session commencing on the third day of January, 1972, 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 as follows:

First—That Section 3 of Article I is repealed.
Second—That Article III is repealed.
Third—That Article III is added to read:

ARTICLE III

STATE OF CALIFORNIA

SEC. 1. The State of California is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land.

SEC. 2. The boundaries of the state are those stated in the Constitution of 1849 as modified pursuant to statute. Sacramento is the capital of California.

SEC. 3. The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution.

SEC. 4. Salaries of elected state officers may not be reduced during their term of office. Laws that set these salaries are appropriations.

SEC. 5. Suits may be brought against the state in such manner and in such courts as shall be directed by law.

Fourth—That Article X is repealed.

Fifth—That Section 44 is added to Article XIII, to read:

SEC. 44. The Legislature, in connection with any change, alteration or redefinition of state boundaries may provide for and deal with all matters involving the taxation or the exemption from taxation of any real or personal property involved in, or affected by, such change, alteration or redefinition of state boundaries.

Sixth—That Section 1 of Article XX is repealed.

Seventh—That Section 5 is added to Article XX, to read:

SEC. 5. The labor of convicts shall not be let out by contract to any person, copartnership, company or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the state.

Eighth—That Section 6 of Article XX is repealed.

Ninth—That Section 16 of Article XX is repealed.

Tenth—That Article XXI is repealed.

RESOLUTION CHAPTER 121

Assembly Concurrent Resolution No. 52—Relative to the proposed federal program of assistance for the aged.

[Filed with Secretary of State August 8, 1972]

WHEREAS, H.R. 1 is a federal bill currently pending in Congress which if enacted would amend the Social Security Act and make far-reaching changes in the existing welfare structure affecting citizens in every state; and

WHEREAS, H.R. 1 would establish a federal income floor for adult public assistance categories under federally administered eligibility and payment functions; and

WHEREAS, The federal income floor would be lower than the amount of assistance received by recipients in some states and a state may, but would not be required to, provide supplemental aid; and

WHEREAS, Many recipients of California's aid to the aged program are paid more than the amount that would be authorized under H.R. 1; and

WHEREAS, It is the policy and commitment of this state to provide for the protection, care and assistance of our aged persons in need thereof by providing appropriate aid and services and this state intends to fulfill its commitment; 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 declares its policy and commitment to the needy aged persons of this state not to reduce the current state level of assistance in the event H.R. 1 is enacted.

RESOLUTION CHAPTER 122

Assembly Concurrent Resolution No. 108—Relative to fairs.

[Filed with Secretary of State August 8, 1972]

WHEREAS, The Advisory Committee on the California Fair Program, appointed by the Director of Agriculture, has been meeting without general public knowledge of its existence or objectives relative to the importance of the fair industry of this state; and

WHEREAS, The Commission on California State Government Organization and Economy has expressed interest in this committee as a vehicle to implement recommendations stemming from their studies of the fairs in this state during 1971; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby direct the Advisory Committee on the California Fair Program to hold public hearings

in geographic areas of the state where fairs are located to obtain public expression on any matter being considered by the committee pertaining to fairs.

RESOLUTION CHAPTER 123

Assembly Concurrent Resolution No. 77—Relative to making additional funds available to the Joint Legislative Audit Committee.

[Filed with Secretary of State August 9, 1972]

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 seventy-five thousand dollars ($875,000), 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 Treasury.

RESOLUTION CHAPTER 124

Assembly Concurrent Resolution No. 122—Approving an amendment to the Charter of the City of Chico, State of California, ratified by the qualified electors of the city at a special municipal election consolidated with the state primary election held therein on the sixth day of June, 1972.

[Filed with Secretary of State August 9, 1972]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment 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:

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 Chico, a municipal corporation of the County of Butte, State of California, as set forth in the certificate of the Mayor and City Clerk of said City, as follows, to wit:

State of California,
County of Butte } ss.
City of Chico

We, the undersigned, Eric Bathen, 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 mentioned herein been, and now is, a City of the State of California, containing a population of more than thirty-five hundred (3,500) 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 virtue 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 6th 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 3, Article XI of the Constitution of the State of California, by resolution adopted the 7th day of March, 1972, 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 June, 1972, at a special municipal election called by said resolution to be held on said day, which said day was fixed in said resolution as the date for voting on said proposed amendment. That said resolution requested the Board of Supervisors of the County of Butte to cause said election to be consolidated with the statewide primary election to be held in the County of Butte including the City of Chico, on June 6, 1972, pursuant to Section 23300, et seq. of the Elections Code, and that pursuant to said request said election was duly consolidated.

That the proposed amendment as set out in said resolution and as submitted at the said election, all as hereinafter set out, was published; that said election was duly held pursuant to said call and after due and legal notice given, and a majority of the qualified electors voted thereon, voting in favor of said amendment as determined by a canvass of the returns of the said election duly made by Council of the City of Chico, and said Council did by Resolution No. 173 71-72 duly and regularly adopt and declare the results of said election insofar as it concerned a proposed charter amendment as follows:

Total votes cast ..... 6,209.

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Total number of votes cast in favor of and against said Charter Amendment was as follows:

Measure (A) (Amendment of	Yes	No
Charter Section 1505)	4,939	1,270

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 3, Article XI of the Constitution of the State of California, and which is in words and figures as follows:

AMENDMENT TO THE CHARTER OF THE CITY OF CHICO

That Section 1505 of the Charter of the City of Chico be amended, and as amended to read as follows:

Section 1505. Violations; Penalties.

A violation of any provision of this Charter or of any ordinance or resolution of the City, or any order issued by any officer, agent or employee of the City pursuant to such ordinance or resolution shall be deemed an infraction unless such provision shall otherwise provide that such violation is a misdemeanor. Unless such provision provides a lesser penalty, all infractions, and all misdemeanors where provided for, shall be punished by a fine and/or imprisonment not exceeding the maximum penalty provided by the Penal Code of the State of California for such infraction or misdemeanor. A minimum penalty, not in excess of the maximum penalty provided in the Penal Code of the State of California for infractions and misdemeanors may be adopted by ordinance with respect to any particular violation.

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 out hands and caused the seal of the City of Chico to be affixed hereto this 28 day of June, 1972.

(SEAL)

ERIC J. BATHEN
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 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 Chico, 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 Chico.

RESOLUTION CHAPTER 125

Assembly Concurrent Resolution No. 33—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 August 9, 1972]

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, W. Craig Biddle, Clark L. Bradley, Clair W. Burgener, Dennis E. Carpenter, Tom Carrell, Randolph Collier, 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, David A. Roberti, 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, Yvonne W. Brathwaite, John V. Briggs, Bill Brophy, 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, Bill Lancaster, 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, Newton R. Russell, Leo J. Ryan, 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, Bob 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 126

Assembly Concurrent Resolution No. 50—Relative to dangerous drugs.

[Filed with Secretary of State August 9, 1922]

WHEREAS, The effect of dangerous drugs on the physical, mental, moral, and economic well-being of all the people of the State of California has reached disastrous proportions; and

WHEREAS, Those drugs derived and processed from agricultural crops grown for profit in countries other than the United States constitute the major problem in control of drug supply; and

WHEREAS, Those countries described by the Federal Bureau of Narcotics as being major producers, processors, and distributors of such drugs are not taking adequate steps to bring an end to the traffic in such drugs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests all individual citizens and businesses of this state currently consuming, purveying, and selling products from any of the countries ascribed to be contributing in any major way to the production, processing, and distribution of such drugs, to begin at once a voluntary boycott of such products and continue the boycott until such time as there is an appreciable and acknowledged improvement in the steps taken to halt the traffic in such drugs.

RESOLUTION CHAPTER 127

Assembly Concurrent Resolution No. 102—Relative to state civil service.

[Filed with Secretary of State August 9, 1972]

WHEREAS, Numerous state civil service positions require fluency in a language other than English; and

WHEREAS, No additional compensation is provided for such positions; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California State Personnel Board report to the Legislature by November 1, 1972, with respect to the following:

(1) The number of state civil service jobs which require the use of a second language.

(2) The criteria applied in deciding which jobs shall have a second language as a prerequisite.

(3) Whether additional compensation should be granted to persons required to use a second language as part of their job, including, but not limited to:

(a) Creation of a new classification.

(b) A one- or two-step salary increase at the entry level.

(c) A fixed percentage pay increase.

(d) A fixed dollar amount pay increase.

(4) A recommendation on appropriate policy for application throughout state service.

RESOLUTION CHAPTER 128

Senate Constitutional Amendment No. 70—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 1¼c to Article XIII thereof, relating to taxation.

[Filed with Secretary of State August 9, 1972]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1972 Regular Session commencing on the third day of January, 1972, two-thirds of the

members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 1¼c to Article XIII thereof, to read:

SEC. 1¼c. The Legislature may exempt, in whole or in part, from ad valorem taxation, any air, water, or noise pollution control facility.

The term "air, water, or noise pollution control facility" means real or personal property, or a combination of both, in the form of machinery, equipment, installations, devices, fixtures or systems and includes that portion of a commercial or manufacturing unit, system, or process identified as property which removes, eliminates, reduces, or controls air, water, or noise pollution so as to produce results which meet or exceed pollution control standards required by applicable law and regulation.

A building is not within the definition of an "air, water, or noise control facility" unless the building is exclusively such a facility.

The Legislature shall have plenary power to define the terms used in this section.

The Legislature shall provide by general laws for subventions to counties, cities and counties, cities, and districts in this state an amount equal to the amount of revenue lost by each such county, city and county, city, and district by reason of any act adopted pursuant to this section. Any act adopted pursuant to this section shall contain an estimate of subvention required for the initial fiscal year in which such act is operative.

RESOLUTION CHAPTER 129

Senate Concurrent Resolution No. 69—Relative to the Joint Legislative Committee on Siting of Teaching Hospitals.

[Filed with Secretary of State August 9, 1972]

WHEREAS, The Legislature is concerned with the shortage and inequitable distribution of physicians and allied health manpower in California and the burden of this problem weighs most heavily on the poor who reside in the inner city and rural parts of the state; and

WHEREAS, Improvement in the delivery of health services is critically dependent upon the increased production and improved distribution of physicians and allied health manpower; and

WHEREAS, The impact of the new Charles R. Drew Postgraduate Medical School needs to be studied in relation to new approaches to medical education and community service and its location in the heart of an underserved part of the City of Los Angeles provides a unique opportunity to strengthen the system of delivering care and attracting more students to health careers; and

WHEREAS, The completion of the Los Angeles County Martin L. King Hospital, a modern clinical and teaching facility, presents many

advantages for the development of an expanded program to include undergraduate medical education; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Legislative Committee on Siting of Teaching Hospitals shall conduct a study to determine the feasibility and requirements to expand the activities of the Charles R. Drew Postgraduate Medical School to include undergraduate medical education, and shall report its findings and recommendations for legislation to the Legislature no later than the fifth calendar day of the 1975 Regular Session of the Legislature.

RESOLUTION CHAPTER 130

Senate Concurrent Resolution No. 45—Relative to passenger carriers.

[Filed with Secretary of State August 10, 1972]

WHEREAS, It has come to the attention of the Legislature that many passengers utilizing surface transportation systems in this state are inconvenienced or delayed due to lost or mishandled baggage; and

WHEREAS, It is the practice of many of these carriers to send a passenger's baggage on a different vehicle than the vehicle carrying the passenger, and in some cases the passenger's baggage is delayed an unreasonable length of time; and

WHEREAS, There have been complaints that claims for lost baggage have not been processed promptly or to the satisfaction of the claimant; and

WHEREAS, Carriers of passengers operating in this state are subject to regulation by the Public Utilities Commission; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Public Utilities Commission is hereby requested to investigate the methods in handling baggage and in processing claims related to lost baggage by carriers of passengers under its jurisdiction utilizing surface transportation systems, and to adopt rules and regulations designed to alleviate problems in this regard; and be it further

Resolved, That the Public Utilities Commission shall report to the Legislature on the subject of this resolution on or before the fifth calendar day of the 1974 Regular Session.

RESOLUTION CHAPTER 131

Senate Concurrent Resolution No. 61—Relative to housing.

[Filed with Secretary of State August 10, 1972]

WHEREAS, The rehabilitation of housing will contribute substantially to the goal of providing an available supply of housing for the people of this state; and

WHEREAS, There is a considerable number of substandard dwelling units capable of being rehabilitated and thereby retained in the supply of existing housing; and

WHEREAS, The definition of substandard dwellings developed by the International Conference of Building Officials, included in the Uniform Housing Code and incorporated in the State Housing Law, is vague and subject to various interpretations by building and housing officials; and

WHEREAS, The definition of "untenantable" contained in the Civil Code does not include structural safety, fire hazard, or air circulation criteria of tenantability of rental housing; and

WHEREAS, Despite adoption of uniform codes in the State Housing Law, provisions of building codes are sometimes unnecessarily being applied to property owners undertaking rehabilitation so as to require different methods and materials of construction for alterations, sometimes necessitating additional work to bring plumbing or electrical systems into conformity with current standards for new construction when lesser standards of the Uniform Housing Code or codes in effect at the time of original construction would adequately protect occupants' health and safety; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Codes and Standards of the Department of Housing and Community Development, the code enforcement officers of the counties and cities, and organizations with an interest in the development of rational and workable repair and demolition standards and criteria for rehabilitation of housing, are urged to develop such standards and criteria for review by the Legislature at the 1973 Regular Session and inclusion in the State Housing Law; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Director of Housing and Community Development, the code enforcement officers of each county and each city, and organizations with an interest in the development of rational and workable criteria and standards for rehabilitation of housing.

RESOLUTION CHAPTER 132

Senate Joint Resolution No. 23—Relative to emergency food for farmworkers.

[Filed with Secretary of State August 10, 1972]

WHEREAS, Many thousands of farmworkers and other allied agricultural workers will be underemployed or unemployed in the Central Valley area during the 1972–1973 fiscal year as a result of the frost damage to crops; and

WHEREAS, In order to sustain these farmworkers and other allied agricultural workers and their dependents, it is necessary to provide a minimum of 1.8 million dollars in emergency food in such area; and

WHEREAS, The Governor of this state has declared an emergency and has requested the President of the United States to declare part of California, including the Fresno County area, a disaster area; and

WHEREAS, Actions by various agencies have already gone into effect regarding emergency loans to the farmowners; however, no action has been taken to alleviate the plight of the farmworker and other allied agricultural worker who will be unable to purchase the basic necessity of food as a result of the loss or decrease in earning capability due to the frost disaster; 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 Director of the Office of Economic Opportunity to approve the application of the Fresno County Economic Opportunities Commission, and applications of any and all counties which apply, for funds to purchase and distribute emergency food to farmworkers and other allied agricultural workers during the 1972–1973 fiscal year; 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 Office of Economic Opportunity, 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 133

Assembly Joint Resolution No. 6—Relative to oil drilling.

[Filed with Secretary of State August 15, 1972]

WHEREAS, Well blowouts in federal waters off the California coast have caused damage to the coastline and hardship to the people of this state; and

WHEREAS, No adequate oil cleanup system capable of operating in

rough seas has been developed as yet, much less deployed; and

WHEREAS, Although to date no oil has been produced in water depths greater than 380 feet, future oil production in the Santa Barbara Channel is contemplated at water depths of 700 to 1,500 feet, in spite of the fact that the Santa Barbara region is still suffering from the effects of the disastrous 1969 oil spill in federal waters; and

WHEREAS, The residents of California coastal areas have the right to the full protection of their property from oil spill damage and the Santa Barbara Channel spill and numerous other environmentally detrimental offshore oil spill accidents off the Gulf Coast in lesser water depths indicate inadequate protection; 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 and the Department of the Interior to:

1. Forestall any future oil production in any federal waters until absolute safeguards for production and cleanup to protect the coast have been developed, and full and open hearings have been conducted to satisfy and answer the questions of all concerned citizens of the coastal areas; and

2. Deny the granting of permits for oil drilling in waters off the coast of California until an underwater fail-safe system of extraction has been demonstrated and an adequate oil cleanup system has been developed and deployed; 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, and to the Administrator of the Environmental Protection Agency.

RESOLUTION CHAPTER 134

Assembly Concurrent Resolution No. 49—Relative to earthquakeproofing of state highways and bridges.

[Filed with Secretary of State August 15, 1972]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works be directed to provide the Legislature, commencing not later than November 1, 1972, with biannual progress reports on earthquakeproofing design advances for state highway and bridge construction, including remedial actions completed, in progress, budgeted but not commenced, and contemplated, aimed at earthquakeproofing existing state highway facilities; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

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RESOLUTION CHAPTER 135

Assembly Concurrent Resolution No. 72—Relative to awards to state employees.

[Filed with Secretary of State August 15, 1972.]

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 Eva M. Fulmer, Irene E. Burgoon and Philomena R. Halstead, Board of Equalization, for a suggestion that results in annual savings of five thousand seven hundred eighty-eight dollars ($5,788) by suggesting a reproduction procedure to eliminate numerous file activities connected with the cancellation of surety bonds; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Harold T. Harper, Department of Fish and Game, for a suggestion that results in annual savings of three thousand four hundred seventeen dollars ($3,417) by recommending that a pheasant license stamp be used instead of pheasant license tags; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Mary Elizabeth Harris, Department of General Services, for a suggestion that results in annual savings of fourteen thousand four hundred eighty dollars ($14,480) by recommending a method of licensing state vehicles to speed up the date they are put into service; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Rosemary M. Boyle, Department of Health Care Services, for a suggestion that results in one-time savings of three thousand eight hundred eighty-six dollars ($3,886) by recommending an alphabetical tab run of approximately one million labels, instead of typing them; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Margaret A. Rumbaugh, Department of Human Resources Development, for a suggestion that resulted in annual savings of two thousand one hundred two dollars ($2,102) by recommending the elimination of a number of unnecessary reports in connection with trade dispute determinations; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ella Jean Schroeder, Department of Human Resources Development, for a suggestion that results in one-time savings of three thousand eight hundred eighty-seven dollars ($3,887) by recommending a data-processing procedure for handling employer chargebacks relating to expired insurance claims; and

WHEREAS, An award of one hundred fifty dollars ($150) has

already been made to Preston A. McCoy, State Compensation Insurance Fund, for a suggestion that results in annual savings of fifteen thousand eight hundred seventy-two dollars ($15,872) by suggesting an improved method of processing nondisability cases and the better use of personnel time; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to James E. Parino, Department of Justice, for a suggestion that results in annual savings of two thousand nine hundred fourteen dollars ($2,914) by suggesting a method of releasing, for reuse, expensive file folders normally stored and subsequently destroyed; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Sterling Colthurst, Department of Motor Vehicles, for a suggestion that results in additional revenue of nine thousand two hundred twenty-nine dollars ($9,229) by recommending reinterpretation of Motor Vehicle Code to assess the delinquency penalty, to each license plate application instead of the individual, in cases where the individual is late in renewing a number of licenses; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Marguerite M. Pintar and Verda Mendenhall, Department of Motor Vehicles, for a suggestion that results in annual savings of two thousand three hundred fifteen dollars ($2,315) by recommending that certain forms be precarboned and combined for completion in one typing operation instead of being individually typed; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Frances Phy, Department of Motor Vehicles, for a suggestion that results in annual savings of ten thousand forty dollars ($10,040) by recommending a method of saving postage, envelopes, paper and staff time in processing license fee refunds on a volume of almost 15,000 items per year; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Mary Ann Lange, Department of Motor Vehicles, for a suggestion that results in annual savings of thirty-three thousand sixty-nine dollars ($33,069) by recommending a streamlined indexing and filing method for correspondence and registration files; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Frances Phy, Department of Motor Vehicles, for a suggestion that results in annual savings of three thousand twenty dollars ($3,020) by recommending a less expensive method of correcting records when license stickers have been placed on the wrong license plate; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Dorothy A. DeBarra, Department of Motor Vehicles, for a suggestion that results in average annual savings of two thousand six hundred dollars ($2,600) by recommending a data-processing procedure for handling address changes on over one

million items per year; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to John H. Wilson, Department of Motor Vehicles, for a suggestion that results in annual savings of five thousand five hundred dollars ($5,500) by recommending the computerization of certain items from accident reports; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Viola A. Gilbert, Department of Motor Vehicles, for a suggestion that results in annual savings of three thousand one hundred forty-seven dollars ($3,147) by proposing a procedure which eliminates handwritten entries of office location, date and rate clerk initials on approximately four hundred thousand forms per year; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Meribeth Nardinelli, Department of Motor Vehicles, for a suggestion that results in annual savings of five thousand seven hundred twelve dollars ($5,712) by proposing that movable carriage typewriters be replaced by stationary carriage selectric typewriter to produce certain forms which require carriage return at approximately every 12 strokes; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Carole Waggoner and Dorothy Hunter, Department of Motor Vehicles, for a suggestion resulting in annual savings of one thousand eight hundred ninety-two dollars ($1,892) by devising a means for greater utilization of the automated inquiry system and eliminating a volume of approximately 36,000 items normally processed manually; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to LaVonne A. Bruns, Department of Motor Vehicles, for a suggestion that results in annual savings of four thousand eight hundred ninety-four dollars ($4,894) by recommending a method of sorting potential registration renewal forms to permit greater utilization of computers; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Howard Seto, Department of Motor Vehicles, for a suggestion that results in annual savings of eight thousand eight hundred sixty-two dollars ($8,862) by suggesting a data-processing procedure which saves a great number of key strokes; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Mamie E. Hutchinson, Department of Motor Vehicles, for a suggestion that results in annual savings of three thousand nine hundred nine dollars ($3,909) by suggesting a streamlined procedure for processing vehicle license renewal applications, involving the issuance of duplicate or substitute plates; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to William H. Lovell, Department of Motor Vehicles, for a suggestion that results in annual savings of four thousand five hundred seventy-four dollars ($4,574) by developing

two forms to save typing time and adapt almost 50,000 lien-sale items to automated processing; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Toshie Kobata, Department of Motor Vehicles, for a suggestion that results in annual savings of one thousand nine hundred thirty-five dollars ($1,935) by suggesting that the order of probation form be revised to drivers license size and used as a checkoff document, to facilitate processing and filing; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Rene M. Lopez, Department of Motor Vehicles, for a suggestion that results in annual savings of four thousand one hundred eighteen dollars ($4,118) by recommending that the Ortho-Rater vision test, with glasses, be eliminated for driver's license applicants who wear glasses but have passed the test without glasses; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Sandra J. Sousa, Department of Motor Vehicles, for a suggestion that results in average annual savings of one thousand eight hundred sixteen dollars ($1,816) by recommending the elimination of a repetitive data-processing key entry procedure employed in connection with driver's license renewal applications; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Antoinette Lobue, Department of Motor Vehicles, for a suggestion that results in annual savings of two thousand four hundred ninety dollars ($2,490) for suggesting that medical reports used in connection with driver's license applications be redesigned to match the application size to facilitate combining the alphabetical files; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Kit Y. Mizukami, Public Utilities Commission, for a suggestion that results in annual savings of six thousand six hundred one dollars ($6,601) by suggesting a typewritten card method of docket recording, to replace handwritten books weighing 10 pounds each; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Robert Sherman, Department of Public Works, for a suggestion that results in annual savings of forty-five thousand five hundred seventy-six dollars ($45,576) by developing a method of reproducing right-of-way maps from colored originals, eliminating the need for redrafting; and

WHEREAS, A preliminary award of one hundred fifty dollars ($150) and a supplemental award of twenty-one thousand three hundred sixty dollars ($21,360) has already been made to Ena E. Charlton and John W. Devinney, Department of Public Works, for a suggestion which results in annual savings of four hundred thirty thousand two hundred seven dollars ($430,207) by proposing that certain bid and contract documents be prepared by magnetic tape selectric typewriters (MT/ST); and

WHEREAS, House Resolution No. 74, 1971 Regular Session, urged the Board of Control to reconsider its recommendation and follow the recommendation of the Merit Award Board providing Ena E. Charlton ten thousand seven hundred fifty-five dollars ($10,755) and John W. Devinney ten thousand seven hundred fifty-five dollars ($10,755); and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to John T. Keller, Department of Public Works, for a suggestion that results in annual savings of two thousand four hundred twenty dollars ($2,420) by proposing the relocation of a duplicating machine to facilitate a high volume of duplication work; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Stanley D. Moe and Warner L. Ulrich, Department of Public Works, and an award of one hundred fifty dollars ($150) has already been made to Eleanor N. Wood and Milton C. Stark, Department of Public Works, for two suggestions which combine to produce annual savings of twenty-two thousand five hundred fifty-seven dollars ($22,557) by recommending the use of contractual "rate holder" procedures for classified advertising; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Betty Scott, Department of Public Works, for a suggestion that results in annual savings of four thousand dollars ($4,000) by suggesting that Fair Employment Practices forms 810, 811 and final statement of compliance no longer be required; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to H. Anthony Cullen, Department of Public Works, for a suggestion that results in annual savings of four thousand one hundred twelve dollars ($4,112) by recommending a new method to provide for information to contractors that saves time, material and postage; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Daniel E. Wilcoxen, Department of Public Works, for a suggestion that results in annual savings of seventeen thousand four hundred thirteen dollars ($17,413) by suggesting that the light standards, which are now zinc coated, no longer be painted; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Charles B. Hertzog, Department of Public Works, for a suggestion that results in annual savings of five thousand one hundred ten dollars ($5,110) by developing equipment to enlarge microfilm drawings with a saving of much drafting time; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Gary L. Simms and Martin J. Nicholson, Department of Public Works, for a suggestion that results in annual savings of three thousand six hundred seventy dollars ($3,670) by suggesting a chart with line-curve variations to provide a standard method of computing cubic yardage of earthfill requirements; and

WHEREAS, An award of one hundred fifty dollars ($150) has

already been made to Martin A. Shimko, Department of Rehabilitation, for a suggestion that results in annual savings of five thousand two hundred eight dollars ($5,208) by suggesting that a one-time baggage allowance be made to handicapped students traveling across country for five years of specialized schooling thus eliminating the annual allowances for vacation periods; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Marla J. Doane, Department of Social Welfare, for a suggestion that results in annual savings of two thousand seven hundred fifty dollars ($2,750) by suggesting that letterhead tissues and memo tissues be made available as precarboned manifold sets; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Chester H. Blanken, San Fernando State College, for a suggestion that results in annual savings of eight thousand four hundred six dollars ($8,406) by suggesting a method of fastening parking lot gate arms to permit repair and reuse after they have been broken; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to LaDoska D. Griffin, Sacramento State College, for a suggestion which results in annual savings of two thousand three hundred fifty dollars ($2,350) by designing a template to facilitate Xerox reproduction of certain college file cards; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Fred L. Clawson, Department of Water Resources, for a suggestion which is estimated to produce additional annual revenue of three hundred eighty-two thousand dollars ($382,000) by suggesting modifications in the design of the Oroville-Thermalito power-producing complex; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Rudolph Kuhn, Department of the Youth Authority, for a suggestion which results in annual savings of eight thousand twenty dollars ($8,020) by suggesting recovery of certain funds from wards who become eligible for dependency benefits while under jurisdiction of the department; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Marion A. Beaudoin and Carl W. Young, Department of the Youth Authority, and an award of one hundred fifty dollars ($150) has already been made to Kenneth H. Tate, Department of Corrections, resulting in combined annual savings of six thousand four hundred sixty-two dollars ($6,462) by recommending that overtime and temporary help, blanket positions for the same function, be combined into one account for payment purposes and utilizing data processing to provide payroll data to the Controller's office; and

WHEREAS, The suggestions of these employees have resulted in one-time and recurring savings, and in recurring additional revenue amounting to one million one hundred eighteen thousand three hundred thirty dollars ($1,118,330); and

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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:

Eva M. Fulmer, one hundred forty-three dollars ($143); and

Irene E. Burgoon, one hundred forty-three dollars ($143); and

Philomena R. Halstead, one hundred forty-three dollars ($143);

Harold T. Harper, one hundred ninety-two dollars ($192);

Mary Elizabeth Harris, one thousand two hundred ninety-eight dollars ($1,298);

Rosemary M. Boyle, forty-four dollars ($44); and

Philip L. Phillippee, supervisor of Rosemary Boyle, fifty-eight dollars ($58);

Margaret A. Rumbaugh, sixty dollars ($60);

Ella Jean Schroeder, forty-four dollars ($44);

Preston A. McCoy, one thousand four hundred thirty-seven dollars ($1,437);

James E. Parino, one hundred forty-one dollars ($141);

Sterling Colthurst, seven hundred seventy-three dollars ($773);

Marguerite M. Pintar, forty-one dollars ($41); and

Verda Mendenhall, forty-one dollars ($41);

Frances Phy, eight hundred fifty-four dollars ($854);

Mary Ann Lange, three thousand one hundred fifty-seven dollars ($3,157);

Frances Phy, one hundred fifty-two dollars ($152);

Dorothy A. DeBarra, one hundred ten dollars ($110);

John H. Wilson, four hundred dollars ($400);

Viola A. Gilbert, one hundred sixty-five dollars ($165);

Meribeth Nardinelli, four hundred twenty-one dollars ($421);

Carole Waggoner, twenty dollars ($20); and

Dorothy Hunter, twenty dollars ($20);

LaVonne A. Bruns, three hundred forty dollars ($340);

Howard Seto, seven hundred thirty-six dollars ($736);

Mamie E. Hutchinson, two hundred forty-one dollars ($241);

William H. Lovell, three hundred seven dollars ($307);

Toshie Kobata, forty-four dollars ($44);

Rene M. Lopez, two hundred sixty-two dollars ($262);

Sandra J. Sousa, thirty-two dollars ($32);

Antoinette Lobue, ninety-nine dollars ($99);

Kit Y. Mizukami, five hundred ten dollars ($510);

Robert Sherman, four thousand four hundred eight dollars ($4,408);

Ena Charlton, ten thousand seven hundred fifty-five dollars ($10,755); and

John W. Devinney, ten thousand seven hundred fifty-five dollars ($10,755);

John T. Keller, ninety-two dollars ($92);
Stanley D. Moe, four hundred eighty-nine dollars ($489); and
Warner L. Ulrich, four hundred eighty-nine dollars ($489);
Eleanor N. Wood, four hundred eighty-nine dollars ($489);
Milton C. Stark, four hundred eighty-nine dollars ($489);
Betty Scott, two hundred fifty dollars ($250);
H. Anthony Cullen, two hundred sixty-one dollars ($261);
Daniel E. Wilcoxen, one thousand five hundred ninety-one dollars ($1,591);
James E. Hicks, supervisor of Daniel E. Wilcoxen, five hundred twenty-two dollars ($522);
Charles B. Hertzog, three hundred sixty-one dollars ($361);
Gary L. Simms, one hundred eight dollars ($108); and
Martin J. Nicholson, one hundred eight dollars ($108);
Martin A. Shimko, three hundred seventy-one dollars ($371);
Marla J. Doane, one hundred twenty-five dollars ($125);
Chester H. Blanken, six hundred ninety-one dollars ($691);
LaDoska D. Griffin, eighty-five dollars ($85);
Fred L. Clawson, thirty-two thousand five hundred ninety dollars ($32,590), provided, this award shall not be deemed authorized if Assembly Concurrent Resolution No. 75 of the 1972 Regular Session is adopted;
Rudolph Kuhn, six hundred fifty dollars ($650);
Marion A. Beaudoin, fifty-one dollars ($51); and
Carl W. Young, fifty-one dollars ($51);
Kenneth H. Tate, three hundred ninety-four dollars ($394); and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Board of Control and the State Controller.

RESOLUTION CHAPTER 136

Assembly Concurrent Resolution No. 104—Relative to alien nonimmigrant pupils in California.

[Filed with Secretary of State August 15, 1972.]

WHEREAS, It has come to the attention of the Legislature that the number of alien nonimmigrant pupils receiving an education in California school districts is increasing; and

WHEREAS, There are pupils who are illegal entrants to the United States who live and reside in school districts in California; and

WHEREAS, These pupils need special programs in the public schools, and presently local school districts must pay for the cost of educating these pupils which creates an undue burden on local taxpayers; and

WHEREAS, Assembly Joint Resolution No. 62, Chapter 384, 1969

Legislative Session, memorialized the Congress of the United States to provide for the education of such alien nonimmigrant pupils in California; and

WHEREAS, There are at the present time no accurate statistics to indicate how substantial the number of pupils and costs of such programs is to the California taxpayers; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests the State Department of Education to conduct a study to determine how many nonimmigrant and noncitizen pupils are enrolled in the public schools (K–12) and the costs of providing an educational program for such pupils; and be it further

Resolved, That the State Department of Education report its findings to the Legislature by the fifth day of the 1973 Legislative Session; 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 137

Assembly Concurrent Resolution No. 120—Relative to the creation of the Joint Committee on Siting of Teaching Hospitals.

[Filed with Secretary of State August 15, 1972.]

WHEREAS, Public policy considerations concerning the objective of the medical education programs of the University of California are of direct and immediate concern to the citizens of this state; and

WHEREAS, The decisions to be made concerning capital outlay programs for medical education will result in the commitment of large sums of money, and may affect the availability and cost of hospital services, and the kind of physicians who practice in this state; and

WHEREAS, One of the key decisions to be made is the type and location of clinical facilities to be used in the medical education program; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, as follows:

1. The Joint Committee on Siting of Teaching Hospitals is hereby created and authorized and directed to ascertain, study, and analyze all facts relating to the objectives of the University of California s medical education programs and the need for and appropriate locations of medical education facilities, 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 joint 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. An Advisory Committee to the Joint Committee on Medical Education is hereby created. The advisory committee shall consist of four persons, none of whom shall be an employee, officer, or official of the University of California or the state. Two members of the advisory committee shall be appointed by the Senate Committee on Rules and two shall be appointed by the Speaker of the Assembly. Vacancies occurring in the membership of the advisory committee shall be filled by the appointing power.

4. Members of the advisory committee shall serve for the life of the committee and shall receive reimbursement for expenses necessarily incurred while performing their duties on the advisory committee.

5. The joint committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until June 30, 1973, and shall file a preliminary report not later than March 1, 1973.

6. The joint committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

7. The joint committee has the following additional powers and duties:

(a) To select a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

8. The 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 joint committee and advisory committee and their 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 138

Assembly Concurrent Resolution No. 121—Relative to off-track betting.

[Filed with Secretary of State August 15, 1972]

WHEREAS, There is an increasing need in this state for additional revenue sources and the expansion of voluntary taxation should be closely examined; and

WHEREAS, There is growing interest and support in this country for off-track betting as an additional source of revenue; and

WHEREAS, There exists a need for determining the advantages and disadvantages of such a system in California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Senate Committee on Governmental Organization and the Assembly Committee on Governmental Organization are directed to concurrently ascertain, study and analyze all facts relating to the legalization of off-track betting in the State of California, including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the report recommendations for appropriate legislation.

2. The committees are authorized to act pursuant to this measure during this session of the Legislature, including any recess, and after final adjournment until December 31, 1973.

3. The committees and their members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to the committees and their members.

4. The committees have the following additional powers and duties:

(a) The committees shall report their findings and recommendations to the Legislature no later than March 15, 1973.

(b) The committees shall contract with such other agencies, public or private, as they deem necessary for the rendition and affording of such services, facilities, studies and reports to the committees as will best assist them to carry out their purposes.

(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 them fully and adequately to exercise their powers, perform their duties, and accomplish the objects and purposes of this resolution.

5. An advisory committee shall be appointed, composed of the members presently serving on the Advisory Committee on Off-Track Wagering, as appointed by the California Horse Racing Board.

6. The Rules Committees of the Senate and the Assembly may make such money available from the Assembly and Senate Contingent Funds as they deem necessary for the expenses of each respective committee and its members.

RESOLUTION CHAPTER 139

Assembly Concurrent Resolution No. 127—Relative to the elderly population in California.

[Filed with Secretary of State August 15, 1972]

WHEREAS, At present the elderly population in California is over two million persons or 9 percent of the total state population and the projected elderly population in California indicates that such population will almost double within the next decade; and

WHEREAS, There is an evident need for educated and trained personnel at all levels of expertise to serve the physical, economic and social needs of older Californians; and

WHEREAS, Public institutions of higher learning in California should not only include programs and curricula to provide adequate knowledge of the aging, but should also be made more accessible to older men and women who desire to initiate or continue educational pursuits; 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 University and Colleges, and the Board of Governors of the California Community Colleges meet and confer to pursue these objectives: (1) examine the adequacy of programs and curricula in the fields of social gerontology, medicine and other areas critical to the well-being of California's elderly population; (2) discuss and report to the Joint Committee on Aging on the validity of establishing one or more Institutes of Gerontology in California which might provide a focal point for continuing research and expanding knowledge of the aging for future governmental action; (3) examine the adequacy of the programs and curricula now easily accessible to older Californians who wish to pursue higher educational attainments; and (4) examine how

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planning procedures can be coordinated to obtain federal funds for future aging research and programs; and be it further

Resolved, That the Regents of the University of California, the Trustees of the California State University and Colleges and the Board of Governors of the California Community Colleges report their findings and recommendations to the Legislature by March 1, 1973; and be it further

Resolved, That copies of this resolution be transmitted to the Regents of the University of California, the Trustees of the California State University and Colleges, and the Board of Governors of the California Community Colleges.

RESOLUTION CHAPTER 140

Senate Concurrent Resolution No. 70—Relative to dental health programs.

[Filed with Secretary of State August 15, 1972]

WHEREAS, Chapter 1802 of the Statutes of 1971 added Chapter 10 (commencing with Section 3500) to Division 4 of the Health and Safety Code; and

WHEREAS, Section 3500 of the Health and Safety Code provides that pupils of both public and private elementary and secondary schools shall be provided the opportunity to receive, at least annually within the school year, a topical application of fluoride or other decay-inhibiting agent in a manner approved by the State Department of Public Health; and

WHEREAS, Each county health officer is directed to organize and have in operation, by September 1972, a program for annual treatment of the pupils in the elementary and secondary schools; and

WHEREAS, The United States Food and Drug Administration has not completed its testing of preparations applicable for use in this preventive program; now, therefore be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That it is the intent of the Legislature that the programs called for in Sections 3500 to 3507, inclusive, of the Health and Safety Code need not be implemented until the United States Food and Drug Administration has completed its investigation and approved one or more such preparations; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of the State Department of Public Health and to the United States Food and Drug Administration.

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RESOLUTION CHAPTER 141

Senate Concurrent Resolution No. 81—Approving amendments to the Charter of the City of Inglewood, County of Los Angeles, State of California, ratified by the qualified electors of the city at a consolidated primary election held therein on the sixth day of June, 1972.

[Filed with Secretary of State August 15, 1972]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments 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 1972, 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. 6424, adopted February 29, 1972, 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 consolidated primary election on the 6th day of June, 1972.

That pursuant to the aforesaid resolution of the City Council of the City of Inglewood, the proposed charter amendment was published and advertised.

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That in accordance with the provisions of the Charter of the City of Inglewood and in the manner provided by law, the said consolidated primary 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 adopt its resolution 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

"Section 4 of Article XXVI of the Charter of the City of Inglewood hereby is amended so that the same shall read as follows:

"Section 4. The Board of Education shall consist of five members who shall be designated respectively as Board Member No. 1, Board Member No. 2, Board Member No. 3, Board Member No. 4, and Board Member No. 5. Said Board Members shall be elected from the School District at large at the times and in the manner in this charter provided for the holding of general municipal elections and said Members shall hold office for a term of four years and shall continue in office until their successors shall be elected and qualified. The Members of the Board of Education holding office when this amendment takes effect shall continue in office under the provisions of this Charter, as modified, and until their successors have been elected and qualified.

The Board of Education shall, at the first meeting held after this amendment takes effect, determine by lot the respective Board Member offices which shall be held by the incumbent School Board Members. The office of Board Members Nos. 1, 2 and 3 shall be filled by the three Members whose terms expire on June 30, 1973, and the office of Board Members Nos. 4 and 5 shall be filled by the two Members whose terms expire on June 30, 1975.

Thereafter, candidates for election to the office of School Board Member shall designate the particular office number for which candidacy is filed and when duly designated, the election of such member may be made to that office only. Candidacy shall not be filed for more than one office at the same election. School Board Members shall not serve for more than three consecutive terms."

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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 18th day of July, 1972.

(SEAL)

MERLE MERGELL
Mayor of the City of
Inglewood, California
HELEN RIECK
City Clerk of the City of
Inglewood, 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 City of Inglewood, County 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 Inglewood, County of Los Angeles.

RESOLUTION CHAPTER 142

Assembly Concurrent Resolution No. 129—Approving amendments to the Charter of the City of Napa, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 11th day of April 1972.

[Filed with Secretary of State November 13, 1972]

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:

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State of California,
County of Napa } ss.
City of Napa

CERTIFICATE OF RATIFICATION OF 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 3 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 3 of Article XI of the Constitution of the State of California, the City Council of the City of Napa on its own motion by resolutions duly made and entered on the minutes of said City Council, on January 17, 1972 duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa two proposed amendments to the Charter of said City of Napa, said charter amendments being designated as Proposed Charter Amendments No. 1 and No. 2 and filed in the office of the Clerk of said City of Napa on said January 17, 1972, 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 11th day of April, 1972.

That said proposed charter amendments were published on the 16th day of February, 1972 in the Napa County Record, a newspaper of general circulation printed and published in the City of Napa, and in all editions thereof issued during said day of publication.

That said proposed charter amendments were published and advertised in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California and in accordance with the provisions of Section 34455 of the Government Code of the State of California on the 16th day of February, 1972, in the "Napa County Record", a newspaper of general circulation printed and published in said City of Napa, and in all the editions thereof issued during said day of publication.

That said General Municipal Election was held in said City of Napa on April 11, 1972, and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter

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amendments designated as Proposed Charter Amendments No. 1 and No. 2, and that the City Council of the City of Napa, as provided by law, duly and regularly canvassed the returns of said election on the 18th day of April, 1972, 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 ratified 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.

That as to the proceedings taken relating to the amendments to the Charter of the City of Napa hereinafter set forth, the provisions of Section 3, Article XI, of the Constitution of the State of California and the laws of the State of California applicable thereto have been complied with.

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 follows:

Charter Amendment No. 1. That Sections 147 through 161, inclusive, of the Charter of the City of Napa be amended to read as follows: Section 147. There shall be an initiative. The mode and form of such initiative shall be in accordance with the applicable general laws of the State of California in effect at the time of such initiative.

Charter Amendment No. 2. That Sections 162 through 166, inclusive, of the Charter of the City of Napa be amended to read as follows: Section 162. There shall be a referendum. The mode and form of such referendum shall be in accordance with the applicable general laws of the State of California in effect at the time of such referendum.

That we have compared the foregoing amendments with the original proposal submitted to the electors of said City of Napa and find that the foregoing is full, true, correct and exact copies thereof, and we further certify that the facts set forth in the preambles of this certificate preceding said amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 25th day of April, 1972.

(SEAL)

RALPH TROWER
Mayor of the City of Napa
State of California
ALLEN R. THORPE
City Clerk of the City of Napa
State of California

and

WHEREAS, The proposed 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 143

Senate Joint Resolution No. 29—Relative to the A. P. Giannini commemorative stamp.

[Filed with Secretary of State November 13, 1972.]

WHEREAS, In recognition of Mr. A. P. Giannini's important contribution to our society as founder of the Bank of America and leader of its development into the nation's largest banking institution, the United States Postal Service will honor Mr. Giannini through issuance of a commemorative stamp featuring his likeness, as part of the U.S. Postal Service's Prominent Americans series; and

WHEREAS, Mr. Giannini established the first branch of the Bank of America, known initially as the Bank of Italy, in the City of San Jose, California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the United States Postal Service is requested to name San Jose, California, the historic site of the first branch of the Bank of America, as the city for first day of issue of the A. P. Giannini commemorative stamp; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the United States Postmaster General, Mr. E. T. Klassen.

RESOLUTION CHAPTER 144

Senate Concurrent Resolution No. 59—Relative to public higher education.

[Filed with Secretary of State November 14, 1972.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislative Analyst, in cooperation with the State Department of Finance, the University of California, the

California State University and Colleges, the California Community Colleges, and the staff of each committee of the Legislature which reviews the budget bill is hereby directed to conduct a study to determine an appropriate basis for determining the comparative needs and respective shares of the $80,000,000 allocated to the Capital Outlay Fund for Public Higher Education by subdivision (a) of Section 316 of Chapter 1 of the Statutes of 1971, First Extraordinary Session, for the University of California, the California State University and Colleges, and the California Community Colleges; and be it further

Resolved, That the Legislative Analyst report his findings and recommendations to the Legislature not later than February 5, 1973.

RESOLUTION CHAPTER 145

Senate Concurrent Resolution No. 84—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 election held therein on the sixth day of June, 1972.

[Filed with Secretary of State November 14, 1972]

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, Al Castagnola, 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

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charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the 2nd day of March, 1948, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 27th day of March, 1948 (Statutes of 1948, page 312).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Santa Cruz, being the legislative body of said city, on its own motion, by its Resolution No. NS 10323, adopted on February 22, 1972, duly and regularly proposed and submitted to the qualified electors of said City certain proposals for amendment of the Charter of said City, to be voted on by said qualified electors at a special municipal charter amendment election, consolidated with the General Primary Election held in said city on June 6, 1972.

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 7th. day of April, 1972, 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 primary 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 6th day of June, 1972, which day was not less than forty and not more than sixty days after the completion of said publication and advertisement of the 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 amendments to said charter.

That the Council of said City of Santa Cruz on July 25, 1972 officially confirmed the canvass of all ballots cast at said special municipal charter amendment election consolidated with the Statewide Primary Election 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 were to amend Sections 602, 603, 605 and 615 of Article VI, Section 705 of Article VIII, Section 1114 of Article XI, and Section 1426 of Article XIV, of the Charter of the City of Santa Cruz, in words and figures following, to wit:

1. By amending Section 602 of Article VI thereof, to read as follows:

Section 602. Qualifications. No person shall be eligible to be nominated for or to hold office as a member of the Council unless he is a registered qualified voter of this City, and shall have been for at

least two (2) years next preceding his nomination or appointment, a resident of the City of Santa Cruz or of territory annexed thereto.

2. By amending Section 603 of Article VI thereof, to read as follows:

Section 603. Salary. Each Councilman shall receive as compensation $25.00 for attendance at each regular meeting of the Council, limited to $50.00 per month. The compensation of the Mayor shall be twice that of any other Councilman.

3. By amending Section 605 of Article VI thereof, to read as follows:

Section 605. Vacancies. A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council, such appointee to serve for the remainder of the unexpired term of the former incumbent, and until his successor has been elected and qualifies.

If a member of the City Council absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the City, his office shall become vacant and shall be so declared by the City Council.

In the event the City Council shall fail to fill a vacancy by appointment within sixty (60) days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy.

4. By repealing Section 615 of Article VI, which Section now reads as follows:

Section 615. Special Meetings. Special meetings may be called at any time by the Mayor, or by four members of the City Council, by written notices delivered personally to each member at least three hours before the time specified for the proposed meeting. A special meeting shall also be validly called, without the giving of such written notice, if all members shall give their consent in writing, to the holding of such meeting and such consent is on file in the office of the City Clerk at the time of holding such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such written notice or consent.

5. By amending Section 705 of Article VII thereof, to read as follows:

Section 705. Procedure for Holding Elections. Unless otherwise provided by Ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, for the holding of elections in general law cities insofar as the same are not in conflict with this Charter.

6. By amending Section 1114 of Article XI thereof, to read as follows:

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Section 1114. Political Activities of Employees. Unless otherwise provided by Ordinance hereafter enacted, the political activities of employees shall be governed by provisions of the State Law pertaining to political activities of employees of general law cities, insofar as the same are not in conflict with this Charter.

7. By repealing Section 1426 of Article XIV which Section now reads as follows:

Section 1426. Actions Against City. No suit or action shall be brought on any claim for money or damages against the City or any officer, board or commission thereof, until a demand for the same has been presented as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise required by law, all claims for damages against the City must be presented within ninety days after the occurrence, event, or transaction, for which the damages allegedly arose, and other claims or demands shall be presented within six months after the last item of the account or claim accrued.

Every claim for money or damages against the City or any officer, board or commission thereof, shall be filed with the City Clerk who shall present the same to the City Council and a duplicate of such claim shall be presented by the claimant to the City officer, board, or commission authorized by this Charter to incur or pay the expenditure or alleged indebtedness or liability represented thereby. In all cases such claims shall be approved or rejected in writing, and the date thereof given. Failure to act upon any claim or demand within sixty days from the date same was filed with the City Clerk shall be deemed a rejection thereof.

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of 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 this 27th day of July, 1972.

(SEAL)

AL CASTAGNOLA
Mayor of the City of
Santa Cruz
ANGÈLE MELLON
City Clerk of the City of
Santa Cruz

and

WHEREAS, The proposed Charter amendments as ratified as hereinabove set forth have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a

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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 concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments of the Charter of the City of Santa Cruz, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without alteration or amendment, for and as amendments to and as a part of the Charter of said City of Santa Cruz.

RESOLUTION CHAPTER 146

Assembly Concurrent Resolution No. 130—Approving an amendment to the Charter of the County of Butte, State of California, ratified by the qualified electors of the county at a special election consolidated with the primary election held therein on the sixth day of June, 1972.

[Filed with Secretary of State November 14, 1972]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment 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:

RESOLUTION OF CERTIFICATION REGARDING CHARTER AMENDMENT

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.);

Whereas, the proponents of the Charter Amendment described herein duly filed with the Clerk of the County of Butte a petition with sufficient (4,129) signatures of registered voters of this County to require as a matter of law that said amendment be placed before the electorate of Butte County, and said petition within time provided by law was certified as such to the Board of Supervisors on March 15, 1972.

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Whereas, on 21 March 1972, the Board of Supervisors of the County of Butte passed Resolution No. 72-56 calling for an election to be consolidated with the Primary Election held on 6 June 1972, in which one charter amendment was proposed.

Whereas, said Resolution and charter amendment were duly published in the Chico Enterprise Record, a newspaper of general circulation in the County of Butte, once a week for a total of four (4) weeks, to wit

Whereas, said Primary Election was held in said County on 6 June 1972, which day was more than forty days and less than sixty days from the completion of the publication of the proposed charter amendment.

Whereas, the registrar of voters did in the manner provided by law duly and regularly canvass the returns of said election, and on the 20th day of June, 1972, duly certified to the Board of Supervisors the results of said Primary Election as determined from the canvass of the return thereon.

Whereas, at said Primary Election so held on 6 June 1972, said amendment to the Butte County Charter was approved by a majority of the electors of said County voting thereon.

Whereas, the charter amendment so ratified by the electors of the County of Butte is now submitted to the Legislature of the State of California for approval as to 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 is in words and figures as follows:

1. That the following be added to the County Charter;

"Article XIII"

"The County of Butte shall establish and maintain a hospital. No resident of this county shall be denied medical or hospital care at such hospital for want of money."

This is to certify that we, Art Gilman, 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 amendment to the Charter of the County of Butte with the original proposal which was submitted to the electors of said County at the Primary Election on Tuesday, the Sixth day of June, 1972 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 amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the County of Butte this 8th day of August, 1972.

ART GILMAN
Art Gilman,
(SEAL) Chairman of the Butte County Board of Supervisors
CLARK A. NELSON
Clark A. Nelson,
(SEAL) County Clerk of the County of Butte

Attest:
CLARK A. NELSON,
County Clerk and ex-officio Clerk of the Board
By MARGIE CATT

Approved as to form
DANIEL V. BLACKSTOCK
Daniel V. Blackstock
Butte County Counsel

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 Butte, 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 Butte.

RESOLUTION CHAPTER 147

Assembly Concurrent Resolution No. 79—Relative to street and road financing.

[Filed with Secretary of State November 17, 1972]

WHEREAS, The annual report of financial transactions concerning streets and roads of cities and counties of California by the State Controller has indicated high cash balances held in local treasuries; and

WHEREAS, Reports to the Legislature concerning street and road progress have consistently indicated serious deficiencies; and

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WHEREAS, Funds available for street and road purposes should be utilized quickly and efficiently to correct deficiencies; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Highway Users Tax Study Commission conduct an investigation of the high cash balances held by local agencies for street and road purposes; and be it further

Resolved, That the State Highway Users Tax Study Commission report to the Legislature thereon by the fifth calendar day of the 1973 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Highway Users Tax Study Commission.

RESOLUTION CHAPTER 148

Senate Joint Resolution No. 20—Relative to ratification of an amendment to the Constitution of the United States, proposed by the Congress of the United States, relating to equal rights for men and women.

[Filed with Secretary of State November 17, 1972.]

WHEREAS, The 92nd Congress of the United States of America has adopted House Joint Resolution No. 208, 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 relative to equal rights for men and women.

"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. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

" 'Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

" 'Sec. 3. This amendment shall take effect two years after the

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date of ratification.' ";
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 Administrator of General Services.

RESOLUTION CHAPTER 149

Senate Concurrent Resolution No. 87—Relative to the adjournment of the Legislature.

[Filed with Secretary of State November 20, 1972.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

First—That Joint Rule 23 is hereby repealed.

Second—That the 1972 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 December 1, 1972, and shall reassemble at 3 o'clock p.m. on January 1, 1973.

Third—That the 1972 Regular Session of the Legislature shall adjourn sine die at 5 o'clock p.m. on Friday, January 5, 1973.

RESOLUTION CHAPTER 150

Senate Joint Resolution No. 24—Relating to the Antioch Bridge.

[Filed with Secretary of State November 20, 1972.]

WHEREAS, The Department of Public Works of the State of California has completed, pursuant to a request of the California Legislature, a study concerning the construction of a new crossing of the San Joaquin River near the site of the present Antioch Bridge, which is located in the Counties of Contra Costa and Sacramento in this state; and

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WHEREAS, The study indicates that the existing Antioch Bridge, which was constructed in the 1920's, is barely capable of tolerating legal loads, is narrow in width, that the vertical sight distance is restricted on the bridge, and that there is risk that at any time the structure could collapse as the result of a ship collision; and

WHEREAS, Ship collisions nearly collapsed the bridge in 1958, 1963, and 1970, there has been flooding from time to time of the approach highway, and whenever the bridge has been closed it has resulted in a serious disruption of highway traffic and severe damage to the livelihood of many citizens and the economy of the area; and

WHEREAS, The construction of a new Antioch Bridge is clearly necessary, based on the condition of the existing bridge; and

WHEREAS, The bridge is number one on the priority list of bridges recommended for replacement under the Federal Aid Highway Act of 1970 Bridge Replacement Program which the Department of Public Works has submitted to the Federal Highway Administration; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the Federal Highway Administration to provide federal assistance in the construction of a new Antioch Bridge under the Federal Aid Highway Act of 1970 Bridge Replacement Program; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Transportation, to the Federal Highway Administrator, 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 151

Assembly Concurrent Resolution No. 101—Relative to the effect of highway surfaces on motorcycles.

[Filed with Secretary of State November 20, 1972]

WHEREAS, Motorcyclists have reported that variations in the texture of the surface of highways have an effect on the handling of motorcycles; and

WHEREAS, The Department of Public Works uses rain-grooving and other techniques in highway construction to increase traction of motor vehicles in wet weather; and

WHEREAS, It is important to determine if such techniques constitute a hazard to motorcycles; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby requests the Department of Public Works to conduct, in conjunction with the

Department of the California Highway Patrol and motorcycle riders, a study of the effects of serration and texture of highway pavement on motorcycles, and to make a report thereon to the Legislature on or before March 1, 1973; 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 Commissioner of the California Highway Patrol.

RESOLUTION CHAPTER 152

Senate Concurrent Resolution No. 44—Relative to drinking drivers.

[Filed with Secretary of State November 27, 1972.]

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; and

WHEREAS, The Department of Motor Vehicles with the participation of the Office of Alcohol Program Management is presently committed to studying the recommendations of the Governor's Automobile Accident Study Commission relating to the

drinking driver; and

WHEREAS, Such studies have been fruitful to date, but the Department of Motor Vehicles requires additional time and funding to carry out this program on the comprehensive basis required if it is to serve a useful purpose; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the present program of examination into the feasibility of implementing the recommendations of the Governor's Automobile Accident Study Commission relating to the drinking driver has achieved beneficial results; and be it further

Resolved, That the Department of Motor Vehicles with the participation of the Office of Alcohol Program Management continue its study beyond that which is presently provided for in Senate Concurrent Resolution No. 3 of the 1971 Regular Session; and be it further

Resolved, That the Department of Motor Vehicles with the participation of the Office of Alcohol Program Management is directed to file a second interim report with the Legislature by the 90th calendar day of the 1974 Regular Session, and to report its findings upon the feasibility of implementing the recommendations of the Governor's Automobile Accident Study Commission relating to the drinking driver in a final report to the Legislature not later than April 1st of the 1975 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 153

Assembly Joint Resolution No. 32—Relative to Genocide Convention of the United Nations.

[Filed with Secretary of State November 27, 1972.]

WHEREAS, On December 9, 1948, the General Assembly of the United Nations unanimously approved the text of the Convention on the Prevention and Punishment of the Crime of Genocide; and

WHEREAS, Seventy-five countries have now ratified the Genocide Convention; and

WHEREAS, The United States is the most prominent member of the United Nations that has not ratified the convention; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Senate of the United States to advise and consent to the ratification of the Genocide Convention; 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 154

Assembly Concurrent Resolution No. 94—Relating to driver's license requirements.

[Filed with Secretary of State November 27, 1972.]

WHEREAS, Several interested groups and organizations concerned with traffic safety, including representatives of the Pacific Telephone Company, have indicated a highly favorable impression with respect to defensive driving training in connection with the reduction of vehicular accidents; and

WHEREAS, Various safety groups and organizations, including the Safety Commission of the City of Chula Vista, have for some time considered the overall effect on highway safety of defensive driver training; and

WHEREAS, It is very possible that vehicular accidents might be significantly reduced if completion of a course in defensive driving were made a requirement for persons seeking to obtain a California driver's license; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Motor Vehicles, with the advice of the Department of the California Highway Patrol, is hereby requested to conduct a study relating to the desirability of making completion of a course in defensive driving a requirement for persons seeking to obtain a California driver's license, and to report its findings and recommendations thereon to the Legislature by January 4, 1974; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of Motor Vehicles and the Commissioner of the California Highway Patrol.

RESOLUTION CHAPTER 155

Assembly Concurrent Resolution No. 100—Relative to the Department of Human Resources Development.

[Filed with Secretary of State November 27, 1972.]

WHEREAS, In California, many occupational categories of professional manpower, particularly engineers, scientists, and

technicians are unemployed; and

WHEREAS, This professional manpower pool is one of California's most vital resources; and

WHEREAS, The full utilization of this manpower pool is needed to maintain vigorous economic growth in California; and

WHEREAS, It is the responsibility of the Department of Human Resources Development to provide employment services to all the people of the state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is the intent of the Legislature that the Department of Human Resources Development perform all of the following services:

(a) To monitor current trends and make recommendations to academic institutions and professionals to prevent, to the maximum extent possible, individual obsolescence.

(b) To provide the unemployed professional with all the information, training, and counseling necessary for his timely employment and reemployment.

(c) To maintain, continously, a current list of employment opportunities, to perform job-matching functions with information stored in computers, to notify potential employers of current available personnel, and to arrange for personal interviews between the candidate and the potential employer.

(d) To maintain liaison with all employers of professionals, professional societies, and academic institutions.

(e) To provide required publicity for dissemination of information to unemployed persons and the community on current Department of Human Resources Development programs and activities; and be it further

Resolved, That the department shall evaluate the organization and implementation of its functions, as enumerated above, relating to the engineer, scientist and technician; and be it further

Resolved, That the department report its findings and recommendations to the Legislature by the first legislative day of the 1973 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of the Department of Human Resources Development.

RESOLUTION CHAPTER 156

Assembly Concurrent Resolution No. 103—Relative to nursing.

[Filed with Secretary of State November 27, 1972.]

WHEREAS, The licensing laws for physicians, registered nurses, and licensed vocational nurses are ambiguous concerning the performance of certain roles by registered nurses and vocational

nurses, and of the congruent roles of nurses and physicians; and

WHEREAS, Commencing in 1957, the California Nurses' Association, the California Medical Association, and the California Hospital Association have developed and distributed a series of joint statements on the role of the registered nurse in meeting new and changing needs of patient care and on the congruent roles of the nurse and the physician; and

WHEREAS, These joint statements have served as a responsible, effective method of recognizing and responding to the development of new needs and methods of providing patient care in hospitals and in other health care settings; and

WHEREAS, The joint statements have primarily functioned to validate developments in practice after the changes have become common practice, and have not been used to anticipate new needs or to encourage responsible innovative demonstrations of methods and practice for registered nurses and licensed vocational nurses; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it will best serve the public interest if such joint statements are utilized in cases of conflicting or absent statutory definition to validate generally accepted practices or patterns of care, and, in addition, to assist the Legislature, licensing boards, other appropriate agencies, and responsible professional associations in anticipating new needs, making responsible innovations in practice patterns, and developing demonstration projects, all in the interest of patient care; and be it further

Resolved, That it is in the public interest that such joint statements are made a matter of public record for information and guidance to educators, practitioners, the public and the Legislature, and it is therefore directed that permanent files of such joint statements be maintained by the State Department of Public Health, the Board of Medical Examiners of the State of California, the California Board of Nursing Education and Nurse Registration and the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, for public inspection; and it is further directed that the State Department of Public Health report annually to the Legislature as to new joint statements or modifications of existing joint statements; and be it further

Resolved, That the appropriate professional organizations representing physicians, registered nurses, vocational nurses, and hospitals are encouraged to form a joint practice commission which shall have as one of its purposes the encouragement, development, modification and publication of joint statements and interdisciplinary accords relating to needs and methodology of better and more effective nursing care.

RESOLUTION CHAPTER 157

Assembly Concurrent Resolution No. 132—Relative to a recess of the Assembly.

[Filed with Secretary of State November 27, 1972.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Assembly shall be in recess from adjournment on Wednesday, November 22, 1972, until 11 a.m. on Monday, November 27, 1972.

RESOLUTION CHAPTER 158

Senate Concurrent Resolution No. 85—Relative to the Joint Committee on the State's Economy.

[Filed with Secretary of State November 27, 1972.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on the State's Economy is continued in existence through July 31, 1974, notwithstanding the provisions of any prior concurrent resolution affecting such committee. The committee shall continue to have the powers and duties granted and imposed by the resolution creating or continuing it. The committee may expend any funds heretofore or hereafter 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.

RESOLUTION CHAPTER 159

Senate Concurrent Resolution No. 89—Approving an amendment to the Charter of the County of Fresno, State of California, ratified by the qualified electors of the county at a general election held therein on the seventh day of November, 1972.

[Filed with Secretary of State November 27, 1972.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the County of Fresno, 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:

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CERTIFICATION

Whereas, the County of Fresno, State of California, has been at all times herein mentioned and now is a body corporate and politic and a political subdivision of the State of California, and is now and has been since the 24th day of April, 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of former 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 special election duly and regularly called and held for that purpose on the 10th day of April, 1933, and which charter was approved by the Legislature of the State of California on the 19th day of April, 1933, and filed in the office of the Secretary of State on the 24th day of April, 1933; and

Whereas, the Board of Supervisors of said County, pursuant to the provisions of Section 3 of Article XI of said Constitution and Section 23722 of the Government Code, did, by resolution and order duly and regularly adopted on the 29th day of August, 1972, propose to the qualified electors of the said County of Fresno certain amendments to said charter of said county to be designated on the ballot as County Proposals A and B and ordered that said proposed amendments be submitted to the qualified electors of said county at a General Election to be held in said county on the 7th day of November, 1972, which date was fixed by law as the date for holding said election; and

Whereas, the Clerk of the Board of Supervisors thereafter duly and regularly caused said proposed charter amendments, and each of them, to be published ten times in The Fresno Bee, The Republican, a daily newspaper of general circulation printed, published and circulated in said County of Fresno, said publication being September 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27, 1972, which dates of publication were not less than thirty days nor more than sixty days prior to said election; and

Whereas, prior to said election the County Clerk of the County of Fresno, he being the duly designated officer therefor, did publish all notices, receive, print and publish and duly distribute to the voters of said county all analysis, arguments, sample ballots and other matters as required by law prior to the holding of said election, and said election was duly and regularly held in the manner provided by law in the said County of Fresno on the said 7th day of November, 1972; and

Whereas, thereafter the County Clerk of said County of Fresno, having been designated in the manner provided by law, did duly and regularly canvass the returns of the election and certified the same to the Clerk of the Board of Supervisors of said County of Fresno, and said clerk did on the 14th day of November, 1972, duly enter on the records of said board a statement of the result of said canvass and said election; and

Whereas, it appears from the statement of the result of said canvass and said election that County Proposal B, a proposal to amend

Section 32 of said charter, was approved by a Yes vote of 94,417 as against a No vote of 39,670, and accordingly, said County Proposal B to amend said Section 32 of the charter was ratified by a majority of the electors of said county voting thereon and that County Proposal A was not so ratified; and

Whereas, said charter amendment so ratified by the electors of the said County of Fresno 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 Section 23723 of the Government Code of the State of California. Said amendment so submitted is as follows:

County Proposal B

Shall the Charter of the County of Fresno be amended by amending Section 32 thereof to read as follows:

Section 32. The office of Constable in each judicial district is hereby consolidated with that of sheriff and the sheriff shall perform all functions otherwise imposed by law upon constables. All constables and deputy constables in office with probationary or permanent status upon the operative date of such consolidation shall become deputies of the sheriff of rank and step as may be determined by the Civil Service Commission in accordance with their previous experience and responsibility as peace officers, taking into consideration an evaluation thereof by the sheriff. This section as amended pursuant to the November, 1972, election, shall become operative beginning with the first county pay period following the first Monday after January 1, 1973, or at the beginning of the first county paid period thereafter when legally permissible.

State of California, }
County of Fresno } ss.

We, the undersigned, John Ventura, Chairman of the Board of Supervisors of the County of Fresno, State of California, and J. L. Brown, County Clerk and ex-officio Clerk of the Board of Supervisors of said County of Fresno, do hereby certify:

That the foregoing proposed and ratified amendment to the Charter of said County of Fresno was duly submitted to the electors of said county at the General Election held in said county on the 7th day of November, 1972; that such amendment as hereinabove set forth is true and correct as submitted and ratified as aforesaid, and we further certify that all of the facts hereinabove set forth 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 Fresno this 17th day of November, 1972.

(SEAL)

JOHN VENTURA
John Ventura,
Chairman of the Board
of Supervisors of Fresno
County, California
J. L. BROWN,
County Clerk and
ex-officio Clerk of the
Board of Supervisors
By CARL H. MELOM
Carl H. Melom,
Clerk

Attest:
J. L. BROWN,
County Clerk of the
County of Fresno,
State of California
By H. L. MASINI
H. L. Masini,
Assistant

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 County of Fresno, 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 Fresno.

RESOLUTION CHAPTER 160

Assembly Concurrent Resolution No. 133—Approving an amendment to the Charter of the City of San Leandro, County of Alameda, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the seventh day of November, 1972.

[Filed with Secretary of State November 30, 1972.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the

City of San Leandro, 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 MAYOR AND CITY CLERK OF THE CITY OF SAN LEANDRO

State of California,
County of Alameda } ss.
City of San Leandro

We, the undersigned, Jack D. Maltester, Mayor of the City of San Leandro, State of California, and Richard H. West, City Clerk of said City do hereby certify and declare as follows:

That the City of San Leandro is now and was at all times herein mentioned: (a) a City containing 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; (b) a City organized, existing, and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 20th day of September, 1949, and approved by the Legislature of the State of California, by Concurrent Resolution filed with the Secretary of State on the 16th day of December, 1949. (Senate Concurrent Resolution No. 2.)

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 San Leandro, being the legislative body thereof, by its Resolution No. 72-247, entitled "Resolution Calling a Special Municipal Election for the Purpose of Submitting to the Electors Two Proposals for Amendment of the City Charter; Directing That Notice of Said Election Be Given; and Requesting Consolidation of Said Municipal Election With the Statewide Election to Be Held on November 7, 1972," duly and regularly submitted to the qualified electors of said City certain proposals to amend the Charter of said City and to be voted on by the qualified electors at a special municipal election called and held for that purpose (among others) in said City on the 7th day of November, 1972.

That one certain proposal was designated and entitled as follows:

"Proposition L"

Shall Section 402 of Article IV of the Charter of the City of San Leandro be amended to provide that compensation for Councilmen shall be in the amount established by statute of the State of California for General Law Cities of equivalent population?"

That pursuant to the aforesaid resolution of the City Council of the City of San Leandro the proposed charter amendment was published and advertised according to law.

That said Special Municipal Election was duly and regularly held on the 7th day of November, 1972 in said City after due notice given and published.

That pursuant to said Resolution No. 72-247 of the City Council and Resolution No. 145152 of the Board of Supervisors of the County of Alameda, said Special Municipal Election was consolidated with the statewide election held in the City of San Leandro on that date. That by said Resolution No. 72-247 of the City Council, the Board of Supervisors of Alameda County was authorized to canvass the returns of said Special Municipal Election, to declare the results and make a return thereof to the City Council.

That thereafter on the 21st day of November, 1972, the Board of Supervisors of the County of Alameda in the manner provided by law and in accordance with directions of the City Council of the City of San Leandro as set forth in Resolution No. 72-247, did regularly canvass the returns of said election; that the Board of Supervisors of the County of Alameda in the manner provided by law, did by resolution adopted on the 21st day of November, 1972, duly certify the results of the canvass of said returns of said special election and did declare the results of said special municipal election as determined from the canvass of the returns thereof; and by said resolution did find, determine, and declare that the amendment to the Charter of the City of San Leandro designated as Proposition L was ratified by a majority of the qualified electors of the City voting separately thereon.

That said amendment to the Charter of the City of San Leandro so ratified by the electors of said City is in words and figures as follows, to wit:

That Section 402 of Article IV of the Charter of the City of San Leandro be amended to read as follows:

"Section 402: Compensation. Each Councilman shall receive compensation for his services in an amount equal to that established for Councilmen of General Law cities of equivalent population. This provision shall apply to all Councilmen holding office on the day it becomes effective and those elected or appointed thereafter. In addition, each Councilman shall receive reimbursement on order of the City Council for authorized traveling and other expenses when on official duty."

We further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of San Leandro 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.

That the proceedings hereinabove set forth were in compliance

with the provisions of Section 8, Article XI of the Constitution of the State of California and the laws of the State of California applicable thereto.

That this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the Seal of the City of San Leandro to be affixed hereto, this 21st day of November, 1972.

(SEAL)

JACK D. MALTESTER
Jack D. Maltester
Mayor of the
City of San Leandro
RICHARD H. WEST
Richard H. West
City Clerk of the
City of San Leandro

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 Leandro, County 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 San Leandro, County of Alameda.

RESOLUTION CHAPTER 161

Senate Concurrent Resolution No. 94—Approving amendments to the Charter of the City and County of San Francisco, State of California, ratified by the qualified electors of the city and county at a general election held therein on the seventh day of November, 1972.

[Filed with Secretary of State November 30, 1972]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City and County of San Francisco, a municipal corporation in the State of California, as hereinafter set forth in the certificate of the chairman

and clerk of the board of supervisors of the city and county, as follows:

Whereas, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

Whereas, The governing body of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county sixteen (16) 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 I, Division 2, Title 4 of the Government Code of the State of California, did cause said sixteen (16) 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 the General Election held in the City and County of San Francisco on the seventh day of November, 1972, the said sixteen (16) 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 seventh day of November, 1972, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "San Francisco Examiner," and each edition thereof as hereinbefore set forth; and

Whereas, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on

the twenty-seventh day of November, 1972, 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 seventh day of November, 1972, ten (10) 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 D, E, F, G, H, J, K, M, N and O, and six (6) other charter amendments submitted at said General Election, to wit, charter amendments designated as propositions C, I, L, P, Q and R received less than a majority of the votes of the electors voting thereon and were not ratified; and

Whereas, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without 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 D

Describing and setting forth a proposed amendment to the charter of the City and County of San Francisco by amending Sections 5.102 and 5.104 thereof relating to the Superintendent of Schools and to the San Francisco Community College District.

The Board of Supervisors does hereby order submitted to the qualified electors of the City and County of San Francisco at an election to be held therein on November 7, 1972, a proposal to amend the charter of said city and county by amending Sections 5.102 and 5.104 thereof so that the same shall read as follows:

5.102 Superintendent of Schools

The county superintendent of schools shall be the executive officer of the board of education. He shall be employed by said board to serve for a term of not more than four years.

During his term of office the superintendent may be removed from his office, as in this section hereinafter provided, for cause after charges setting forth the nature and character of said cause are filed against the said superintendent. Said charges must be in writing and shall be signed by at least two members of the board of education. A copy of said charges, together with a notice of the time and place of the hearing on the same, shall within five days after the filing of the same be served upon the said superintendent. The mailing of a copy of said charges, with notice of time and place of hearing on the same by United States registered mail, with the proper amount of postage prepaid thereon, addressed to said superintendent at his last known place of residence, shall be deemed to be a service of said

charges as provided for in this section. A public hearing on said charges shall be had by the board of education not less than ten, nor more than twenty days after the filing of said charges, provided that full power and authority is hereby given to the board of education to continue said hearing from time to time not to exceed sixty days from the commencement thereof, provided that for good cause said board may grant a further continuance on said hearing. The superintendent shall have the right to answer said charges, to appear at the hearing thereof and to be represented by counsel thereat for the purpose of defending himself against said charges. Pending the determination of said charges, the superintendent may be suspended from his office by a majority vote of the board of education, and the board may appoint a qualified person to discharge the duties of said superintendent during the period of suspension. If the board of education after hearing said charges shall by a two-thirds vote of all the members, determine that said charges have been sustained, it may by the same vote remove said superintendent from his office. No member of the board shall be entitled to vote on the removal of said superintendent unless he or she has been present at the entire hearing of such charges, provided that any member of the board who has not been present may vote for the removal of the superintendent, if such member has read a transcript of all the testimony taken on said hearing during his absence therefrom and shall file with the board an affidavit to this effect. If said charges are not sustained by a two-thirds vote of all the members of said board, or if after said charges are sustained, the superintendent is not removed from office as a result thereof, said superintendent shall be reinstated in his position and shall be allowed his salary for the time that he has been under suspension, together with the costs of defending himself against said charges, including a reasonable fee for his attorney to be fixed and allowed by the board. If the charges are sustained, and as a result thereof said superintendent is removed from office, no further salary shall be allowed to said superintendent from the date of his suspension. In the hearing and determination of said charges filed against said superintendent, the judgment of said board of education shall be final unless in determining the sufficiency of said charges said board of education commits a clear abuse of discretion.

The superintendent shall have the powers and duties specified by this charter for department heads, in addition to such powers and duties as are fixed by general law.

The positions of superintendent and associate and assistant superintendents shall be held only by persons of expert or technical training, but shall not be subject to any provisions of this charter prescribing a residence qualification for officers or appointees, provided however, that during their incumbency appointees to such positions shall reside in the city and county, and in case any appointee shall fail so to do, his appointment shall at once be revoked by the board.

The superintendent may appoint a confidential secretary who shall hold office at his pleasure.

5.104 Board of Education—Community College District

Notwithstanding the provisions of section 5.100 or of any other provisions of this charter, on and after August 8, 1972, the community college district of the city and county shall be under the control and management of a board of education, hereinafter referred to as the governing board of said district, composed of seven members who are not members of the board of education of the unified school district of the city and county and who shall be elected at large by vote of the electors as in this section provided and who shall be subject to recall, and to suspensions or removal in the same manner as elective officers, as provided by this charter. The compensation of each member shall be one hundred dollars ($100) per month.

At a special municipal election to be consolidated with the direct primary in 1972 there shall be elected seven members of the governing board of the community college district of the city and county. The term of each member shall be four years; provided, however, that the respective terms of office of the members first elected shall commence at twelve o'clock noon on the 8th day of August, 1972, and shall expire as follows: the respective terms of office of the four members receiving the highest number of votes respectively at said election shall expire at twelve o'clock noon on the 8th day of January, 1977; the respective terms of office of the three members receiving the next highest number of votes respectively shall expire at twelve o'clock noon on the 8th day of January, 1975.

At the general election in 1974 there shall be elected three members of the governing board of the community college district of the city and county to succeed those members thereof whose respective terms of office expire on the 8th day of January, 1975, and at the general election in each fourth year after 1974, the successors to said three members of the governing board of the community college district shall be elected, and at the general election in 1976 there shall be elected four members of the governing board of the community college district of the city and county to succeed those members thereof whose respective terms of office expire on the 8th day of January, 1977, and at the general election in each fourth year after 1976, the successors to said four members of the governing board of the community college district of the city and county shall be elected. Except as set forth herein, all terms of office of members of the governing board of the community college district of the city and county shall commence at twelve o'clock noon on the 8th day of January following the date of their election.

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 amending Section 3.500 thereof, relating to meetings of boards and commissions appointed by the Mayor.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 7, 1972, a proposal to amend the Charter of said city and county by amending Section 3.500 thereof, to read as follows:

3.500 Boards and Commissions

Each board and commission appointed by the mayor, or otherwise provided by this charter, shall have powers and duties as follows:

(a) To prescribe reasonable rules and regulations not inconsistent with this charter for the conduct of its affairs, for the distribution and performance of its business, for the conduct and government of its officers and employees, and for the administration, custody and protection of property under its control and books, records and papers appertaining to its affairs. The board of supervisors, by ordinance, may provide that rules and regulations of any board or commission, or general orders of any department head issued by authority of any board or commission that are of general public concern shall be posted or otherwise adequately publicized.

(b) To appoint one of its members as president to hold office for such term as each such board or commission by its rules or regulations, not inconsistent with this charter, may prescribe.

(c) To establish such standing or special committees as it shall deem necessary.

(d) To receive, on behalf of the city and county, gifts, devises and bequests for any purpose connected with or incidental to the department or affairs placed in its charge, and to administer, execute and perform the terms and conditions of trusts or any gift, devise or bequest which may be accepted by vote of the people or by the board of supervisors for the benefit of such department or purpose, and to act as trustees, under any such trust, when so authorized to do by the board of supervisors. The title to all real and personal property now owned or hereafter acquired by gift, devise, bequest or otherwise, by and for the purposes of any board or commission shall vest in the city and county.

(e) To require such periodic or special reports of departmental operations, costs and expenditures under its control as may be necessary and, exclusive of the board of supervisors, to submit an annual report to the mayor.

(f) To hold meetings at regular fixed dates and at regular meeting places, which dates or places shall not be changed except as in the

manner provided by section 2.200 for the meeting times and places of the board of supervisors. All such meetings and all special meetings and all meetings of all committees, whether composed of more than or less than a majority of the parent board or commission, shall be open and public; provided, however, that nothing contained in this subsection shall be construed to prevent any board or commission or committee thereof, respectively, from holding executive sessions during a regular or special meeting to: (1) consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another officer, employee or person unless such officer or employee requests a public hearing; (2) confer with legal counsel under circumstances in which the lawyer-client privilege conferred by the laws of the State of California may lawfully be claimed; and (3) confer with the attorney general, district attorney, sheriff or chief of police or their respective deputies, on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities. Except as hereinabove set forth, any action taken at a meeting other than a regular or special open and public meeting provided for by this subsection, shall be void.

(g) To hold special meetings for the purposes and in the manner provided by the Board of supervisors by ordinance, provided that no matter may be considered at any special meeting unless specifically designated in the notice calling such special meeting.

(h) To appoint a secretary, a superintendent, or other executive to be the administrative head of the affairs under its control who, unless otherwise specifically provided, shall not be subject to the civil service provisions of this charter, and shall hold office at its pleasure.

(i) To require a bond or other security from each such executive officer and from any employee in such form as the board of supervisors may authorize and in such amount as the mayor, on the recommendation of the controller, may approve, the premiums on such bond to be paid by the city and county.

A quorum for the transaction of official business shall consist of a majority of all the members of each board or commission, but a smaller number may adjourn from time to time and compel the attendance of absent members in the manner and subject to penalties to be provided by ordinance. A majority, two-thirds, three-fourths, or other vote specified by this charter for any board or commission shall mean a majority, two-thirds, three-fourths, or other vote of all the members of such board or commission. Each board or commission shall keep a record for the proceedings at each meeting and a copy thereof shall be forwarded promptly to the mayor. Except for the purpose of inquiry, each board or commission, in its conduct of administrative affairs under its control, shall deal with such matters solely through its chief executive officer.

Each board or commission relative to the affairs of its own department, shall deal with administrative matters only in the

manner provided by this charter, and any dictation, suggestion or interference herein prohibited on the part of any member of a board or commission shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the power of hearing and inquiry as provided in this charter.

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 Section 6.403 thereof, relating to business license taxes.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 7, 1972, a proposal to amend the charter of said city and county by amending Section 6.403 to read as follows:

6.403 Business License Taxes

No tax based on, or measured by, gross receipts shall be imposed after June 30, 1973, on any seller or manufacturer of goods, wares or merchandise if such person also is liable during the same period for payment of a tax imposed by the city and county based on, or measured by, payroll expense; provided, however, nothing herein shall prohibit any permit or license tax in accordance with or under the authority of any local health, sanitary or other ordinance under the police power.

CHARTER AMENDMENT

PROPOSITION G

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 8.340 thereof, relating to the probationary period for entrance positions in the uniform rank of the Sheriff's Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on November 7, 1972, a proposal to amend the Charter of said City and County by amending Section 8.340 thereof so that the same shall read as follows:

8.340 Dismissal During Probation Period

Any appointment to a position declared permanent by the civil service commission shall be on probation for a period of six months, provided that the probationary period for entrance positions in the

uniform rank of the police, fire and sheriff's departments shall be for one year. At any time during the probationary period the appointing officer may terminate the appointment upon giving written notice of such termination to the employees and to the civil service commission specifying the reasons for such termination. Except in the case of uniformed members of the police and fire departments the civil service commission shall inquire into the circumstances. If the appointment resulted from an entrance examination the commission may declare such person dismissed or may return the name to the list of eligibles under such conditions for further appointment as the commission may deem just. If the appointment resulted from a promotional examination the employee shall have the right of appeal and hearing before the civil service commission. The commission shall render a decision within thirty days after receipt of the notice of termination and (a) may declare such person dismissed; or (b) order such person reinstated in his position without prejudice, and the commission may in its discretion order that the employee be paid salary from time of the termination of his appointment; or (c) order the return of such person to the position from which he was promoted. The decision of the commission shall be final. Immediately prior to the expiration of the probationary period the appointing officer shall report to the civil service commission as to the competence of the probationer for the position, and if competent, shall recommend permanent appointment.

The provisions of this section shall be effective on the first day of the month immediately following the date of ratification of this amendment by the state legislature.

CHARTER AMENDMENT

PROPOSITION H

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Sections 9.104, 9.105, 9.111 and 9.112 thereof, relating to time limitations for: (1) nomination of elective officers; (2) mailing of material on candidates to voters; (3) filing of negative arguments with Registrar; and (4) holding special elections on initiative and recall petitions.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 7, 1972, a proposal to amend the Charter of said city and county by amending Sections 9.104, 9.105, 9.111 and 9.112 thereof, so that the same shall read as follows:

9.104 Nomination of Elective Officers

The name of a candidate for an elective office shall be printed upon the ballot when a declaration of candidacy, a nomination paper signed by not less than forty nominators and certificates of not less

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than twenty nor more than thirty sponsors shall have been filed on his behalf, and when the nomination shall have been made in the following manner: The candidate, not more than seventy-five days before the municipal election in November, shall file with the registrar a declaration of his candidacy, in the form prescribed by the registrar for all candidates, including statements of his qualifications in not to exceed one hundred words, subscribed by him before the registrar. The registrar shall forthwith certify to the said subscription and its date and retain and file the declaration. The candidate shall pay to the registrar at the time of filing his declaration of candidacy a sum equal to two percent (2%) of the current annual salary for the office for which he is a candidate. After said declaration shall have been signed, certified and filed, and not later than sixty days before said election in November a nomination paper, in the form prescribed by the registrar for all candidates, signed by not less than forty nominators for the said candidate, who are electors of the city and county qualified to vote at the said municipal election, shall be filed with the registrar. In addition thereto and not later than sixty days before the election each candidate shall file with the registrar, on forms furnished by him, not less than twenty nor more than thirty sponsors, who are electors qualified to vote at the said municipal election and who shall sign and certify under the penalty of perjury to the qualifications of said candidate.

In the event the registrar shall refuse to file such declaration of candidacy, nomination paper therefor or certificate of a sponsor thereof, he shall forthwith designate in writing on the declaration, nomination paper or certificate the defect thereof, or other reason for refusing to file the same, and shall return the same to the party tendering it. No defect in any declaration, nomination paper or certificate presented to the registrar shall prevent the filing of another declaration, nomination paper or certificate within the period allowed for presenting the declaration, nomination paper or certificate. The name of every candidate who has been duly and regularly nominated shall be placed on the ballot under the title of the office for which he is a candidate, provided that a candidate whose nomination has been completed, may, not less than fifty days before a municipal election, withdraw as a candidate by filing with the registrar his withdrawal, naming the office; such withdrawal must be signed and sworn to by the person withdrawing.

The name of every candidate who has been nominated for office as hereinbefore provided shall be placed on the ballot in alphabetical order in accordance with the initial letter of his surname, under the heading of the office for which said candidate has been nominated in the following manner: The name of the candidate highest on the alphabetical list of candidates for any particular office shall be printed first on the ballot under the proper heading for said office in the lowest numbered assembly district in the city and county. Thereafter, in each succeeding assembly district, the name of the candidate appearing first for said office in the last preceding district

shall be placed last and the order of the names of the other candidates for said office shall remain unchanged.

In the event that the number of candidates in any group shall exceed the number of assembly districts in the city and county, then the total number of candidates in such group shall be divided by the number of assembly districts and the quotient of said division, if an integral number, or, if it be a fractional number, then the next highest integral number, shall be the number of candidates to be taken from the beginning of the list of said candidates and placed at the end of said list of candidates in each succeeding assembly district.

Immediately under the name of each candidate and not separated therefrom by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the city, county, district or state office which the candidate then holds.

(b) If the candidate be a candidate for the same office which he then holds, and only in that event, the word "incumbent."

(c) The word designating the profession, vocation or occupation of the candidate. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate.

In all cases words so used shall be printed in eight-point roman boldface capitals and lower-case type.

No incumbent shall have any further preference in the location of his name on said ballot unless the same is permitted by this section.

The registrar shall preserve in his office for a period of four years all candidates' declarations, nomination papers and all sponsors' certificates filed in accordance with this section.

9.105 Material on Candidates Mailed to Voters

The registrar shall, before each municipal election, cause to be printed in pamphlet form and mailed to each registered voter with the sample ballot, a copy of all statements of qualifications of candidates received by him, to be followed by the names and addresses and occupations of all sponsors of all officers to be voted for in said city and county.

The registrar shall cause ballots to be printed identical with the ballot to be used in each assembly district at the election and shall furnish copies of the same on application to registered voters at his office at least thirty days before the date fixed for such election. He shall also furnish copies of all material required by this charter to be mailed to the voters prior to the election. Commencing at least thirty days before the date fixed for the election, the registrar shall mail to each voter entitled to vote on such election a copy of the ballot to be used in his district, and a copy of all material required by this charter to be mailed to the voters prior to the election, so that all said sample ballots and material shall have been mailed at least ten days before said election. The rotation of names of candidates on ballots shall be as provided by general law.

9.111 Time of Election

If the petition accompanying a proposed initiative measure, declaration of policy, or recall be signed by registered voters equal in number to ten percent of the entire vote cast for mayor at the last preceding general municipal election and contains a request that said measure, policy or recall be submitted forthwith to a vote of the electorate at a special election, then the registrar shall forthwith call a special election, which shall be held at a date not less than sixty nor more than seventy-five days from the date of calling the same, at which said measure or policy, without alteration, or said recall shall be submitted to a vote of the electorate, unless within sixty days of a general or primary election, in which event it shall be submitted at such general or primary election.

If the petition accompanying a proposed initiative measure or declaration of policy be signed by registered voters equal in number to five percent but less than ten percent of the said entire vote, then such measure or measures, without alteration, shall be submitted by the registrar to a vote of the electorate at the next general state or municipal election that shall occur at any time after thirty days from the date of the certificate of sufficiency attached to the petition accompanying such measure unless the board of supervisors, by ordinance, direct that the measure or policy be voted on at a special election prior thereto.

9.112 Material on Measures Mailed to Voters

Whenever any measure is required by this charter to be submitted to the voters of the city and county at any election, the registrar shall cause the measure or policy to be reprinted on sheets measuring approximately six by nine inches, and shall mail the same with a sample ballot to each voter, at least ten days prior to the election. This printed copy may be attached to any other matter required to be printed and mailed.

With or upon the sample ballot mailed to each voter prior to a recall election, there shall be transmitted the reasons for demanding the recall of the officer as set forth in the recall petition, printed in not more than three hundred words, and with or upon the same ballot the printed statement of the officer in not more than three hundred words justifying his course in office.

If the proposition be submitted to the registered voters upon an initiative, referendum or recall petition, the persons filing said petition shall have the right, upon deposit of an amount sufficient to defray the cost of printing as estimated by the registrar, to present to the registrar at any time not later than fifty days prior to said election, written arguments favoring their petition, and the registrar shall not accept arguments favoring said petition without the approval of those filing said petition. If said proposition be submitted by the mayor or by the board of supervisors, or by one-third of the board of supervisors, they shall have a similar right, but without the making of such deposit, to present arguments. Should the mayor or

four or more members of the board of supervisors desire to submit to the voters a negative argument concerning any proposition submitted by the mayor, the board of supervisors, or one-third of the board of supervisors, they shall have a similar right, but without the making of such deposit, to present such an argument. The board of supervisors may also in its discretion, by motion, grant to any proponents of propositions submitted by the board a similar right, which may be exercised, subject to the approval of such arguments by motion of the board and upon the making of such deposit. Any persons, committee or organization opposing the measure, policy, charter amendment, or recall placed before the voters may present upon making a deposit as aforementioned, and in like manner at any time not later than forty-five days prior to said election, written arguments opposing said proposition.

Said arguments shall not contain more than 1800 words, nor exceed four pages in length when printed. They shall be signed by the persons or the presiding or executive officials of the committee or organization presenting them. The registrar shall cause said arguments to be printed in a pamphlet approximately six by nine inches in size in one color of ink and in uniform style. They shall be arranged in numerical or alphabetical order according to the number or letter of the proposition to which they refer, and the affirmative in each case shall precede the negative. The registrar shall charge a uniform fee per page sufficient to cover the cost of printing said pamphlet, returning to depositors any excess of deposits. He shall mail one copy with the sample ballot to each voter.

Immediately after introduction in the board of supervisors, or filing with the clerk thereof, of any measure to be submitted to the voters, or of the filing of a petition of the voters for submission of any proposed amendment of the charter, in accordance with the provisions of article XI, section 3, of the constitution of California, the clerk of the board shall deliver a copy of such proposition to the controller. The controller shall thereupon determine whether, in his opinion, such proposition, if adopted, will increase the cost of government of the city and county or in any way affect its tax rate. The controller shall make a written statement thereon to the board of supervisors, analyzing such proposition as to its cost and effect upon the tax rate. Such statement shall be in form appropriate for mailing to the voters with a sample ballot. Upon vote of submission of any such proposition, which, in the opinion of the controller, will in any way affect the cost of government or the tax rate and as to all propositions to create a bonded debt, the controller shall transmit a copy of such statement in relation thereto to the registrar of voters, who shall mail one copy thereof to each voter with the sample ballot. In the pamphlet of arguments, the position of the statement of the controller shall in each instance be next in order after the negative argument.

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CHARTER AMENDMENT

PROPOSITION J

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by deleting Sections 3.620, 3.621, 3.622, 3.623, 3.624, 3.630, 3.631, 3.632, 3.633, and 3.634 thereof, and by adding Sections 3.620, 3.621, 3.622, 3.623, and 3.624 thereto, and by amending Section 6.404 thereof, relating to the consolidation of the California Palace of the Legion of Honor and the M. H. de Young Memorial Museum into one department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 7, 1972, a proposal to amend the Charter of said city and county by deleting Part Thirteen, California Palace of the Legion of Honor, Sections 3.620, 3.621, 3.622, 3.623, 3.624 and Part Fourteen, The M. H. de Young Memorial Museum, Sections 3.630, 3.631, 3.632, 3.633, and 3.634 thereof, and by adding Part Thirteen, Golden Gate Museums of San Francisco, Sections 3.620, 3.621, 3.622, 3.623, and 3.624 thereto, and by amending Section 6.404 thereof, to read as follows:

Part Thirteen: Golden Gate Museums of San Francisco

3.620 Board of Trustees; Composition

The california palace of the legion of honor and the M. H. de Young Memorial Museum are hereby consolidated into one department to be known and designated as the golden gate museums of san francisco or such other title as may be chosen by not less than two-thirds of the then authorized trustees of the museums. The management, superintendence and operation thereof, and the land set aside therefor, shall be vested in a board consisting of 32 trustees, of which the mayor and the president of the recreation and park commission shall be ex officio members. With the exception of certain members of the initial board and the ex officio members, each member shall be elected for a term of five years.

The initial board shall consist of the ex officio members and the members of the boards of the california palace of the legion of honor and the M. H. de Young Memorial Museum as constituted on November 7, 1972. At the first meeting the members shall elect from among their number a person to fill the office of president and shall establish a method for determining which among them shall serve full five year terms and which shall serve for lesser periods of time in order to establish a board with a rotating membership. The office of president shall carry a term of five years. The office of president and all subsequent vacancies in said board howsoever occurring shall be filled by the vote of a majority of the trustees in office at the time.

On a vote of the majority of trustees in office at the time the number of trustees may be increased or decreased from time to time as needed, provided that a vote to decrease the number of trustees shall affect only vacant offices in the authorized number of trustees occurring from whatever cause, and provided further that at no time shall the total number of trustees exceed 32. None of said trustees shall receive any compensation for his or her services, nor need they be residents of the city and county.

This section, and sections 3.621, 3.622, 3.623, 3.624 as herein added, and section 6.404 as herein amended, shall take effect on the filing with the secretary of state of the legislative resolution of approval thereof, except that the existing boards of trustees and departments shall continue for all purposes pertaining to the current fiscal year until the first day of the fiscal year next succeeding the filing of such resolution and the board of trustees of the golden gate museums shall have power prior to such date only in matters pertaining to its own organization and to such next succeeding fiscal year and thereafter.

3.621 Functions; Powers and Duties

The board shall have exclusive charge of said museums, the lands set aside therefor, and their affairs including designating the days and hours during which they shall be open and the charges, if any, to be made for admittance thereto, and of all real and personal property belonging to the museums, or which may be acquired by loan, purchase, gift, devise, bequest or otherwise, when not inconsistent with the terms and conditions of the loan, gift, devise or bequest, and shall have the further power to insure loan exhibits. It shall meet for its purposes four times annually, at least once in three months, and at such other times as the president or any six trustees may appoint, in a place to be provided for the purpose. It shall elect an executive committee consisting of the president and six other trustees which shall have such powers between meetings as are delegated to it by the board, which may include the full powers of the board. All subsequent vacancies in said committee howsoever occurring shall be filled by the vote of a majority of the trustees in office at the time. The president may appoint such further committees as he shall deem appropriate for the purpose of advising the board and executive committee on matters pertaining to the museums. The board further may designate such persons as it deems appropriate "honorary trustees." Each honorary trustee may have a seat on the board and may participate in debate, but said honorary trustee is not entitled to vote on any matters before the board for its consideration.

The board shall have the power to maintain, repair or reconstruct existing buildings and construct new buildings and to make and enter into contracts relating thereto, subject, however, insofar as city funds are to be used, to the budget and annual appropriation ordinance. The park commission shall maintain and care for the grounds of the museums, and shall furnish the monies for the

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necessary repair and embellishment of the grounds and unoccupied parts.

3.622 Director and Other Employees

The board shall appoint a director, three assistant directors, curators, and an executive secretary, who shall hold office at its pleasure. It shall appoint such other assistants and employees as may be necessary, who shall be subject to the civil service and salary standardization provisions of this charter.

The civil service rights of persons employed under the civil service provisions of this charter in either the california palace of the legion of honor or the M. H. de Young Memorial Museum departments shall continue in the golden gate museums department. Seniority of any such employees who have acquired civil service status in either the california palace of the legion of honor under the provisions of section 50 of the charter, as amended, and effective January 11, 1943, or in the M. H. de Young Memorial Museum under the provisions of section 51 of the charter, as amended, and effective January 11, 1943, shall be determined for all purposes in each instance by the date of commencement of full time continuous service with either of such departments.

3.623 Accounts and Reports

The executive secretary of the board of trustees of the golden gate museums shall keep a full account of all property, money, receipts and expenditures, and a record of all its proceedings, and shall file annually a report with the controller.

3.624 Compliance with Terms of the Donation

It is the intention that the administration and control of the golden gate museums of san francisco shall be continued with the powers granted and under the conditions imposed by the terms of the respective donations to the california palace of the legion of honor and the M. H. de Young Memorial Museum and accepted by the city and county.

6.404 Appropriations for Maintenance of Certain Cultural Facilities

(a) The board of supervisors shall annually appropriate to the war memorial board an amount sufficient to defray the cost of maintaining, operating and caring for the war memorial.

(b) The supervisors, subject to the budget provisions of this charter, shall, for the purpose of maintaining, operating, providing for the security of, expanding and superintending the golden gate museums and the purchase of objects of art, literary productions and other personal property, provide in each annual budget of the city and county an amount sufficient for the maintenance, operations, and superintendence thereof, and such additional amount as is necessary to take care of the increased demand for help, buildings, repairs, and care of the museums. Such amounts shall be credited to

and deposited in a fund in the treasury of the city and county to be known as the "golden gate museums fund," or such other title as may be chosen by not less than two-thirds of the then authorized trustees of the museums and shall be used exclusively for the purposes thereof.

(c) Funds necessary for the maintenance, operation, and continuance of the steinhart aquarium shall be furnished by the city and county to the california academy of sciences. The board of supervisors is empowered to furnish to said california academy of sciences such funds as the board shall deem proper for the maintenance, operation, and continuance of any or all other of said buildings and improvements heretofore or hereafter erected.

CHARTER AMENDMENT

PROPOSITION K

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding Section 3.530-1 thereto, providing for the maintenance and operation of district police stations in the city and county.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 7, 1972, a proposal to amend the Charter of said City and County by adding Section 3.530-1 thereto, reading as follows:

3.530-1 District Police Stations

In the management of the police department, the police commission shall maintain and operate district police stations at the locations of said district police stations as were in existence on January 1, 1972; provided, however, that the police commission may, subject to the approval, by resolution of the board of supervisors, establish new and additional district stations, abandon or relocate any such district station or consolidate any two or more of such district stations.

This provision of this section shall become effective on July 1, 1973.

CHARTER AMENDMENT

PROPOSITION M

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by adding Section 8.521 thereto, to provide for the granting of credit as city service in the Retirement System to persons in military service who had standing on an eligible list for appointment to a permanent position and who were reached for

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certification to a permanent position while in military service.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 7, 1972, a proposal to amend the Charter of said city and county by adding thereto Section 8.521, reading as follows:

8.521 Credit for Certain Military Service

Notwithstanding any other provisions of this charter, any member who was serving in the armed forces of the United States or the State of California during time of war or any emergency lawfully declared by the President of the United States, who had standing on an eligible list for appointment to a permanent position and was reached for certification to a permanent position while so serving 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 after he was so reached during which he was so serving; provided, however, that no member shall have such right unless he entered into employment with the city and county as a result of such certification made in accordance with the provisions of Section 8.361 of the charter within one year after his discharge from such armed forces.

Any member who elects pursuant to this section to make contributions and 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 rates 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 service credit.

CHARTER AMENDMENT

PROPOSITION N

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Sections 8.546, 8.547, 8.549, 8.570, 8.571 and 8.573 thereof, relating to retirement and survivors benefits of members of the Police and Fire Departments.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 7, 1972, a proposal to amend the Charter of said city and county by amending Sections 8.546, 8.547, 8.549, 8.570, 8.571 and 8.573 thereof, so that the same shall read as follows:

8.546 Service Retirement

Any member of the police department who completes at least twenty-five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under section 8.554, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-five years. A member retired after meeting the service and age requirements in the two sentences next preceding, shall receive a retirement allowance equal to fifty-five percent of the final compensation of said member, as defined in section 8.545, plus an allowance at the rate of three per cent of said final compensation, for each year of service rendered in excess of twenty-five years; provided, however, that such retirement allowance shall not exceed seventy percent of said member's final compensation. A member retired after attaining the age of sixty-five years, but before completing twenty-five years of service in the aggregate computed under section 8.554, shall receive a retirement allowance which bears the same ratio to fifty percent of the final compensation of said member, as defined in section 8.545 as the service with which he is entitled to be credited, bears to twenty-five years. If, at the date of retirement for service, or retirement for disability resulting from an injury received in performance of duty, said member has no wife, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or section 8.547, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar election by other members of the retirement system, including the character and amount of such other benefits.

8.547 Retirement for Incapacity

Any member of the police department who becomes incapacitated for the performance of his duty by reason of bodily injury received in, or illness caused by performance of his duty, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in section 8.545, as his percentage of disability is determined to be. The percentage of disability shall be as determined by the Workmen's Compensation Appeals Board of the State of California

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upon referral from the retirement board for that purpose; provided that the retirement board may, by five (5) affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than fifty percent nor more than ninety percent of the final compensation of said member, as defined in section 8.545. Said allowance shall be paid to him until the date upon which said member would have qualified for service retirement had he lived and rendered service without interruption in the rank held by him at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation as defined in section 8.545 he would have received immediately prior to said date had he lived and rendered service as assumed, but such allowance shall not be less than fifty-five percent of such final compensation. If at the time of retirement because of disability, he is qualified as to age and service for retirement under section 8.546, he shall receive an allowance equal to the retirement allowance which he would receive if retired under section 8.546 but not less than fifty-five percent of said final compensation. Any member of the police department who becomes incapacitated for the performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least ten years of service in the aggregate, computed as provided in section 8.554 shall be retired upon an allowance of one and one-half percent of the final compensation of said member, as defined in section 8.545, for each year of service provided that said allowance shall not be less than thirty-three and one-third percent of said final compensation; provided, however, that if such member has completed at least 25 years of service in the aggregate, computed as provided in section 8.554, but has not yet attained the age of 50 years, he shall receive an allowance equal to the retirement allowance he would have received if he had attained the age of 50 years and retired under section 8.546 as of the date of retirement for such incapacity. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the police commission, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

8.549 Payment of Surviving Dependents

Upon the death of a member of the police department resulting from any cause, other than injury received in or illness caused by performance of duty, (a) if his death occurred after qualification for service retirement under sections 8.540, 8.543 or 8.546, or after retirement for service or because of disability which resulted from any cause other than an injury received in, or illness caused by the performance of duty, three-fourths of his retirement allowance to

which he would have been entitled if he had retired for service at the time of his death or three-fourths of his retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until remarriage, to his surviving wife or (b) if his death occurred after the completion of at least twenty-five years of service in the aggregate but prior to the attainment of the age of fifty years, three-fourths of the retirement allowance to which he would have been entitled under section 8.546 if he had attained the age of 50 years on the date of his death shall be continued throughout life or until remarriage to his surviving wife, or (c) if his death occurred after retirement because of disability which resulted from injury received in, or illness caused by the performance of duty, his retirement allowance as it was at his death shall be continued throughout life or until remarriage, to his surviving wife, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died or (d) if his death occurred after completion of at least ten years of service in the aggregate, computed as provided in section 8.554, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to section 8.547 if he had retired on the date of death because of incapacity for performance of duty resulting from a cause other than bodily injury received in or illness caused by performance of duty shall be paid throughout life or until remarriage to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a child or children, regardless of age, dependent upon him for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or the onset of the illness which results in death, if he had not retired, or unless she was married to the member at least one year prior to his death.

As used in this section and section 8.548, "surviving wife" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member but whose remarriage has been terminated by death, divorce or

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annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in section 8.552 in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the eligible child or children may make such election, and if there be no such children, the dependent parent or parents may make such election. Persons heretofore or hereafter retired under other charter sections as members of the police department at the time of retirement, shall be subject to the provisions of this section. With respect to members under section 8.544, "qualified for service retirement," "qualification for service retirement" or "qualified as to age and service retirement," as used in this section and other sections to which persons who are members under section 8.544 are subject, shall mean completion of twenty-five years of service and attainment of age fifty, said service to be computed under section 8.554.

The amendments of this section 8.549 contained in the proposition therefor submitted to the electorate on November 7, 1972, are hereby declared to be retroactive and shall be applicable to members who died after October 1, 1970.

8.570 Service Retirement

Any member of the fire department who completes at least twenty-five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under section 8.578, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-five years. A member retired after meeting the service and age requirements in the two sentences next preceding, shall receive a retirement allowance equal to fifty-five per cent of the final compensation of said member, as defined in section 8.569, plus an allowance at the rate of three percent of said final compensation, for each year of service rendered in excess of twenty-five years; provided, however, that such retirement allowance shall not exceed seventy percent of said member's final compensation. A member retired after attaining the age of sixty-five years, but before completing twenty-five years of service in the aggregate computed under section 8.578, shall receive a retirement allowance which bears the same ratio to fifty percent of the final compensation of said member, as defined in section 8.569, as the service with which he is entitled to be credited, bears to twenty-five years. If, at the date of retirement for service, or retirement for disability resulting from an injury received in performance of duty, said member has no wife, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be

continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or section 8.571, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar election by other members of the retirement system, including the character and amount of such other benefits.

8.571 Retirement for Incapacity

Any member of the fire department who becomes incapacitated for the performance of his duty by reason of any bodily injury received in, or illness caused by performance of his duty, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in section 8.569, as his percentage of disability is determined to be. The percentage of disability shall be as determined by the Workmen's Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five (5) affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than fifty percent nor more than ninety percent of the final compensation of said member, as defined in section 8.569. Said allowance shall be paid to him until the date upon which said member would have qualified for service retirement had he lived and rendered service without interruption in the rank held by him at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in section 8.569, he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than fifty-five percent of such final compensation.

If at the time of retirement because of disability, he is qualified as to age and service for retirement under section 8.570, he shall receive an allowance equal to the retirement allowance which he would receive if retired under section 8.570, but not less than fifty-five percent of said final compensation. Any member of the fire department who becomes incapacitated for performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least ten years of service in the aggregate, computed as provided in

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section 8.578, shall be retired upon an allowance of one and one-half percent of the final compensation of said member as defined in section 8.569 for each year of service, provided that said allowance shall not be less than thirty-three and one-third percent of said final compensation; provided, however, that if such member has completed at least 25 years of service in the aggregate, computed as provided in section 8.578, but has not yet attained the age of 50 years, he shall receive an allowance equal to the retirement allowance he would have received if he had attained the age of 50 years and retired under section 8.570 as of the date of retirement for such incapacity. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the fire commission, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

The amendments of this section 8.571 contained in the proposition therefor submitted to the electorate on November 7, 1972, are hereby declared to be retroactive and shall be applicable to members who retired after October 1, 1970.

8.573 Payments to Surviving Dependents

Upon the death of a member of the fire department resulting from any cause, other than an injury received in or illness caused by performance of duty, (a) if his death occurred after qualification for service retirement, under section 8.570, or after retirement for service or because of disability which resulted from any cause other than an injury received in, or illness caused by performance of duty, three-fourths of his retirement allowance to which the member would have been entitled if he had retired for service at the time of death or three-fourths of the retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until remarriage, to his surviving wife, or (b) if his death occurred after the completion of at least twenty-five years of service in the aggregate but prior to the attainment of the age of fifty years, three-fourths of the retirement allowance to which he would have been entitled under section 8.570 if he had attained the age of 50 years on the date of his death shall be continued throughout life or until remarriage to his surviving wife, or (c) if his death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, his retirement allowance as it was at his death shall be continued throughout life or until remarriage, to his surviving wife, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date of which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died, or (d) if his death occurred after completion of at least ten years of service in the aggregate, computed as provided in section 8.578, an allowance in an

amount equal to the retirement allowance to which the member would have been entitled pursuant to section 8.571 if he had retired on the date of death because of incapacity for performance of duty resulting from a cause other than bodily injury received in or illness caused by performance of duty shall be paid throughout life or until remarriage to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under age of eighteen years, but leave a child or children, regardless of age, dependent upon him for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which results in death if he had not retired, or unless she was married to the member at least one year prior to his death if he had retired.

As used in this section and section 8.572, "surviving wife" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in section 8.576, in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the eligible child or children may make such election, and if there by no such children, the dependent parent or parents may make such election. Persons heretofore retired under charter section 8.567, as members of the fire department at the time of retirement, shall be subject to the provisions of this section. "Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under section 8.568 are subject, shall mean completion of twenty-five years of service and attainment of age fifty, said service to be computed under section 8.578.

The amendments of this section 8.573 contained in the proposition therefor submitted to the electorate on November 7, 1972, are

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hereby declared to be retroactive and shall be applicable to members who died after October 1, 1970.

CHARTER AMENDMENT

PROPOSITION O

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Sections 8.423 and 8.428 thereof, relating to the Health Service System.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 7, 1972, a proposal to amend the Charter of said city and county by amending Sections 8.423 and 8.428 thereof, so that the same shall read as follows:

8.423 Revision of Schedules and Compensation

In January of each year, at a public hearing, the health service board shall review and determine the adequacy of medical care provided for members of the system and the adequacy of fee schedules and the compensation paid for all services rendered and it may make such revisions therein as it deems equitable but such revisions shall not become effective until approved by ordinance of the board of supervisors adopted by three-fourths of its members.

Commencing in 1973, the health service board shall, prior to the second Monday in January in each year, conduct a survey of the ten counties in the State of California, other than the City and County of San Francisco, having the largest populations to determine the average contribution made by each such county toward the providing of health care plans, exclusive of dental or optical care, for each employee of such county. In accordance with said survey, the health service board shall determine the average contribution made with respect to each employee by said ten counties toward the health care plans provided for their employees and on or before the second Monday in January of each year, the health service board shall certify to the board of supervisors the amount of such average contribution. For the purposes of section 8.428, the amount of such average contribution shall be "the average contribution."

The health service board shall have the responsibility to obtain and disseminate information to its members with regard to plan benefits and costs thereof. All expenses in connection with obtaining and disseminating said information and the investment of such fund or funds as may be established, including travel and transportation costs, shall be borne by the system from reserves in the health service fund but only upon adoption of a resolution by the health service board approving such expenses.

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8.428 Health Service System Fund

There is hereby created a health service system fund. The costs of the health service system shall be borne by the members of the system and retired persons, the City and County of San Francisco because of its members and retired persons and because of the members and retired persons of the parking authority of the city and county of san francisco, the san francisco unified school district because of its members and retired persons and the san francisco community college district because of its members and retired persons. A retired person as used in this section means a former member of the health service system retired under the san francisco city and county employees' retirement system.

The city and county, the school district and the community college district shall each contribute to the health service fund amounts sufficient for the following purposes, and subject to the following limitations:

(a) All funds necessary to efficiently administer the health service system.

(b) For the fiscal year commencing July 1, 1973, the city and county, the school district and the community college district shall contribute to the health service system fund with respect to each of their members an amount equal to one-half of "the average contribution," as certified by the health service board in accordance with the provisions of section 8.423. For the fiscal year commencing July 1, 1974, and each fiscal year thereafter, the city and county, the school district and the community college district shall contribute to the health service system fund with respect to each of their members an amount equal to "the average contribution," as certified by the health service board in accordance with the provisions of section 8.423.

(c) Monthly contributions required from retired persons participating in the system shall be equal to the monthly contributions required from members in the system, except that the total contributions required from retired persons who are also covered under Medicare shall be reduced by an amount equal to the amount contributed monthly by such persons to Medicare; provided, however, that for the fiscal year commencing July 1, 1973, and for each fiscal year thereafter, the city and county, the school district and the community college district shall contribute funds sufficient to defray the difference in cost to the system in providing the same health coverage to retired persons as is provided for active employee members.

(d) The city and county, the san francisco unified school district and the san francisco community college district shall not contribute to the health service system fund any sums, except as hereinbefore set forth, on account of participation in the benefits of the system by members' dependents, retired persons' dependents, persons who retired and elected not to receive benefits from San Francisco City and County Employees' Retirement System and resigned employees

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and teachers defined in section 8.425, and any employee whose compensation is fixed in accordance with sections 8.401, 8.403, or 8.404 of this charter and whose compensation therein includes an additional amount for health and welfare benefits or whose health service costs are reimbursed through any fund established for said purpose by ordinance of the board of supervisors.

It shall be the duty of the board of supervisors, the board of education and the governing board of the community college district annually to appropriate to the health service system fund such amounts as are necessary to cover the respective obligations of the city and county, the san francisco unified school district and the san francisco community college district hereby imposed. Contributions to the health service system fund of the city and county, of the school district and of the community college district shall be charged against the general fund or the school, utility, bond or other special fund concerned.

The amendments of this section contained in the proposition therefor submitted to the electorate on November 7, 1972, shall be effective July 1, 1973.

State of California,
City and County of San Francisco } ss

This is to certify that we, Ronald Pelosi, 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 the General Election held on Tuesday, the seventh day of November, One Thousand Nine Hundred and Seventy-Two; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this twenty-seventh day of November, One Thousand Nine Hundred and Seventy-Two.

(SEAL)

RONALD PELOSI
Ronald Pelosi
President of the Board of
Supervisors of the City and
County of San Francisco
ROBERT J. DOLAN
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
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 part of, the Charter of the City and County of San Francisco.

RESOLUTION CHAPTER 162

Assembly Concurrent Resolution No. 134—Approving amendments to the Charter of the County of San Mateo, State of California, ratified by the qualified electors of the county at a general election held therein on the seventh day of November, 1972.

[Filed with Secretary of State December 1, 1972.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the County of San Mateo, 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 Mateo } ss.

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY OF SAN MATEO, SUBMITTED TO THE QUALIFIED ELECTORS OF SAID COUNTY OF SAN MATEO ON TUESDAY, THE 7TH DAY OF NOVEMBER, 1972

Be it known that:

Whereas, the County of San Mateo, State of California, has been at all times herein mentioned, and now is, a body politic, a corporate, and a political subdivision of the State of California, and is now and has been, since the 28th day of January, 1933, organized and acting under and by virtue of a freeholder's 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 the qualified electors of said county at an election held for that purpose on the 8th day of November, 1932, and approved by the Legislature of the State of California in the Fiftieth Session thereof, and filed in the office of the Secretary of State on the 28th day of January, 1933; and

Whereas, the Board of Supervisors of said county pursuant to the provisions of Section 3 of Article XI of said Constitution did by Resolution No. 30715, adopted August 22, 1972, duly propose charter amendments to the qualified electors of said county, designated in said resolution and order as proposed County Charter Amendments lettered "A" and "C" and ordered that said amendments be submitted to the qualified electors of said county at the November General Election to be held in said county on Tuesday, the 7th day of November, 1972, which date was fixed in said resolution as the day for holding said General Election; and

Whereas, said proposed charter amendments lettered "A" and "C" were published for ten times in the San Mateo Times, a daily newspaper of general circulation, printed, published, and circulated in said county, to wit: On September 8, 9, 11, 12, 13, 14, 15, 16, 18, and 19, 1972; and

Whereas, said November 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, as aforesaid; and

Whereas, a copy of the proposed charter amendment propositions and a sample ballot containing said propositions were mailed to every qualified elector in said County of San Mateo; and

Whereas, thereafter the County Clerk and ex-officio Clerk of the Board of Supervisors of said County of San Mateo did, in the manner provided by law, duly and regularly canvass the returns of said

election, and the said Board of Supervisors of said county on the 21st day of November, 1972, 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 7th day of November, 1972, 147,805 votes were cast in favor of said proposed charter amendment lettered "A" and 74,167 votes were cast against said proposed charter amendment lettered "A"; and

Whereas, at said November General Election held on the said Tuesday, the 7th day of November, 1972, 124,071 votes were cast in favor of said proposed charter amendment lettered "C" and 87,364 votes were cast against said proposed charter amendment lettered "C"; and

Whereas, said proposed charter amendments lettered "A" and "C" were ratified by a majority of the electors of said county voting thereon; and

Whereas, said Proposition A appeared on the official ballot and on the voting machine as follows:

Proposition A

San Mateo County Charter Amendment

Shall the Charter of the County of San Mateo be amended to establish a county park and open space acquisition and development fund and to require the Board of Supervisors to transfer each year for 10 years into such fund a sum of money equal to 10¢ per $100 of assessed valuation of the county, to be used only for county park and open space acquisition and development?

; and

Whereas, said charter amendment lettered "A" so ratified by the electors of said County of San Mateo is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 3 of Article XI of the Constitution of the State of California, and is in words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to wit:

PROPOSITION A

That Section 7 be added to Article X of the San Mateo County Charter to establish a county park and open space acquisition and development fund and to require the Board of Supervisors to transfer each year for 10 years into such fund a sum of money equal to 10¢ per $100 of assessed valuation of the county, to be used only for county park and open space acquisition and development.

That Section 7 shall be added to Article X to read as follows:

Section 7. County Park and Open Space Program. (a) The Board of Supervisors shall establish a county park and open space acquisition and development fund in the county treasury. Each fiscal year the Board of Supervisors shall transfer from the general fund to the county park and open space acquisition and development fund an amount of money which shall be an amount equal to the amount that would be raised for that year by a tax of ten cents per one hundred dollars of assessed valuation of the County of San Mateo.

(b) The Board of Supervisors shall appropriate the money in the county park and open space acquisition and development fund for the acquisition, development, or acquisition and development, of real property, or any interest therein, for county park and open space purposes and said fund shall not be expended for any other purpose.

(c) The county shall not acquire real property for any park purpose until the Board of Supervisors has determined that the acquisition is in conformity with the adopted Park and Open Space Element of the county general plan.

(d) If the constitution or statutes of the State of California are amended during the effective period of this section to place a ceiling on property taxes that may be levied by the County of San Mateo, and the Board of Supervisors after public hearing determines that such limitation conflicts with its ability to comply with this section, then the Board of Supervisors may suspend by resolution the provisions of this section for each applicable fiscal year to the extent of such conflict.

(e) If all or a part of the County of San Mateo should, without an affirmative vote of the electorate therein, become subject to the jurisdiction of a public agency other than the State of California, which agency's jurisdiction includes territory in two or more counties and which agency has the power of imposing a tax, levy, or assessment for the purpose of preserving, conserving, or acquiring real property for park or open space purposes, the Board of Supervisors may, after public hearings, determine that the appropriation authorized by this section shall not be made. Such a determination shall be made annually at the time of determining the final budget of the county.

(f) This section shall be operative commencing with the 1973–1974 fiscal year and shall expire at the end of the 1982–83 fiscal year; provided however, any unobligated monies remaining in the fund on June 30, 1983, shall be used only for the purposes set forth in subparagraph (b) of this section.

; and

Whereas, said Proposition C appeared on the official ballot and on the voting machine as follows:

Proposition C

San Mateo County Charter Amendment

Shall the Charter of the County of San Mateo be amended to change the office of County Engineer from an elective office to an appointive office; to provide for the appointment of the County Engineer, who shall be a California registered civil engineer, by the County Manager subject to confirmation by the Board of Supervisors; and to provide that the first appointment to such office shall be the incumbent County Engineer on the effective date of this charter amendment?

; and

Whereas, said charter amendment lettered "C" so ratified by the electors of said County of San Mateo is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 3 of Article XI of the Constitution of the State of California, and is in words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to wit:

PROPOSITION C

That Section 2 and Section 5 of Article VI of the San Mateo County Charter be amended to change the office of County Engineer from an elective office to an appointive office; to provide for the appointment of a County Engineer, who shall be a California registered civil engineer, by the County Manager subject to confirmation by the Board of Supervisors; and to provide that the first appointment to such office shall be the incumbent County Engineer on the effective date of this charter amendment.

That Section 2 and Section 5 of Article VI be amended to read as follows:

Section 2. Elective County Officers. Elective county officers, other than the members of the Board of Supervisors, shall be an Assessor, a County Clerk, a Controller, a District Attorney, a Sheriff, a Superintendent of Schools, a Coroner, a Recorder, a Tax Collector, and a Treasurer.

The Tax Collector shall be ex-officio license collector; the Coroner shall be ex-officio public administrator.

Section 5. County Manager Appointments. The County Manager shall, subject to confirmation by the Board of Supervisors, appoint a Building Inspector, a Director of Health and Welfare, an Engineer, and a Purchasing Agent. The Engineer shall be a registered civil engineer of the State of California.

The first appointment to the office of Engineer after this charter amendment becomes effective shall be the person who is then the

incumbent holding the elective office of Engineer which is made appointive by this amendment.

If the Board of Supervisors shall, within thirty days after submission by the County Manager of a nominee or nominees for confirmation by said Board, fail to take action upon same, said failure so to act shall be conclusively deemed to be, and shall operate as, a confirmation of said Board.

The County Manager shall, within thirty days after any vacancy occurs in, or after a refusal by the Board of Supervisors to confirm a nominee for, or after the creation of, any office made appointable by the County Manager pursuant to the provisions of this Charter, submit to said Board of Supervisors a nominee or nominees for confirmation by said Board. If the County Manager within such time fails to so submit a nominee or nominees, then said Board of Supervisors shall thereafter make such appointment.

Should said Board of Supervisors refuse to confirm a nominee of the County Manager for any such office, board or commission, then the County Manager shall not thereafter submit the same nominee to said Board of Supervisors for the same appointment to such office, board or commission for which such confirmation was refused but the County Manager shall submit a different nominee for such confirmation.

State of California, }
County of San Mateo } ss.

We, the undersigned, Gerald F. Day, Chairman of the Board of Supervisors of the County of San Mateo, State of California, and Marvin Church, County Clerk and ex-officio Clerk of said Board of Supervisors of the said County of San Mateo, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of San Mateo, submitted to the electors of said county at a General Election held in said county on Tuesday, the 7th day of November, 1972, has been compared by us, and each of us, with the proposed amendments lettered "A" and "C" set forth in the resolution adopted by said Board of Supervisors, as hereinabove set forth, and that the foregoing is a full, true, and correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of San Mateo, this 21st day of November, 1972.

(SEAL)

GERALD F. DAY
Chairman
Board of Supervisors of the County of San Mateo, State of California
MARVIN CHURCH
County Clerk and ex-officio Clerk of the Board of Supervisors of the County of San Mateo, 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 County of San Mateo, 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 Mateo.

RESOLUTION CHAPTER 163

Assembly Concurrent Resolution No. 135—Approving amendments to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a special election held therein on the seventh day of November, 1972.

[Filed with Secretary of State December 1, 1972]

WHEREAS, Proceedings have been taken and had for the adoption and ratification of four amendments, hereinafter set forth, to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the President of the Council of the City of Los Angeles and the city clerk of said city, as follows:

CERTIFICATE OF 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 eight 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 four 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 7th day of November, 1972, all as required by law, which said proposals were designated as proposed charter amendments Q, R, T and U.

That on the 26th day of September, 1972, 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 September 26, 1972, 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 September 25, 1972, to and including November 7, 1972; and a notice was advertised and published on and from September 25, 1972, to and including November 7, 1972, in "The Los Angeles Daily

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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 November 7, 1972, 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 Registrar-Recorder of the County of Los Angeles dated November 21, 1972, and by the declaration of the Council of said City of Los Angeles, which pursuant to law met on November 22, 1972, 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 Registrar-Recorder.

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 Q

Article XXXIV of the Charter of the City of Los Angeles hereby is amended by adding Section 512.2 thereto, said added section to read as follows:

Sec. 512.2. Establishment of Benefits by Ordinance

(a) Ordinances adopted pursuant to this section must be approved by not less than two-thirds of the membership of the Council, subject to the veto of the Mayor and readoption by the Council in the same manner as other ordinances requiring a two-thirds vote. No such ordinance may be finally adopted by the Council until the expiration of at least thirty days after its first presentation to the Council, nor until after a public hearing has been held thereon.

(b) From and after the effective date of this section, the Council may, by an ordinance or ordinances adopted pursuant to the requirements contained in subsection (a) modify or add to the benefits established in this article or change conditions of entitlement thereto, provided, that service retirement benefits for active or retired members of the System cannot be modified or added to if the result will be that such benefits would exceed on the average the service retirement benefits provided for active or retired members of the County of Los Angeles Employees' Retirement System; and provided further that the City Council shall not enact any changes in service retirement benefits, unless it has been advised in writing by an actuary who is a member of a recognized regional or national association of actuaries that in his

judgment the system's retirement benefits, if added to or modified as proposed, will not exceed on the average those of the County of Los Angees Employees' Retirement System.

Any modification of the benefits provided under Section 511.1 of this article shall not provide for a maximum benefit in excess of comparable survivor benefits under the Old Age Security Disability Insurance program of the United States Government, as amended from time to time.

By an ordinance adopted as provided in this section, the Council may modify the provisions of this article which determine membership and eligibility for benefits in the interest of equitable treatment of members, however, nothing herein provided is intended to give the Cocncil the authority to raise the compulsory retirement age established in this article.

Any ordinance adopted pursuant to this section shall go into effect upon the expiration of thirty days from its publication, but the Council may provide that the terms of the ordinance, or portions thereof, shall be operative at a later date or dates.

An allowance which becomes effective after the publication of an ordinance adopted pursuant to this section but prior to its operative date shall be modified or increased only from and after the operative date of the providing ordinance.

PROPOSED CHARTER AMENDMENT R

The Charter of The City of Los Angeles is hereby amended by amending paragraphs (b) and (c) of subsection (1) of Section 220.1 thereof to read as follows:

(b) That all benefits under the retirement feature of said plan and system shall be based upon the monthly salary for each year of active service in said Department earned by the employee from the effective date of said plan and system to the date o fretirement, and upon the average monthly salary earned by the employee during the year immediately preceding said effective date, and upon the number of years of active service of the employee in said Department prior to said effective date, and upon such minimum retirement benefits as the provisions of said plan and system may prescribe; provided, however, that no employee with less than ten years of service in said Department prior to actual retirement date, or the day of the calendar month which next follows such employee's sixty-fifth birthday anniversay, whichever is earlier, shall receive the benefit of any such minimum;

That at the option, and in accordance with the written designation, of (i) each contributing member of said plan and system on the effective date of this subparagraph, (ii) each person entering such membership subsequent thereto, (iii) each former member who retired from the service of said Department on or after July 1, 1967 who is eligible to participate in the benefits of said plan and system on the effective date of this subparagraph, and (iv) each survivor of

such a former member who is eligible to participate in the benefits of said plan and system on the effective date of this subparagraph, all or any portion of city service rendered before retirement from the service of said Department by such member or former member to departments of the City other than said Department during any period or periods in which such member or former member was regularly employed, on a full-time basis or on a part-time basis of at least one-half the time required of employees in the same group or class of service on a full-time basis, including service as a fireman or as a policeman and any period for which such member or former member shall have been entitled to credit under any pension or retirement system authorized or provided by this charter, shall, subject only to such reasonable terms, conditions, and contributions together with interest thereon, as said plan and system may prescribe, be deemed to be service rendered to said Department for purposes of calculating any benefits payable pursuant to said plan and system after the effective date of this subparagraph, provided, however, that such member, person, former member or survivor is not receiving and is not entitled to receive for such city service, at the time of exercise of such option, any benefit from any other pension or retirement system of the City of Los Angeles;

That in addition to sharing the cost of retirement benefitts based upon the provisions of the next preceding two subparagraphs hereof, said Department may, at its election and upon such terms and conditions as said plan and system may prescribe, pay into the Water and Power Employees Retirement Fund, on behalf of any employee who shall have been on leave of absence while in the armed forces of the United States, and who shall have returned to active duty in said Department after his discharge or release from said armed forces under conditions other than dishonorable, any sum or sums not exceeding in the aggregate the total amount of contributions which said plan and system would have required said Department and such employee to pay into said fund for the account of such employee had his active service in said Department not been interrupted by such leave of absence; provided, that said plan and system shall prescribe the basis of compensation upon which any such sum or sums shall be calculated; and provided, further, that any sum or sums paid into said fund by said Department pursuant to the provisions of this paragraph shall be made available to such employee only for the purpose of retirement;

That benefits under the retirement feature of said plan and system, at the election of said Department and to the extent and upon such terms and conditions as said plan and system may prescribe, also may be based on any period commencing on or after December 7, 1941, during which an employee was absent from active service in said Department as a consequence o fthe state of war existing between the United States and Japan, if at least a portion of such absence resulted from his evacuation, exclusion or relocation pursuant to orders issued by the commanding officer of the Western Defense

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Command for the evacuation or exclusion of persons of Japanese ancestry from such area;

That all benefits under the disability and death benefit features of said plan and system shall be based upon the monthly salary earned by the employee;

(c) That the normal retirement date for each person eligible to participate in the benefits of said plan and system shall be the first day of the calendar month which next follows such person's sixtieth birthday anniversary;

That any person eligible to participate in the benefits of said plan and system shall be retired from the service of said Department on such person's normal retirement date or on the first day of any calendar month thereafter, upon the written application of such person filed with the Board of Administration not less than thirty days prior to the date of retirement;

That said Department shall not employ nor retain in its employment any person subsequent to the first day of the calendar month which next follows such person's sixty-fifth birthday anniversary, except for special reason, and unless recommended by the General Manager of said Department and approved by the Board of Water and Power Commissioners;

That any person eligible to participate in the benefits of said plan and system may be retired from the service of said Department prior to normal retirement date upon the written application of such person; provided, that such retirement is recommended by the General Manager of said Department and approved by the Board of Water and Power Commissioners; and provided further, that such person is fifty-five years of age or over and shall have been employed in said Department for such period of time as the provisions of said plan and system may prescribe; or such person, regardless of age, shall have been employed in said Department for at least thirty years; or such person, regardless of age or duration of service, is receiving benefits under said plan and system for permanent total disability, and elects to accept a retirement allowance in lieu of such benefits;

PROPOSED CHARTER AMENDMENT T

The charter of the City of Los Angeles is hereby amended by adding Section 65.6 thereto to read as follows:

Sec. 65.6. Elected Officers Salaries

On or before March 1 of each odd-numbered year, the Mayor shall appoint, subject to the approval of the Council, five persons to an Official Salaries Authority. Within one week of the Mayor's last appointment, the President of the Council, subject to the approval of the Council, shall appoint four additional members. The Authority shall study the adequacy of the annual salaries paid to the Offices of Mayor, City Attorney, Controller, and Members of the Council.

All members shall be electors of the city. The Mayor and the

President of the Council, in making their appointments, are directed, insofar as practicable, to select members recommended by persons and organizations representative of the fields of higher education, labor, business, the professions, women's organizations and minority groups, and in appointing all members to give regard to the distribution of appointments to persons residing in various areas of the city.

No person shall be eligible to membership on the Authority who is, or within five years prior to his appointment has been, an officer or employee of the city, or has been a representative or appointee of the city to any other governmental body; or has, within five years prior to his appointment, had any contractual relations with the city, or an ownership interest of more than three percent in any business entity which had contractural relations with the city.

The Mayor shall designate who shall act as temporary chairman of the Authority, who shall have power to fix the time for its first meeting. Thereafter, the Authority shall elect its officers and control the conduct of its proceedings.

On or before June 1 following its appointment, the Official Salaries Authority shall file with the City Council a report recommending either that no change be made in the annual compensation for the Offices of Mayor, City Attorney, Controller, and members of the City Council, or that a change, either increase or decrease, be made and the extent thereof. Unless a recommendation for change is concurred in by a majority of all members of the Authority, it shall be deemed a recommendation for no change.

The City Council may take no action on the recommendations or it may, by ordinance, which shall be adopted by not less than a two-thirds vote, be published, and be subject to referendum as provided in this charter, establish the salaries for the indicated elected offices at any level not in excess of the salary recommended for each office; provided, however, that once salaries have been initially established as provided in this section, no increase in the annual salary for an office shall thereafter be greater than five percent for each calendar year following the operative date of the most recent change for the salary for that office. If the compensation of more than one office is to be increased or decreased, all such increases and decreases shall be included in one ordinance. No more than one salary-setting ordinance shall be adopted on the basis of the recommendations made by the Official Salaries Authority in any one year. No change in compensation provided for in this section shall go into effect prior to July 1 of the year in which the recommendations of the Authority are made. Any compensation fixed as provided in this section shall be full compensation for all services for the city performed by the person holding the office.

The Council shall provide space for the meetings and work of the Authority and may authorize any city office or department to provide staff assistance and supplies. Members shall serve without compensation, but shall be entitled to reimbursement of authorized

expenses. The Authority shall cease to exist thirty days after its report is filed with the City Council. Its records shall be filed with the City Clerk.

The salaries last fixed for elected officers shall continue to be paid until changed as provided in this section.

PROPOSED CHARTER AMENDMENT U

The charter of the City of Los Angeles is hereby amended by adding Section 172 thereto to read as follows:

Sec. 172. Location of Police Training Facility.

Notwithstanding any other provisions of this charter or of any ordinance to the contrary, jurisdiction over that portion of Elysian Park described in words, figures and maps in Council File 70-5114 and supplements thereto, containing 21.464 acres, more or less, and which was used as of July 1, 1972, primarily as a police training facility, is transferred to the Department of Public Works for use as public buildings and grounds, including use as police training facilities and related purposes.

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 22nd day of November, 1972.

(SEAL)

JOHN S. GIBSON, JR.
John S. Gibson, Jr.
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 said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of 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 of the members elected to each house

voting therefor and concurring therein, That said amendments to the Charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the Charter of the said City of Los Angeles.

RESOLUTION CHAPTER 164

Assembly Concurrent Resolution No. 11—Relative to low-cost telephone service for the elderly poor.

[Filed with Secretary of State December 1, 1972.]

WHEREAS, In this modern day and age, telephone service is a necessity of life, and no longer a luxury or merely a convenience; and

WHEREAS, Elderly poor persons who live on fixed incomes are the persons who are most in need of this essential service, yet they are most frequently forced to do without because of rising costs which make the service prohibitive to this class of person; and

WHEREAS, When these persons are without telephone service, they are frequently without any means to seek help in an emergency, and run the constant risk of serious impairment or even death by reason of inability to quickly summon assistance; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Public Utilities Commission is requested to study the feasibility of establishing a special class of limited-use, reduced-rate telephone service that may be made available to especially qualifying persons who are elderly, poor, and on fixed incomes, and report thereon to the Legislature with its findings, conclusions, and recommendations, including legislative action necessary, on or before the fifth calendar day of the 1973 Regular Session; and be it further

Resolved, That a copy of this resolution be transmitted to the Public Utilities Commission.

RESOLUTION CHAPTER 165

Assembly Concurrent Resolution No. 131—Relative to expenses of the Joint Legislative Committee on Siting of Teaching Hospitals.

[Filed with Secretary of State December 1, 1972.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the $200,000 appropriated by Item 9.5 of the

Budget Act of 1972 is allocated to the Joint Rules Committee for reallocation to the Joint Legislative Committee on Siting of Teaching Hospitals subject to Joint Rule 36.8.

RESOLUTION CHAPTER 166

Senate Concurrent Resolution No. 91—Approving amendments to the Charter of the County of Los Angeles, State of California, ratified by the qualified electors of the county at a general election held therein on the seventh day of November, 1972.

[Filed with Secretary of State December 1, 1972]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the Charter of the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and the executive officer-clerk of the board of supervisors of the county as follows:

CERTIFICATION AND AUTHENTICATION OF 1972 AMENDMENTS TO CHARTER OF THE COUNTY OF LOS ANGELES

Whereas, the County of Los Angeles, State of California, has been at all times herein mentioned, and now is, a body politic and corporate, and a political subdivision of the State of California, and is now, and has been, since the second day of June, 1913, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of the provisions of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the fifth day of November, 1912, and approved by the Legislature of the State of California on the twenty-ninth day of January, 1913; and

Whereas, the Board of Supervisors of said County pursuant to the provisions of Section 3 of Article XI of said Constitution, did, by Resolution adopted on the twenty-fourth day of August, 1972, duly propose to the qualified electors of said County of Los Angeles five Amendments to the Charter of said County, designated as proposed County Charter Amendments Nos. A, B, C, D and E, respectively, and ordered that said Amendments be submitted to said qualified electors of said County at the general election to be held in said County on the seventh day of November, 1972, which date was the day fixed by law for the holding of said general election; and

Whereas, said proposed Charter Amendments Nos. A, B, C, D and E were published for 14 times in the Journal of Commerce and Independent Review, a daily newspaper of general circulation printed, published and circulated in said County, to wit, on

September 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, 1972; and

Whereas, said Board of Supervisors, by said Resolution adopted on said twenty-fourth day of August, 1972, did order the placing of said proposed Charter Amendments on the ballot of said general election to be held in said County of Los Angeles on said seventh day of November, 1972, which date was not less than 30 days nor more than 60 days after said publication of such proposals, as aforesaid, for 14 times in a daily newspaper of general circulation printed, published, and circulated in said county; and

Whereas, said general election was held in said County of Los Angeles on said seventh day of November, 1972; and

Whereas, thereafter, the Registrar of Voters of said County of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election and certify the same to the Clerk of the Board of Supervisors of said County and said Clerk did on the twenty-first day of November, 1972, duly enter on the records of said Board of Supervisors a statement of the results of said canvass and said election; and

Whereas, at said general election held on said seventh day of November, 1972, all five of said proposed Amendments were ratified by a majority of the electors of said County voting thereon; and

Whereas, said Charter Amendments so ratified by the electors of said County of Los Angeles are now submitted to the Legislature of the State of California for approval without change pursuant to the provisions of said Section 3 of Article XI of the Constitution of the State of California, and are in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT NO. A

That the Charter of the County of Los Angeles be amended by amending Subsection (7) of Section 34 thereof, to read:

(7) For a period of probation not to exceed six months before appointment or promotion is made complete, during which period a probationer may be discharged or reduced with the consent of the Commission, provided, that for any specific employee classification the Commission may provide for a period of probation not to exceed twelve months if after a public hearing the Commission finds that such extended period of probation is required to determine the fitness of appointees to positions in such classification.

PROPOSED CHARTER AMENDMENT NO. B

That Section 34 of the Charter of the County of Los Angeles be amended by adding Paragraph (18) thereto to read:

(18) For layoffs or for mandatory reductions in lieu of layoff by the appointing power for reasons of economy or lack of work. Notwithstanding any other provision of this Charter, a hearing is not required and such action shall be effective as of the date determined by the appointing power.

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PROPOSED CHARTER AMENDMENT NO. C

That Section 34 of the Charter of the County of Los Angeles be amended by amending Paragraph (13) thereof to read:

(13) For the discharge or reduction in rank or compensation after appointment or promotion is complete, by delivering to the person discharged or reduced a notice of such discharge or reduction stating the effective date thereof and the reasons for such discharge or reduction. Such reasons shall state the specific grounds and the particular facts upon which the discharge or reduction is based, and the discharged or reduced employee shall be allowed a reasonable time in which to reply thereto in writing. Both the reasons and the reply must be filed with the Commission, whereupon if the discharged or reduced employee shall so request, the Commission shall set a hearing. Such a hearing may be before one or more members of the Commission or a hearing board or officer appointed by the Commission. If such hearing is not before the full Commission, findings shall be submitted to the Commission for its approval. If the Commission accepts such findings it need not read the record of the hearing; if it declines to accept such findings, it must read the record or hold a hearing de novo. If the Commission concludes that the reasons are not sufficient to justify such discharge or reduction, it shall so notify the appointing authority concerned and the discharged or reduced employee automatically shall be reinstated retroactively to his position as of a date specified by the Commission pursuant to its rules. If the Commission finds that the discharged or reduced employee was without fault or delinquency, he shall be reinstated as of the date of his discharge or reduction.

PROPOSED CHARTER AMENDMENT NO. D

That the Charter of the County of Los Angeles be amended by adding Section 44.7 thereto to read:

Sec. 44.7. Nothing in this Article shall prevent the County, when the Board of Supervisors finds that such work can more economically or feasibly be performed by independent contractors, from entering into contracts for any maintenance, of County owned or operated facilities located in remote and isolated areas, or for the maintenance of landscaping on slopes and parkways.

PROPOSED CHARTER AMENDMENT NO. E

That Section 34 of the Charter of the County of Los Angeles be amended by amending Subsection (11) thereof to read:

(11) For promotion based on competitive examination consisting of an evaluation of records of efficiency, character, and seniority and such other objective and subjective tests and measures of fitness as may be necessary. Lists shall be created and appointments shall be made therefrom in the same manner as from lists established for

original appointment. An advancement in rank or an increase in salary beyond the limit fixed for the grade by the rules shall constitute promotion. Whenever practicable vacancies shall be filled by promotion; provided, however, that the following positions in the classified service shall be filled by open competitive examination unless the Civil Service Commission finds in any particular case circumstances clearly necessitate a promotional examination:

(a) Positions the incumbents of which are appointed by the Board of Supervisors.

(b) Positions next in rank to such positions.

(c) Positions first in rank on the staffs of commissions.

State of California,
County of Los Angeles } ss.

We, the undersigned, Warren M. Dorn, Chairman of the Board of Supervisors of the County of Los Angeles, State of California and James S. Mize, Executive Officer-Clerk of the Board of Supervisors of said County of Los Angeles, do hereby certify:

That the foregoing proposed and ratified Amendments to the Charter of said County of Los Angeles, submitted to the electors of said County at the general election held in said County on said seventh day of November, 1972, have been compared by us, and each of us, with the proposed Amendments set forth in the Resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing are full, true, correct and exact copies thereof, and we further certify that the facts set forth in the preamble preceding said Amendments to said Charter are, and each of them, is true.

In Witness Whereof, we have hereunto set our hands and caused the same to be attested by the County Clerk of the County of Los Angeles and authenticated by the seal of the Board of Supervisors of the County of Los Angeles, this twenty-first day of November, 1972.

(SEAL)

WARREN M. DORN
Warren M. Dorn, Chairman,
Board of Supervisors of
the County of Los Angeles
JAMES S. MIZE
James S. Mize, Executive
Officer-Clerk of the Board
of Supervisors of the
County of Los Angeles

William G. Sharp,
County Clerk of
the County of Los Angeles

and

WHEREAS, Said proposed amendments to the Charter of said County of Los Angeles, so ratified by the electors thereof, have been

submitted to the Legislature of the State of California for approval without change in accordance with the provisions of 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 said amendments to the Charter of the County of Los Angeles as proposed by the board of supervisors of said county and as ratified by the electors of said county, and as hereinbefore set forth, be and the same are hereby approved as a whole, without change, as amendments to, and as a part of, the Charter of the County of Los Angeles, State of California.

RESOLUTION CHAPTER 167

Assembly Concurrent Resolution No. 90—Relative to drinking water supplies.

[Filed with Secretary of State December 6, 1972]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Department of Public Health is requested to review its regulations relating to the prevention of backflow of contaminated water into drinking water supplies for the purpose of clarifying standards governing cross-connections and achieving uniform standards throughout the state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Health.

RESOLUTION CHAPTER 168

Assembly Concurrent Resolution No. 59—Relative to mental health.

[Filed with Secretary of State December 6, 1972.]

WHEREAS, The ultimate success of California's community mental health services law, the Lanterman-Petris-Short Act, depends in part on the orderly transfer of funds, manpower, and other resources from the state hospitals serving the mentally ill to the county-based community mental health programs; and

WHEREAS, These state hospitals and their trained personnel are themselves a major state resource which should be used or disposed of in an effective and efficient manner; and

WHEREAS, The patient population of the state hospitals has

continued to decline, apparently as a result of community mental health programs; and

WHEREAS, The interests of the patient, the taxpayer, and the general public are best served by detailed planning for such orderly transfer, use and disposition; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Department of Mental Hygiene prepare a plan by September 15, 1973 for the phasing out, and future use and disposition of, the state hospitals for the mentally ill, such plan to include:

(a) A detailed inventory of state hospitals for the mentally ill, including capacity, services available, manpower, physical plant and equipment;

(b) A detailed inventory of services now provided by counties by types and quantity;

(c) The identification and evaluation of county and state government administrative systems involved in current relationships and problems in implementation of the proposed plan; and

(d) Recommendations in the areas of transfer or utilization of manpower, transfer of funds, utilization or disposition of plants and land, and timetable;

and be it further

Resolved, That the Citizens Advisory Council provide the Legislature, by September 15, 1973, with an independent evaluation of the State Department of Mental Hygiene plan, including the recommendations, address itself to any omissions in the plan, and provide the Legislature with additional or alternative recommendations if the council findings lead to conclusions varying from those of the Department of Mental Hygiene; and be it further

Resolved, That in order to expedite this evaluation the Citizens Advisory Council shall have free access to all work of the State Department of Mental Hygiene during the development of the plan.

RESOLUTION CHAPTER 169

Assembly Concurrent Resolution No. 74—Relative to parks.

[Filed with Secretary of State December 6, 1972]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Parks and Recreation is directed to undertake, in cooperation with concerned local agencies, a study of alternative methods of assuring the preservation of Bidwell Park and Bidwell River Park in Butte County and of methods available to finance the acquisition of some 900 acres lying adjacent to, and southerly of, Bidwell Park; and be it further

Resolved, That the Department of Parks and Recreation shall

submit its findings and recommendations with respect to Bidwell Park and Bidwell River Park 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 Department of Parks and Recreation is also directed to conduct a study of the feasibility of acquiring and developing lands adjacent to the Napa State Hospital for inclusion, together with state-owned lands in the vicinity, in the state park system and to undertake such preliminary studies and surveys as are needed in order to make its determination; and be it further

Resolved, That the Department of Parks and Recreation shall submit its findings and recommendations with respect to the feasibility of acquiring and developing lands adjacent to Napa State Hospital for inclusion, together with state-owned lands in the vicinity, in the state park system to the Legislature not later than the fifth calendar day of the 1974 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 170

Assembly Concurrent Resolution No. 78—Relative to directional signs to Occidental College.

[Filed with Secretary of State December 6, 1972.]

WHEREAS, Occidental College is located in a particularly difficult-to-find location and will shortly be surrounded by state freeways; and

WHEREAS, The Department of Public Works has erected directional signs on Route 11, the Pasadena Freeway, and Route 134, the Ventura Freeway, to the college; and

WHEREAS, Additional directional signs are required on Route 2, the Glendale Freeway, and Route 5, the Golden State Freeway, to serve that segment of the public traveling on those routes desiring to go to the college; 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 erect directional signs to Occidental College on Route 2, the Glendale Freeway, and Route 5, the Golden State Freeway; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

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RESOLUTION CHAPTER 171

Assembly Joint Resolution No. 43—Relative to Veterans Day.

[Filed with Secretary of State December 6, 1972.]

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 restoring November 11th as Veterans Day, rather than the fourth Monday in October; 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 172

Senate Concurrent Resolution No. 54—Relative to emergency breathing apparatus.

[Filed with Secretary of State December 6, 1972]

WHEREAS, The lack of standardization of fittings and couplings for emergency breathing apparatus prevents interchangeable use of such equipment, thereby seriously reducing the effectiveness of such equipment in times of emergency; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Industrial Safety of the Department of Industrial Relations is requested to study the feasibility of requiring that all emergency breathing apparatus manufactured, sold, or offered for sale within this state be equipped with standardized interchangeable fittings and couplings; and be it further

Resolved, In making the study, the division shall consult with the California State Firemen's Association and the California Fire Chiefs' Association; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Chief of the Division of Industrial Safety of the Department of Industrial Relations.

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RESOLUTION CHAPTER 173

Senate Concurrent Resolution No. 56—Relative to elevator safety.

[Filed with Secretary of State December 6, 1972.]

WHEREAS, It has come to the attention of the Members of the Legislature that the digital heat-sensing systems in newer elevator systems can cause elevators occupied by firemen who are attempting to go to a different floor to stop at a floor where there is extreme fire danger to the firemen in the elevator; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Industrial Safety of the Department of Industrial Relations is hereby requested to study the subject of elevator safety, as more fully set forth in Senate Bill No. 797 of the 1972 Regular Session, and that in conducting such study the division shall consult with the California State Firemen's Association, the California State Fire Chiefs' Association, and with manufacturers of elevator equipment; and be it further

Resolved, That the Division of Industrial Safety is requested to report its findings and recommendations to the Legislature not later than the fifth legislative day of the 1973 Regular Session.

RESOLUTION CHAPTER 174

Senate Concurrent Resolution No. 90—Approving amendments to the Charter of the County of Sacramento, State of California, ratified by the qualified electors of the county at a general election held therein on the seventh day of November, 1972.

[Filed with Secretary of State December 6, 1972]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the chairman and clerk of the board of supervisors of the county, as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

State of California, }
County of Sacramento } ss.

We, Patrick E. Melarkey, Chairman of the Board of Supervisors of the County of Sacramento, State of California, and Jack H. Mehl, Clerk of said Board of Supervisors, do hereby certify and declare as follows:

That the County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the 1st day of July, 1933, organized and acting under and by virtue of a Charter adopted under and by virtue of 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 an election held for that purpose on the 27th day of April, 1933, and subsequently approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 11th day of May, 1933.

That the Board of Supervisors of said County, pursuant to the provisions of Sections 3 and 4 (formerly Section 7½) of Article XI of said Constitution, did by Resolutions No. 72-841 and No. 72-842, adopted on the 23rd day of August, 1972, duly propose to the qualified electors of said County of Sacramento amendments to the Charter of said County, designated as proposed County Charter Amendments B and C, and ordered that said proposed amendments be submitted to the said qualified electors of said County at the general election to be held on the 7th day of November, 1972.

That said resolutions were published ten (10) times in the Sacramento Union, a daily newspaper, printed, published and circulated in the County of Sacramento on the following dates, to wit: September 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, 1972.

That the Board of Supervisors of said County of Sacramento did, in the manner provided by law, duly and regularly canvass the returns of said election, and did duly declare the result of said general election, as determined from the canvass of the returns thereof.

That at said general election held on the 7th day of November, 1972, said proposed County Charter Amendments B and C were ratified by a majority of the electors of said County voting thereon.

WHEREAS, said Charter Amendments B and C so ratified by the electors of said County of Sacramento are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Sections 3 and 4 (formerly Section 7½) of Article XI of the Constitution of the State of California and are in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT B

That the Charter of the County of Sacramento be amended by repealing Section 45-A titled "Civil Service Commission" and adding a new Article XVI titled "Personnel Administration" to read as follows:

Article XVI

Personnel Administration

Section 71-A. Civil Service Commission. (a) There is in county government a Civil Service Commission consisting of five members to be appointed by the Board of Supervisors from the qualified electors of the county, none of whom shall hold any salaried county office or employment. No member of the commission, during membership, or for a period of one year after he has ceased to be a member, shall be eligible for appointment to any salaried county office or employment.

(b) Except for the first appointments, the term of commission members shall be five years and until their respective successors are appointed. On each succeeding first day of July the term of one member shall expire.

(c) As soon as practicable following the first day of July of every year, the commission shall organize by electing one of its members to serve as presiding officer at the pleasure of the commission.

(d) Each commissioner shall receive the compensation fixed by ordinance of the Board of Supervisors. Any vacancy in the office of commissioner shall be filled for the unexpired term.

(e) The Board of Supervisors by a four-fifths vote of all of the members may remove a commissioner during his term of office, but only upon stating in writing the reasons for such removal and allowing him an opportunity to be publicly heard in his own defense.

Section 71-B. Commission Powers and Duties. (a) The commission shall establish rules regarding the selection of employees for, and the classification of, civil service positions.

(b) The commission may advise the Board of Supervisors on matters referred to the commission by the Board.

(c) The commission shall make final decisions on appeals from disciplinary actions involving civil service employees with permanent status, provided that appeal procedures mutually agreed on by the Board of Supervisors and recognized employee organizations shall substitute for appeal procedures established by the commission.

(d) The commission shall make final decisions on appeals involving alleged improper action under, or the denial of any rights provided by, this article or the rules adopted thereunder. The commission's authority in this regard pertains only to examinations and other matters under the jurisdiction of the commission pursuant to this article.

(e) The commission may conduct such investigations as are necessary for the proper administration of its responsibilities. In conducting such investigations and in hearing disciplinary and other appeals the commission shall have the power to subpoena witnesses, books, records and papers, and to administer oaths.

(f) The commission, subject to the approval of the Board of

Supervisors, may employ or contract for hearing officers to hear appeals of disciplinary actions and other matters and prepare recommendations for the commission.

(g) The commission may adopt rules to carry out the commission's powers and duties and governing the commission's proceedings under this article.

(h) The commission may employ such employees as may be necessary, subject to budgetary approval of the Board of Supervisors. The commission's employees shall have no authority to administer personnel services and programs, but may provide secretarial services to the commission and may conduct investigations and make recommendations on matters under the jurisdiction of the commission.

Section 71-C. Administration. (a) The County Executive or his designee shall be responsible for the administration of the county's central personnel services and programs.

(b) The County Executive or his designee shall classify all civil service positions and shall administer examinations subject to final approval of the Civil Service Commission. All administrative acts the County Executive or his designee takes affecting rights under the jurisdiction of the Civil Service Commission shall be subject to appeal and final decision as provided by the commission.

(c) The County Executive or his designee shall, after hearing or with mutual agreement of recognized employee organizations, subject to the approval of the Board of Supervisors, establish personnel rules consistent with this charter, including but not limited to rules providing for leaves of absence, layoff, transfer, reinstatement, and reemployment. Such rules shall specify the circumstances in which an employee who has permanent status in a class who accepts other county employment in probationary, provisional or exempt status, shall have a right to return to his former class. No rule established pursuant to this section shall be effective until approved by the Board of Supervisors.

Section 71-D. County Civil Service. The county civil service shall include every officer and employee of the county except:

(1) Elective county officers.

(2) The County Executive.

(3) The chief deputy of each elective officer.

(4) One assistant to each member of the Board of Supervisors.

(5) All members of appointive boards and commissions.

(6) Persons serving the county without compensation.

(7) Physicians and dentists employed in their professional capacity to perform the duties of their profession, and including administrative or executive positions for which professional status constitutes only a part of the qualifications therefor.

(8) Department heads, which shall include persons responsible for directing all activities of a major organizational unit of county government recognized as a department by the Board of Supervisors. The Board of Supervisors may by ordinance include any

department head in the civil service. This provision shall not affect the rights of any person who holds civil service status in a department head position. Any such department head position shall not become exempt until it becomes vacant.

(9) Persons appointed for periods of less than thirty days because of an emergency affecting the public health, safety, or welfare. No person shall be appointed to such an emergency position for more than thirty days in any six calendar months.

Section 71-E. Classification. (a) All civil service positions shall be grouped into classes. Each class shall include all positions with comparable duties, responsibilities, and qualifications.

(b) A class shall be considered established when it receives final approval by the Civil Service Commission and the Board of Supervisors.

(c) Civil service positions shall be allocated to classes by the County Executive or his designee subject to the approval of the Civil Service Commission and the Board of Supervisors.

(d) Salary rates or ranges for each class shall be uniform. However, when it is necessary to recognize unusual conditions, assignments, or hours of work, or prevailing practices for such employment, more than one method of compensation may be provided for a class.

(e) The Civil Service Commission shall provide for the manner in which appeals relating to the classification plan shall be heard and finally determined.

Section 71-F. Selection. (a) The county civil service is career service and all appointments to positions in the civil service shall be based on relative fitness as ascertained by competitive examinations. At least ten days' notice shall be given of each examination.

(b) Eligible lists shall be established upon which shall be entered the names of successful candidates in the order of their standing in examination.

(c) For the filling of one vacancy, the appointment shall be made from among the three eligibles who are available for appointment and whose scores, at the time of certification, are the three highest on the list. If a special skill is needed for some, but not all positions, in a class, which special skill has been tested for on a pass or fail basis as a part of the examination on which the list is based and the vacancy is one of the positions in the class requiring the special skill, the appointment may be made from the three eligibles possessing the special skill who are available for appointment and whose scores at the time of certification are the three highest on the list of those who possess the special skill.

(d) When an eligible list of at least three names is not available for the class to which a position belongs, a provisional appointment may be made. An examination for the class shall be scheduled as soon as practicable after a provisional appointment. A provisional appointment shall not exceed twenty calendar days after establishment of an eligible list for the class.

(e) If an eligible list is not available for the class to which the position belongs, appointment may be made from an eligible list considered by the commission to be appropriate.

(f) No person in county service, or seeking admission thereto, shall be appointed, reduced, removed, or in any way favored or discriminated against because of his race, color, creed, sex, national origin or political affiliation. This provision is not intended to prevent the establishment of special programs for the employment of economically, socially, physically or mentally deprived persons.

(g) The commission shall provide for preference or credits on open examinations for veterans of the United States armed forces who served during time of war and who attain the passing mark for an examination.

(h) The commission may provide promotional preference or credits for permanent county employees who attain the passing mark established for an examination.

(i) The commission may provide for the establishment of programs, including trainee programs, designed to attract and utilize persons with minimal qualifications, but with potential for development, in order to provide career development opportunities among members of disadvantaged groups, handicapped persons, and returning veterans. Such programs may provide for permanent appointment upon the satisfactory completion of the training period without further examination.

(j) The commission may waive examination requirements for students employed temporarily pursuant to academically recognized programs designed to provide work experience in conjunction with formal educational training.

Section 71-G. Probationary Periods. Each person appointed to a position in a civil service classification shall serve a period of probation not to exceed twelve months. The commission shall determine the length of the probationary period for each class. Probationary periods of more than six months shall not be established unless the commission finds that a longer probationary period is appropriate on the basis of the cycle of the work performed or because the duration of required training is such that it is not possible to adequately evaluate employee performance within a six-month period. A probationary employee may be rejected during the probationary period. At the expiration of the probationary period the employee shall attain permanent status in the class.

Section 71-H. Removal, Suspension, or Reduction. (a) Any employee who has permanent civil service status may for cause be removed, suspended or reduced in rank or compensation by the appointing authority, or any person authorized by him, by notifying the employee of the action, pending the service upon him of an order in writing stating specifically the reasons for the disciplinary action.

(b) The disciplinary action is valid only if the written order is filed with the commission and a copy is served on the employee either personally or by mailing a copy to the employee by certified or

registered mail not later than 15 calendar days after the effective date of the disciplinary action.

(c) Any person against whom disciplinary action is taken as provided in this section may appeal by filing a written appeal with the commission not later than 15 calendar days after service of the order.

(d) The commission shall provide for the impartial hearing and determination of appeals. The determination may either affirm, modify, or revoke the order. The appellant shall be entitled to appear personally, produce evidence, and to have counsel at a public hearing.

(e) The findings and decision of the commission shall be certified to the official from whose order the appeal was taken, and shall forthwith be enforced and followed by him.

(f) Appeal procedures mutually agreed on by the Board of Supervisors and recognized employee organizations shall substitute for appeal procedures provided by the commission.

Section 71-I. Construction of Civil Service Provisions. (a) All references in this charter to former Section 45-A of this charter shall be deemed references to this article for all purposes.

(b) All rules adopted by the civil service commission pursuant to former Section 45-A shall continue in effect as though established as provided in this article until such time as such rules are replaced by rules established as provided in this article.

(c) The civil service commission appointed pursuant to former Section 45-A shall continue in existence.

PROPOSED CHARTER AMENDMENT C

That subdivision (1) be added to Section 15 of the Charter of the County of Sacramento to read:

(1) For purposes of more efficient management and direction of County government the Board of Supervisors may by ordinance establish agencies consisting of groups of departments or lesser organizational units which perform similar or related functions or services. Agency heads shall not be a part of the classified service, except that the Board may by ordinance provide that any agency head shall be a part of the classified service. A department headed by an elected officer may be included in an agency only for purposes of coordination and services.

We further certify that the foregoing proposed and ratified amendments to the Charter of said County of Sacramento, submitted to the electors of said County at the General State Election held on the 7th day of November, 1972, have been compared by us, and each of us, with the proposed amendments set forth in the said Resolutions No. 72-841 and No. 72-842 adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth herein are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento, this 13th day of November, 1972.

(SEAL)

P. E MELARKEY
Chairman of the Board
of Supervisors of
Sacramento County,
California

Attest:
JACK H. MEHL
Clerk of the Board of
Supervisors of the
County of Sacramento
State of California

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 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 Sacramento, 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 Sacramento.

RESOLUTION CHAPTER 175

Senate Concurrent Resolution No. 92—Relative to the approval of those certain amendments to the Charter of the City of Alhambra ratified by the qualified electors of said city at a special municipal election held thereon, consolidated with the general election held in Los Angeles County on the seventh day of November, 1972.

[Filed with Secretary of State December 6, 1972]

Proceedings have been taken and had for the proposal, adoption and ratification of those certain amendments to the Charter of the City of Alhambra, a municipal corporation of the County of Los Angeles, as hereinafter set forth in the certificate of the Mayor and the City Clerk of the City of Alhambra, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALHAMBRA OF THOSE CERTAIN CHARTER AMENDMENTS

State of California,
County of Los Angeles } ss.
City of Alhambra

We, the undersigned, George W. Morris, 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 Nos. R72-145, R72-146 and R72-147, adopted on the 5th day of September, 1972, duly proposed to the qualified electors of the City of Alhambra those certain Amendments to the Charter of said City, designated as Alhambra City Charter Amendment No. 1, Alhambra City Charter Amendment No. 2 and Alhambra City Charter Amendment No. 3, respectively, and ordered said Charter Amendments to be submitted to said qualified electors at a Special Municipal Election to be held thereon on the 7th day of November, 1972.

By Ordinance No. 072-3568, duly adopted on the 5th day of September, 1972, said City Council ordered the holding of a Special Municipal Election in said City of Alhambra on November 7, 1972, for the purpose of submitting to a vote said proposed Charter Amendments.

By Resolution No. R72-129, adopted on July 18, 1972, 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 7, 1972, with the Consolidated General Election to be held by the County of Los Angeles on November 7, 1972. 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 Amendments. Said resolution further requested the Board of Supervisors to canvass the returns of

said Alhambra Special Municipal Election.

On August 1, 1972, said Board of Supervisors of the County of Los Angeles duly 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 7, 1972, and instructing the Los Angeles County Registrar-Recorder to comply with said order.

Said proposed Charter Amendments were duly published and advertised on September 25, 1972, 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 Charter Amendments were duly and regularly printed in convenient pamphlet form and in type of not less than 10-point, and at and during the time and in the manner provided by law a notice was continuously advertised to the date fixed for the holding of said Special Municipal Election in said Post-Advocate that such copies of said proposed Charter Amendments could be had upon application therefor in the office of the City Clerk of said City, and copies of said proposed Charter Amendments, so printed in convenient form, were duly and regularly distributed in the manner provided by law to each of the qualified electors of said City.

The date of said Special Municipal Election on November 7, 1972 was not less than forty days nor more than sixty days after the completion of the publication of said proposed Charter Amendments as aforesaid.

Pursuant to said Charter, resolutions and ordinance, said proposed Charter Amendments were submitted to the qualified electors of said City for their ratification on said November 7, 1972, and at said Special Municipal Election a majority of the qualified electors voting thereon voted for the ratification of and did ratify those certain Amendments to the Charter of said City designated as Alhambra City Charter Amendment No. 1, Alhambra City Charter Amendment No. 2 and Alhambra City Charter Amendment No. 3.

Said Alhambra City Charter Amendments so ratified by the electors of the City of Alhambra are in words and figures as follows, to wit:

Alhambra City Charter Amendment No. 1

(Amends Section 11 of Article III, Section 29 of Article V, Section 85 of Article XIV, and Section 104 of Article XVII of the Alhambra City Charter to read as follows:)

"Article III. General Provisions Relating to Officers.

Sec. 11. Terms of office of councilmen and attorney.

Members of the council shall hold office for a term of four years

from and after the first day of December following their election and until their successors are elected and qualified.

Unless otherwise provided in Section 64, the city attorney shall hold office for a term of four years from and after the first day of December following his election and until his successor is elected and qualified.

The election for the offices of councilman of the first district, councilman of the second district, councilman of the fifth district, and city attorney shall take place in the year 1974, and every fourth year thereafter.

The election for the offices of councilman of the third district and councilman of the fourth district shall take place in the year 1976, and every fourth year thereafter.

In the case of the incumbents holding any of the foregoing offices whose terms of office expire in the year 1973 or in the year 1975, all such terms of office shall be extended until their successors are elected and qualified.

Article V. Executive and Administrative Departments.

Sec. 29. Designation of councilman to supervise each department; supervision in absence of city manager.

The council at its first meeting in December of each year, or within ten days thereafter, shall designate and assign by a majority vote, one councilman to be mayor and councilman of public affairs, one to be councilman of the department of finance, one to be councilman of the department of public works, one to be councilman of the department of public safety, and one to be councilman of the department of supplies. Upon such assignment, each councilman shall immediately assume supervision over the department to which he is assigned. The council may change such designation and assignment by ordinance whenever it may deem such change for the benefit of the public service. Each councilman, during any vacancy in the office of city manager, as in this Charter provided, shall take the active management and control of the affairs of his respective department and be vested with all powers and perform all duties of city manager as to such respective department, but immediately upon the induction into office of such city manager, all management, control and exercise of power and duties vested in and held by such councilman during such vacancy shall cease and the same and all thereof shall be vested in and exercised by said city manager, subject to the provisions of this Charter, and such councilman shall then act only in an advisory capacity in all matters arising in his respective department (except where such matters are herein excepted from the supervision and control of the city manager), and each councilman shall keep himself informed of all conditions of such respective department and report the same to the council.

Article XIV. Board of Education.

Sec. 85. Composition of board; Election of members; Terms of office.

Upon the formation of a unified school district which includes the territory of the Alhambra City School District and the Alhambra City High School District, the government of the schools in said unified school district shall be vested in a board of education which shall consist of five members who shall serve without compensation. All qualified electors of such unified school district, whether they reside within or without the City of Alhambra, shall have the right to vote at elections for members of the board of education. Members of the board of education shall be nominated by the qualified electors as provided in subparagraph (a), below, and they shall be elected as provided in subparagraph (b), below.

(a) Candidates for three of the five positions on the board of education shall be nominated by the qualified electors, respectively, one from each of the first, second and third trustee areas, and candidates for the remaining two positions shall be nominated by the qualified electors of the fourth trustee area.

(b) Members of the board of education shall be elected by the qualified electors of the entire unified school district at large at a general municipal election, and shall hold office for a term of four years from and after the first day of December following their election, and until their successors are elected and qualified.

In the case of the incumbents holding any of the foregoing offices when the foregoing provisions of this section become operative, all such terms of office shall be extended until their successors are elected and qualified.

Until the formation of a unified school district which includes the territory of the Alhambra City School District and the Alhambra City High School District, the government of the schools in said district shall be vested in a board of education to consist of five members, to be elected from the district at large, as herein provided, who shall serve without compensation and who shall be elected by the qualified electors of the district at the general municipal election and shall hold office for a term of four years from and after the first day of December following their elections, and until their successors are elected and qualified. In the case of the incumbents holding any of the foregoing offices whose terms of office expire in the year 1973 or in the year 1975, all such terms of office shall be extended until their successors are elected and qualified.

Article XVII. Elections.

Sec. 104. When general elections are held; when elected officers shall take office.

General municipal elections shall be held in said city on the Tuesday following the first Monday in November of each even-numbered year, commencing on the Tuesday following the first Monday in November, 1974, at which shall be elected the elective officers provided for by this Charter, including members of the board of education, and all such officers shall take office on the first day of December next succeeding the day of their respective election at 12 o'clock noon."

Alhambra City Charter Amendment No. 2

(Amends Sections 7, 10 and 13 of Article III, Section 64 of Article IX, and Section 75 of Article XI of the Alhambra City Charter to read as follows:)

"Article III. General Provisions Relating to Officers.

Sec. 7. Elective officials designated—Residence requirements.

Five city councilmen shall be elected officials of the City of Alhambra, all of whom shall be elected at the general municipal election on a general ticket from the city at large; provided that, of the five councilmen, one shall be nominated by the qulaified electors of each district, of which the councilman so nominated must have been a resident not less than four months next preceding the date of his election. The office of councilman of each district shall constitute a separate office. Five members of the board of education shall be elected officials of the school district, of which the City of Alhambra is a part. All school board members shall be elected at the general municipal election on a general ticket from the school district at large; provided, that the five members of the board of education must have the residence qualifications specified in Section 86 of Article XIV of this Charter.

Sec. 10. Composition of council—Residence requirements.

The council shall consist of five councilmen, each of whom, including the mayor, shall have a vote on all questions coming before the council.

To be eligible to the office of councilman a person must be a qualified elector of the City of Alhambra and shall have resided in said city for at least three years next preceding the date of his election or appointment.

Wherever in this Charter the word "commission" is used, referring to the city commission of the City of Alhambra, the word "council" shall be substituted in lieu thereof; and wherever in this Charter the word "commissioner" is used, referring to a commissioner of the city commission of the City of Alhambra, the word "councilman" shall be substituted in lieu thereof. Wherever hereinafter in this Charter the

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words "president of the commission" are used, the word "mayor" shall be substituted in lieu thereof. Wherever hereinafter in this Charter the words "vice-president of the commission" are used, the words "vice-mayor" shall be substituted in lieu thereof.

Sec. 13. Filling vacancies.

If a vacancy shall occur in the office of councilman, the council shall appoint a person to fill such vacancy, but such appointee must be a resident and qualified elector of the district in which the former councilman resided at the time of his election or appointment, and such appointee shall hold office, subject to the provisions of this Charter, only until the next general municipal election.

Article IX. City Attorney.

Sec. 64. Powers and duties generally.

Notwithstanding the provisions of Section 11, the city attorney shall be appointed by the council and shall hold office at its pleasure, and his compensation shall be fixed by ordinance or resolution of the council. During the absence or temporary disability of the city attorney, the council may designate a qualified person to execute the functions of his office.

It shall be the duty of the city attorney to act as legal advisor of the council, and of any other officer of the city who requests his advice and he shall give such advice or opinion in writing when so requested. He shall prepare all ordinances, contracts, resolutions, bonds and written instruments which may be required of him by the council, and shall approve the same as to form, in writing.

When requested to do so by the council, he shall prosecute all criminal cases arising out of violations of this charter and ordinances of the city, and, when requested by the council, shall prosecute any or all misdemeanor offenses arising out of violation of the laws of the state. The city attorney may perform any of the functions of his office through any deputy, assistant or associate city attorney when such performance has been authorized by the council.

The city attorney shall attend to all suits, proceedings and matters in which the city is legally interested; provided, that the council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

He shall report to the council all items of the city's business coming to his knowledge, and perform such other duties as are or shall be required of him by this charter or by the laws of this state and ordinances not in conflict with such charter.

All deputy and assistant city attorneys and all other professional employees of the city attorney's office shall serve at the pleasure of the city attorney and shall not be or become a part of the city's civil service system.

Article XII. City Manager.

Sec. 75. Powers and duties generally; bond.

Except as otherwise provided by this Charter, the powers and duties of the city manager shall be:

1. To see that the laws and ordinances are enforced.

2. To appoint, subject to the approval of such appointments by the council, all chief appointive officials except the city attorney.

3. To appoint all subordinates and employees in all departments, not otherwise provided for in this Charter, and to determine their duties and fix their compensation. All such appointments and the fixing of compensation shall be subject to the approval of the council and shall not be effective without such approval. To remove any appointee and no removal shall be made without his consent.

4. To have supervision and control of all departments, boards and divisions created herein or that may be hereafter created by the council except as otherwise provided by this Charter.

5. To examine and make to the council, reports in regard to any matters requested by it, and also of his own motion, and recommend to that body for adoption such measures as he may deem necessary or expedient.

6. To sign such contracts, licenses and other public documents and instruments on behalf of the city as the council may authorize.

7. To attend all meetings of the council with the right to take part in the discussion but having no vote.

8. To have supervision and charge of the city attorney insofar as his duties pertain to the departments of which he has charge and supervision.

9. To exercise such other powers and perform such other duties as are herein conferred or imposed upon him by this Charter or may be conferred or imposed upon him by the council under the provisions of this Charter.

10. Before entering upon the duties of his office, he shall take the official oath required by law and execute an official bond in such sum as shall be determined by the council."

Alhambra City Charter Amendment No. 3

(Amends Section 141 of Article XIX of the Alhambra City Charter to read as follows:)

"Article XIX. Contracts.

Sec. 141. City officers and employees not to have interest in city contracts, sales, leases, etc.

No officer or employee shall be interested in any contract, work or business of the city in the manner or to the degree prohibited by state laws to officers and employees of general law cities."

We have compared the foregoing Charter Amendments with the original proposals submitting the same to the electors of said City and find that the foregoing Charter Amendments are true, full, correct and exact copies thereof. We further certify that the facts set forth in the preamble preceding such Amendments to said Charter are true.

As to said Charter Amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Alhambra to be affixed hereto this 21st day of November, 1972.

(SEAL)

GEORGE W. MORRIS
Mayor of the City of Alhambra
DOROTHY MCKUSICK
City Clerk of the City of Alhambra

and

Said proposed charter amendments, as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with Section 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 amendments to the Charter of the City of Alhambra as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration for and as amendment to and as part of the Charter of the City of Alhambra.

RESOLUTION CHAPTER 176

Senate Joint Resolution No. 31—Relative to blind vending stand operators.

[Filed with Secretary of State December 6, 1972.]

WHEREAS, The Legislature of the State of California is concerned about the welfare of the blind residents of the state in striving to

render themselves self-supporting and in the economic opportunities that are available to them in achieving and maintaining self-support; and

WHEREAS, Pursuant to the Randolph Sheppard Act of 1938 the United States government is preparing to revoke a 44-year-old regulation under which the blind and near blind are given preference in operating vending stands in federally owned or leased buildings; and

WHEREAS, The changes in regulations proposed by the General Services Administration would eliminate the preference the blind receive in bidding on the concessions, and also further restrict merchandise that could be sold at the stands; and

WHEREAS, Such sweeping changes in philosophy as well as policy may have a profound as well as disastrous effect on thousands of self-supporting blind persons operating vending stands in federal facilities in this state and across the 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 memorializes the United States government not to revoke regulations under which the blind and near blind are given preference in operating vending stands in federally owned or leased buildings; 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, the Department of Health, Education and Welfare, the General Services Administration and the Commissioner of Public Building Service.

RESOLUTION CHAPTER 177

Senate Concurrent Resolution No. 95—Relative to the creation of the Joint Committee on Public Employer-Employee Relations.

[Filed with Secretary of State December 6, 1972]

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Joint Committee on Public Employer-Employee Relations is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the subject of employment relations between public employers and public employees in the State of California, including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the 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, 1975, with authority to file its final report not later than June 30, 1975.

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, 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 contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, 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 178

Senate Joint Resolution No. 30—Relative to sickle cell anemia programs.

[Filed with Secretary of State December 6, 1972.]

WHEREAS, SCARE (Sickle Cell Anemia Research and Education, Inc.) provides a completely unique service program to victims of sickle cell anemia, as well as the total community of northern

California, through its free screening, education and medical care projects; and

WHEREAS, The residents of the City and County of San Francisco have benefited from the tireless efforts of SCARE's staff for over a year; and

WHEREAS, SCARE is faced with a serious lack of funds, which situation has forced it to cut back services, such as the provision of urgently needed testing to the at-risk population, and may cause a potentially tragic interruption in SCARE's medical and emergency services for the victims of sickle cell anemia; and

WHEREAS, SCARE has received the endorsement of the Department of Health, Education and Welfare and intends to apply for federal funds to continue its much needed programs; and

WHEREAS, The President of the United States vetoed the appropriations bill which would have provided funds for the operation of the Department of Health, Education and Welfare for the current fiscal year; and

WHEREAS, SCARE is unable to apply for funds to the Department of Health, Education and Welfare until guidelines and moneys are made available; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President, the Congress of the United States, and the Department of Health, Education and Welfare to take whatever action that is necessary to make federal funds available as rapidly as possible for the continued operation of urgently needed sickle cell anemia programs such as SCARE, in order to meet community needs; 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, to each Senator and Representative from California in the Congress of the United States and to the Department of Health, Education and Welfare.

RESOLUTION CHAPTER 179

Assembly Concurrent Resolution No. 23—Relative to the Division of Highways San Diego Maintenance Station.

[Filed with Secretary of State December 7, 1972]

WHEREAS, The Division of Highways San Diego Maintenance Station is located on three parcels on the west side of Taylor Street in San Diego near the Old Town San Diego State Historical Park; and

WHEREAS, Realizing the inadequacy of the present facilities to handle the maintenance of the expanding system of state highways in the San Diego area, the division is considering moving the maintenance station to Kearney Mesa; and

WHEREAS, In such a case, the division would declare the site upon which the maintenance station is located to be surplus property to be disposed of; and

WHEREAS, The moving of the maintenance station from its location on Taylor Street has the wholehearted support of the community, but the retention of the site by the division would make available a parking area of sufficient size not only to accommodate state vehicles parked in the parking lot located on the north side of San Diego Avenue adjoining the division's administration building but also the vehicles of personnel employed in the building, which presently occupy space along the streets to the detriment of parking by the public desiring to visit Old Town; and

WHEREAS, The use of this site for the parking of state vehicles presently parked on the parking lot located on the north side of San Diego Avenue would enable the division to declare the present parking lot to be surplus property and make that lot available for the improvement of the access to Old Town, which access is, at the present time, inadequate; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby request the California Highway Commission, if the Division of Highways San Diego Maintenance Station is moved from its location on Taylor Street in San Diego to Kearney Mesa, to retain the three-parcel site of the maintenance station for parking purposes so that the parking lot located on the north side of San Diego Avenue may be made available through purchase by the Department of Parks and Recreation for the improvement of the access to the Old Town San Diego State Historical Park; and be it further

Resolved, That the Department of Parks and Recreation is hereby requested to develop a master plan for the Old Town San Diego State Historical Park; 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 Parks and Recreation.

RESOLUTION CHAPTER 180

Assembly Concurrent Resolution No. 38—Relating to the cotton pink bollworm control program.

[Filed with Secretary of State December 7, 1972.]

WHEREAS, The California Legislature in 1965 gave legislative recognition to the fact that the cotton industry in our state was threatened with the pink bollworm of cotton; and

WHEREAS, The establishment of this pest has already caused losses amounting to several million dollars per year for our state's cotton growers; and

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WHEREAS, The Director of Agriculture has been given authority to administer and enforce an eradication or control program for pink bollworm of cotton; and

WHEREAS, The pink bollworm of cotton has migrated north despite the intensified effort given to the bollworm control program; and

WHEREAS, The Cotton Pest Control Board, consisting of industry members who advise and assist the Director of Agriculture, annually reviews the effectiveness of the Pink Bollworm Eradication and Control Program; and

WHEREAS, A continued need exists for the Legislature and cotton industry to be kept informed of all aspects of the Pink Bollworm Eradication and Control Program; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby request the Director of Agriculture to submit to the Legislature a report and review of the progress made and effectiveness of the Pink Bollworm Eradication and Control Program on or before December 15, 1972; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Agriculture.

RESOLUTION CHAPTER 181

Assembly Concurrent Resolution No. 136—Relative to memorializing Assemblyman Frank P. Belotti.

[Filed with Secretary of State December 7, 1972]

WHEREAS, It is with deep sadness that the Members of the Legislature have lost one of their dear friends and respected colleagues, Assemblyman Frank P. Belotti; and

WHEREAS, Assemblyman Belotti died on November 30, 1972, at home, as was his wish; and

WHEREAS, Frank Belotti was first elected to the Assembly in 1950 and represented the First Assembly District, which included Humboldt, Mendocino, Del Norte, and Lake Counties, until 1966, and, after the 1966 reapportionment, he represented the Second District, which includes Humboldt County south of the Mad River, all of Mendocino County, and the northern portion of Sonoma County, including the City of Santa Rosa; and

WHEREAS, He came to California from Massachusetts in 1924, and settled at Spruce Point near Eureka, where he became well known as a pioneer of the fur-farming business in northwestern California, raising silver foxes and mink; and

WHEREAS, He married Delphine Moranda, a former schoolteacher, in 1934, and throughout their years of marriage she was his faithful supporter and campaigner; and

WHEREAS, A gentleman and quiet statesman, Frank Belotti championed and served effectively on behalf of many causes for the conservation of our natural resources and wildlife, including many projects of concern to fishermen and sportsmen where he was instrumental in the establishment of several fish hatcheries; and

WHEREAS, Because of the diversified economic interests of his constituency, Frank Belotti carried important legislation concerning education, flood control and water conservation, district and county fairs, highways, the logging and lumbering industry, fish and game, beaches and parks, and agriculture, and especially the dairy industry; and

WHEREAS, Assemblyman Belotti always gave top priority to helping the people of his district with their needs, his office doors were always open to all who wished to see him, he listened with attention and courtesy, was on the job early, and often stayed late to give each matter and piece of mail his personal attention; and

WHEREAS, Frank Belotti diligently strived to improve the Redwood Highway, endeavoring to minimize injury to the unique giant redwood trees, and he was proud of the famous "Avenue of the Giants," created by his legislation; and

WHEREAS, Frank Belotti served in the Assembly for 22 years, running unopposed in 1952, 1954, and 1962 which is illustrative of the high regard his constituency had for him; and

WHEREAS, The high regard in which his fellow Assemblymen held him was demonstrated last June by the unanimous adoption by a rising vote of House Resolution No. 73 which commended Frank Belotti and described his outstanding and distinguished career; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby express their profound regret at the passing of Frank P. Belotti and wish to extend to Frank's devoted and loving wife, Delphine, their deepest sympathy and condolences; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Delphine Belotti.

RESOLUTION CHAPTER 182

Assembly Joint Resolution No. 37—Relative to air pollution.

[Filed with Secretary of State December 7, 1972.]

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to make funds available for the continuation of research on the effects of air pollution on forest trees, which research is located on the campus of the University of California, Riverside, and conducted

under the direction of the Pacific Southwest Forest and Range Experiment Station of the United States Forest Service; 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 183

Assembly Joint Resolution No. 38—Relative to through traffic at Yosemite National Park.

[Filed with Secretary of State December 7, 1972.]

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 National Park Service to develop a system whereby residents of the area adjacent to Yosemite National Park who, for business purposes, need to pass directly through Yosemite National Park over the extension of State Highway 120 to a destination outside of the park may be permitted to enter the park without payment of a fee; 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 Director of the National Park 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 184

Assembly Joint Resolution No. 41—Relative to the skill centers operated by the Los Angeles Unified School District.

[Filed with Secretary of State December 7, 1972.]

WHEREAS, The national unemployment figure in October of 1972 was 5.6 percent of the population, and over one-half of these unemployed are from minority racial or ethnic groups; and

WHEREAS, Throughout the country skill centers are established and funded pursuant to the Federal Manpower Development and Training Act, and such centers are located in densely populated urban areas, easily accessible to the disadvantaged and minority groups; and

WHEREAS, Skill centers make employable, and thereby uplift, the life style of people in that portion of our population which is largely unaffected by traditional educational institutions; and

WHEREAS, In addition, skill centers give substance to the concepts of equal educational opportunities and fair employment practices, by providing specific and constructive approaches to special problems of unemployment within our multiethnic society, thereby replacing divisiveness and antagonism with creative community action which brings America closer to its full potential as a nation; and

WHEREAS, It therefore is in the best interest of the people of California and of the United States to heartily endorse and support the continued funding of Manpower Development and Training Act skill center programs throughout the nation at a level commensurate to the reduction of unemployment and underemployment at a rate which will close the income gap between the poor and the average income groups; and

WHEREAS, The skill centers operated by the Los Angeles Unified School District, which are located in the heart of the heaviest concentration of unemployed adults in Los Angeles County, are a prime example of Manpower Development and Training Act skill centers which fulfill the critical needs of job training in an underdeveloped area, and promotion of better education for minorities; and

WHEREAS, Due to recent Federal Manpower Development and Training Act budget cuts, the skill centers operated by the Los Angeles Unified School District are now faced with a substantial corresponding reduction in employment services and training slots; 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 action to restore funding of the skill centers operated by the Los Angeles Unified School District at a minimum to their level prior to the latest reductions in federal funds; 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 185

Assembly Concurrent Resolution No. 29—Relative to admission practices of California Community Colleges.

[Filed with Secretary of State December 7, 1972.]

WHEREAS, In order to determine whether all qualified applicants

are afforded the opportunity of attending California's community colleges, it is necessary that the Legislature obtain current statistical information relating to the admission practices of community colleges throughout the state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Chancellor of the California Community Colleges is hereby directed to compile and submit to the Legislature an annual report describing the admission practices of the various community colleges with respect to the establishment of deadline dates for the acceptance of applications for admission and the effect of such practices on the numbers of new and continuing students accepted or rejected. The first such report, containing information relative to the 1971–1972 academic year, shall be submitted no later than March 5, 1973. Subsequent reports shall be submitted during the first week in March of each succeeding academic year.

RESOLUTION CHAPTER 186

Assembly Concurrent Resolution No. 55—Relative to state agency manpower education and training programs.

[Filed with Secretary of State December 7, 1972.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislative Analyst shall conduct a study and report to the Legislature by the fifth calendar day of each January on the current and proposed efforts of state manpower agencies and federal programs in California to develop and maintain occupational preparation programs that consist of the following:

(a) Classroom only training programs;

(b) Cooperative occupational education programs; and

(c) On-the-job training and work experience programs, without a supplementary classroom program; and be it further

Resolved, That the report of the Legislative Analyst shall include current and proposed federal programs in California and state and state-controlled expenditures, by occupational planning area, on the portion of local occupationally related education and training programs, based upon classifications (a), (b), and (c) of the first resolved clause; and be it further

Resolved, That the report of the Legislative Analyst shall include but not be limited to coverage of the following state agencies: Department of Education, Board of Governors of the California Community Colleges, University of California, California State University and Colleges, Hastings College of Law, California Maritime Academy, Department of Human Resources Development, Department of Rehabilitation, Department of Corrections, Department of Youth Authority, Division of

Apprenticeship Standards of the Department of Industrial Relations, Department of Consumer Affairs, Commission for Teacher Preparation and Licensing, Department of Agriculture, Department of Corporations, Department of Insurance, Department of Real Estate, Commission on Peace Officers Standards and Training, Coordinating Advisory Council on Public Personnel Administration, State Personnel Board, Department of the California Highway Patrol, and the California Scholarship and Loan Commission; and be it further

Resolved, That the report of the Legislative Analyst shall indicate the total number of persons served by the state agencies and the unit costs for each of the expenditure categories cited in the second resolved clause, and comparison figures from industry, professional and vocational training programs classified as (a), (b), and (c) in the first resolved clause; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the Legislative Analyst and the occupational area planning committees, established pursuant to Article 10.4 (commencing with Section 6268) of Chapter 6 of Division 6 of the Education Code.

RESOLUTION CHAPTER 187

Senate Concurrent Resolution No. 63—Relative to inheritance taxes.

[Filed with Secretary of State December 8, 1972.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Controller is directed to study the existing method of reimbursing counties for their costs in collecting inheritance taxes to determine any deficiencies in such method, to recommend new methods of reimbursement which equate collections of state inheritance taxes with an acceptable standard of local costs, and to report its findings to the Legislature on or before July 1, 1973; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the State Controller.

RESOLUTION CHAPTER 188

Senate Concurrent Resolution No. 65—Relative to the Sacramento-San Joaquin Delta.

[Filed with Secretary of State December 8, 1972.]

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WHEREAS, The Sacramento-San Joaquin Delta's significance as a prime recreational resource was recognized by the legislature when it adopted Chapter 2094, Statutes of 1963, authorizing the Resources Agency to formulate a Sacramento-San Joaquin Master Recreation Plan; and

WHEREAS, Pursuant to Chapter 2094, Statutes of 1963, the Resources Agency formulated and presented to the Legislature in 1966 a comprehensive Delta Master Recreation Plan setting forth recommendations for protecting and utilizing the delta recreational environment and including such features as a recreational waterway use plan to eliminate conflicting and incompatible uses, an auto and aquatic parkway system, areas for wildlife management purposes, additions to the state park system, and beautification of delta channels; and

WHEREAS, Following the presentation of the Delta Master Recreation Plan in 1966, the Legislature adopted Chapter 914, Statutes of 1968, authorizing the Resources Agency to review and coordinate the implementation of the Delta Master Recreation Plan with all affected state, federal, and local agencies and to report its recommendations to the Legislature biennially commencing in 1969 and concluding in 1973; and

WHEREAS, The Resources Agency's biennial reports for 1969 and 1971 made pursuant to Chapter 914, Statutes of 1968, noted little progress has been made regarding the implementation of the Delta Master Recreation Plan recommendations; and

WHEREAS, Since the publication of the Delta Master Recreation Plan in 1966, pressures on the delta recreational environment have been greatly intensified by a major increase in all types of pleasure boating, in fishing demands, in demands for waterway residential floating homes, boathouses, docks, and resort development, and in many other general outdoor recreational activities, all of which have occurred in the relative absence of coordinated recreational planning and management and continued overlapping jurisdictions and at a time of growing national concern and awareness over eroding environmental quality; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Resources Agency, in preparing its final biennial report to the Legislature, pursuant to Chapter 914, Statutes of 1968, give careful consideration to each of the Delta Master Recreation Plan recommendations and report its views and plans regarding the implementation of each recommendation; and be it further

Resolved, That the Resources Agency give particular attention to, and specifically make recommendations to implement the following: the acquisition and recreational development of the delta's nonleveed channel islands; the necessary regulations and the designation of the appropriate governmental jurisdiction, such as the Department of Navigation and Ocean Development, the delta counties or a combination thereof, to control boating traffic, speeds

and wakes in the delta's channels; the policies, criteria, and methods necessary for all affected governmental agencies to implement a delta recreational waterway use plan with particular attention to recreational waterway use in relation to existing and future shoreside development; and the development of an auto and aquatic parkway system as originally recommended in the Delta Master Recreation Plan report; 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 189

Senate Concurrent Resolution No. 88—Relative to the region of San Diego County.

[Filed with Secretary of State December 11, 1972]

WHEREAS, The region encompassing San Diego County has historically been recognized as an identifiable area of Southern California and as such is recognized by the federal and state governments as a single standard metropolitan statistical area as well as a single region for purposes of planning; and

WHEREAS, It has long been known for the high degree of cooperation existing between various units of local government; and

WHEREAS, Because of these factors the region of San Diego County has a unique potential within the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby authorizes the Joint Rules Committee to conduct a long-range, in-depth, comprehensive study of all local governments within the region of San Diego County; and be it further

Resolved, That the purpose of the study shall be, in part, to seek means by which the structure of local government may be simplified so that the public can readily understand the structure and may easily fix responsibility and accountability and, further, to seek means to simplify and clarify the financing of governmental services so that the public can relate costs to benefits with respect to such services.

RESOLUTION CHAPTER 190

Assembly Joint Resolution No. 36—Relative to camping facilities in the San Bernardino Mountains.

[Filed with Secretary of State December 11, 1972.]

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WHEREAS, The San Bernardino mountain area offers an ideal setting to fulfill the recreational needs of more than seven million southern California residents; and

WHEREAS, The number of visitors seeking the beauty and relaxation of the mountain environment is rapidly increasing and will increase even more rapidly with the opening of interim recreational facilities at Silverwood Lake in the San Bernardino National Forest as part of the State Water Project; and

WHEREAS, The first permanent facilities at Silverwood Lake will not be open until June 1973, and full development of permanent recreational facilities at Silverwood Lake will occur in several stages, taking until 1975 to complete; and

WHEREAS, Currently there is only one other public campground in operation in this area of the San Bernardino Mountains, as other public campgrounds have been closed; and

WHEREAS, The immediate and future recreational needs of campers and tourists in this area require an increase in facilities, particularly those open year around, available to accommodate them; and

WHEREAS, Fulfillment of the recreational needs of all visitors to the San Bernardino Mountains through the development of recreation opportunities will be a positive influence on the entire area; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California requests the United States Forest Service and the California Department of Parks and Recreation to proceed immediately with planning for additional camping facilities in the San Bernardino Mountains; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of the United States Forest Service and the Director of Parks and Recreation.

RESOLUTION CHAPTER 191

Assembly Concurrent Resolution No. 46—Relative to indeterminate sentencing.

[Filed with Secretary of State December 11, 1972.]

WHEREAS, California's parole system, guided by the indeterminate sentence law, has come under increasing criticism for its failure to rehabilitate prisoners; and

WHEREAS, The Adult Authority has administratively modified its system of indeterminate sentencing and has adopted a system assuring qualified prisoners of a certain release date within six months after they enter prison; and

WHEREAS, This move has been widely hailed as constructive reform which will provide prisoners with incentives to complete

training courses and maintain good behavior; and

WHEREAS, The California Women's Board of Terms and Parole still retains the traditional application of the indeterminate sentence law in dealing with women prisoners; and

WHEREAS, The United States Supreme Court has stated that women are entitled to equal protection under the 14th Amendment of the United States Constitution; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Women's Board of Terms and Parole is requested to administratively reform its parole procedure to coincide with the parole procedure reforms adopted by the Adult Authority and implement the same; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Women's Board of Terms and Parole.

RESOLUTION CHAPTER 192

Assembly Concurrent Resolution No. 53—Relative to information concerning student financial aid.

[Filed with Secretary of State December 11, 1972.]

WHEREAS, It is the intent of the Legislature that the public, the institutions of higher education, and the Legislature have more current and complete information about student financial aid on a statewide basis; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Scholarship and Loan Commission is hereby directed to annually gather information from all segments of higher education in California concerning student financial aid; to conduct studies periodically to assess the adequacy of student financial aid in California; to appoint one or more advisory committees broadly representative of the institutions and populations served by the program upon which advice is sought to assist it in gathering information, evaluation, and other matters relating to its operations; and to report its findings to the Legislature, Governor, and segments of higher education, the initial report to be filed on or before the fifth legislative day after the convening of the 1973 Regular Session; and be it further

Resolved, That a copy of this resolution be transmitted to the State Scholarship and Loan Commission.

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